

# MANAGEMENT COMMITTEE INFORMATION PACKET



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

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

### January 16, 2020 Meeting

## MATERIALS FOR INFORMATION

#### II. January 16, 2020 Agenda

#### III. November 21, 2019 Meeting Minutes

#### IV. November 21, 2019 Action Items

#### VIII. MRP Implementation

1. Memorandum to Management Committee, from Program Staff, re: Management Committee Briefing on Priority Items, January 2020
2. Highlights of BASMAA Committee Meetings, December 2019 to January 2020

#### VIII. A. New Development and Redevelopment

1. Letter to Norma Camacho, Santa Clara Valley Water District, from Leslie S. Laudon, SWRCB, re: Proposition 1 Storm Water Grant Program – Storm Water Resource Plan Concurrence Letter, December 17, 2019

#### VIII. E. Other Permit Related Activities

2. Frequently Asked Questions, California Legislative Senate Bill (SB) No. 205

#### IX. Other Business

1. Letter to John Ravenscroft, Office of Science and Technology, US EPA, from Daniel Apt, State Water Resources Control Board, re: Comments on the National Water Reuse Action Plan, December 16, 2019
2. MC Calendar, January - March 2020



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**AGENDA**

**MANAGEMENT COMMITTEE MEETING**

**January 16, 2020, 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 (November 21, 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. BASMAA Update – *information.*
2. CASQA Update – *information.*
3. Grants Update – *information.*
- 10:00**    **B. Program Management**
1. Program Annual Summary – *status report.*
- 10:05**    **C. Program Budget**
1. Final Draft FY 20-21 Program Budget – *consideration of approval.*
- 10:10**    **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

10:25

**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

10:35

**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**



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

**MANAGEMENT COMMITTEE MEETING  
MINUTES**

November 21, 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**

Kirsten Struve (Chair, Valley Water) called the meeting to order at 9:35 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:

- Kirsten was elected as a CASQA Board member.
- Valley Water staff presented the Stormwater Resource Plan to the Valley Water Board on November 12, 2019.
- Kirsten asked MC members to keep her posted on upcoming GSI projects since stakeholders sometimes bring up concerns at the Valley Water Board meetings.
- Eric Anderson (Mountain View) has been appointed as the Fire Marshal for the City of Mountain View. The MC congratulated Eric on his promotion.

The MC agreed to cancel the December 19, 2019 MC meeting. The Budget Ad Hoc Task Group (BATG) will meet on December 19 to discuss the Revised Draft SCVURPPP FY 20-21 budget in preparation for the MC considering approval in January

**III. APPROVAL OF MINUTES**

**Motion:** Sharon Newton (San Jose) moved to approve the minutes from the October 17, 2019 MC meeting. **Second:** Rinta Perkins (Santa Clara). **Vote:** Motion passed unanimously.

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

Action Items from the October 17, 2019 meeting:

- None.

Action Items from previous meetings:

- 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. It will be developed after the Water Board's December 11 meeting on trash.
- Action Item 4-18-2 (Develop an updated description of WMI-related groups for posting on the WMI website) is in progress.

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

No members of the public were present.

## VI. WATER BOARD STAFF COMMENTS

Jill Bicknell (Program staff) reported the following:

- Water Board (WB) staff are anticipating that MRP 3.0 will not go into effect until July 1, 2021. The Administrative Draft version will likely be made available in summer/fall 2020, and the Draft Tentative Order is anticipated to be released for comment in early 2021.
- A new MRP 3.0 work group has been formed to discuss changes proposed to Provisions C.4 and C.5.
- WB staff held a meeting to discuss reporting requirements for municipal pesticide use. Program staff, Sunnyvale staff, and Valley Water staff attended the meeting on behalf of SCVURPPP. WB staff would like Permittees to report all pesticides used in the Annual Reports, not only the pesticides of water quality concern. Program staff have provided information to WB staff on pesticide reports submitted to Agricultural Commissioners by Permittees. Another meeting will be scheduled soon.
- CASQA has requested that local agencies submit letters to the EPA requesting an extension of the comment period on EPA's ecological risk mitigation proposal for pyrethroids. EPA has indicated that they will grant the extension if they receive at least 50 requests. The MC directed Program staff to submit a letter, and to send the template to the MC for submitting local letters.

## 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 reported on the following updates from CASQA:

- The CASQA Board of Directors elections were held in November, and three new Board members were elected to the Board.
- Chris Sommers (Program staff) was asked to participate on the Technical Advisory Committee for the Urban Pesticide Amendments Coordinated Monitoring Program, and agreed to do so.
- The next CASQA Quarterly Meeting will be held on January 16 in Sacramento.

#### 3. Grants Update

No updates

### B. PROGRAM MANAGEMENT

#### 1. Program Annual Summary

Program staff has started working on the 2019 Program Summary. An outline of the Summary will be sent for review to the MC in early January. A draft version will be distributed to the MC for review in February and the final version completed in March.

## **C. PROGRAM BUDGET**

### **1. FY 20-21 Program Budget Development Process**

The Budget Ad Hoc Task Group (BATG) met on November 14, 2019 to review the Draft SCVURPPP FY 20-21 budget. Program staff are revising the budget per the BATG's direction and it will be distributed to the BATG on December 13, 2019. The BATG will discuss the revised budget on December 19 and it will be brought to the MC for consideration of approval in January.

## **VIII. MRP IMPLEMENTATION**

### **A. NEW DEVELOPMENT AND REDEVELOPMENT**

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

Jill provided the following updates:

- Program staff held a webinar on Thursday, November 7 on the SCVURPPP Green Stormwater Infrastructure Handbook Part 2 Design Details. The webinar gave an overview of the GSI Handbook Part 2, the process for revising the SFPUC typical design details, and reviewed a few example SCVURPPP typical details. Comments on the GSI Handbook Part 2 are due by December 18, 2019.
- The Annual C3 Workshop was held on October 29 at the Mountain View Community Center. It was well attended.
- Program staff have responded to all State Board comments and requests for clarification on the Stormwater Resource Plan (SWRP). Kirsten reported that State Board staff has prepared draft letters approving the SWRP. The letters are awaiting State Board management review.

### **B. TRASH CONTROLS**

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

Chris informed the MC that the Water Board meeting on December 11, 2019 will include an agenda item on the reported trash reductions by MRP Permittees. Chris is organizing a series of presentations on trash controls from Permittees. San Jose staff, Valley Water staff, and Chris will make presentations on behalf of SCVURPPP. The meeting will be webcast.

The next Trash AHTG meeting has been rescheduled to December 5, 2019.

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

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

Chris provided the following updates:

- The Integrated Monitoring Report (IMR) is due on March 31, 2020. An outline is currently under development and will be sent to the Monitoring AHTG for an initial review in December. A presentation on the IMR will be made to the MC in February or March 2020.
- Program staff have started working on the Report of Waste Discharge. It will have a placeholder for the RAA and IMR.

**D. OUTREACH ACTIVITIES**

Vishakha reported that the WEO AHTG discussed the SCVURPPP Public Opinion Survey at the WEO AHTG meeting held on November 14, 2019. At the meeting, Sheila Tucker (WVCPA) recommended that SCVURPPP develop an RFP to select a research firm for conducting the survey. Program staff proposed sending the RFP to three firms. The MC agreed with this approach. Sheila and Kirsten volunteered to assist with reviewing the proposals.

**E. OTHER PERMIT-RELATED ACTIVITIES**

A new Senate Bill, SB 205, requires that prior to issuing a business license, a municipality must determine if the associated SIC codes require coverage under the Industrial General Permit (IGP), and confirm that documentation of IGP enrollment (i.e. application, WDID, NEC or NONA identification numbers) corresponds to the business. The MC reviewed the interim guidance memo that Program staff put together on Implementation of Senate Bill 205, and discussed how municipalities will be implementing the requirements.

**IX. OTHER BUSINESS**

No updates.

**X. ADJOURN**

The MC meeting adjourned at 10:50 a.m.



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

**Meeting Attendance Record**

DATE Nov 21, 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**

Alex Wykoff – Cupertino  
Alternate: Roger Lee

*Alex Wykoff*

Aida Fairman – Los Altos  
Alternate: Andrea Trese

*Aida Fairman*

Nichol Bowersox – Los Altos Hills  
Alternate: Kaho Kong

*Nichol Bowersox*

Elaine Marshall – Milpitas  
Alternate: Kan Xu

*Elaine Marshall*

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

*Melody Tovar*

Julianna Martin – Santa Clara County  
Alternate: Garik Iosilevsky

*Julianna Martin*

Kirsten Struve – SCVWD  
Alternate: James Downing

*Kirsten Struve*

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**

Jeff Sinclair *Jeff Sinclair*

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

**Action Items from the November 21, 2019 Meeting**

<b>Action</b>	<b>Description</b>	<b>Responsibility</b>	<b>Due Date</b>	<b>Status</b>	<b>Comments</b>
	None				

**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	January	In Progress	
4-18-2	Develop an updated description of WMI-related groups for posting on the WMI website.	Program staff	January	In Progress	



**Santa Clara Valley  
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**MEMORANDUM**

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San José • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Valley Water

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**TO: Management Committee**

**FROM: Program Staff**

**DATE: January 9, 2020**

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

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**Program Management**

- NPDES Permit Reissuance – The sixth meeting of the MRP 3.0 Steering Committee occurred on December 3<sup>rd</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, a discussion of Provision C.8 and recommendations for future monitoring, and a discussion of Water Board staff's suggestions for reporting changes. A decision was made to have the existing work groups further discuss the relevant reporting changes, and to form a new work group for discussion of reporting related to other provisions. The next meeting will be held on March 3 (on outstanding topics for resolution).

Updates on the Work Groups are as follows:

- C3/GI Work Group – The Work Group is being coordinated by Jill Bicknell (SCVURPPP) and Matt Fabry (SMCWPPP). The Work Group held its 9<sup>th</sup> meeting on November 14<sup>th</sup> and 10<sup>th</sup> meeting on December 5<sup>th</sup>. During these meetings (both of which included Water Board staff), the Work Group discussed topics related to asset management (including the use of MTC StreetSaver software as a possible tool), regulated project thresholds and exemptions, and Special Projects. The next C3/GI Work Group meeting, for both permittee and Water Board staff, is scheduled for February 6<sup>th</sup> and is intended to cover Water Board staff comments on preliminary draft language developed by the Work Group on GI drivers and indicators, and initial comments from their review of GSI Plans. The Work Group is also planning an internal meeting in late January.
- Monitoring Work Group – The Work Group is being coordinated by Bonnie de Berry (SCVURPPP/SMCWPPP) and Lucile Paquette (Walnut Creek). Simret Yigsaw (San Jose), James Downing (Valley Water), and Chris Sommers and Paul Randall (SCVURPPP) are representing SCVURPPP on the Work Group. The most recent

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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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1021 S. Wolfe Rd., Suite 185 • Sunnyvale, CA 94086 • tel: (408) 720-8811 • fax: (408) 720-8812  
1410 Jackson Street • Oakland, CA 94612 • tel: (510) 832-2852 • fax: (510) 832-2856

**1-800-794-2482**

meeting with Water Board staff was held on November 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 next meeting is currently being scheduled and will likely occur in February.

- 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, Simret Yigsaw (San Jose) and Chris Sommers (SCVURPPP) are representing SCVURPPP. The Work Group met with Water Board staff most recently on September 16<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 has met internally a number of times since the last meeting with Water Board staff. The next external meeting is scheduled for January 30<sup>th</sup>.
- 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 December 13<sup>th</sup>. The Work Group members continue to share their perspectives on C.10 provisions. Two subgroups focused on Source Controls and Non-traditional Permittees met in November. Discussions have been productive to-date. The Work Group will meet again on January 28<sup>th</sup>.
- C4/C5 Work Group – The Work Group is being coordinated by Michele Mancuso (Contra Costa County) and Kristin Kerr (SCVURPPP). Julie Choun (Sunnyvale) and Mary Morse (San Jose) are representing SCVURPPP on the Work Group. The Work Group met for the first time on December 12<sup>th</sup> from 10 am – 11:30 am to review the Water Board staff's proposed changes. A second internal Work Group meeting will be held on January 10, 2020 from 9:30-11:00am at EOA. A meeting of the Work Group with Water Board staff is scheduled for February 11<sup>th</sup> from 10 am-12 noon at EOA.

Meeting summaries from past Steering Committee and Work Group meetings are now available on the SCVURPPP members-only website.

- Program Annual Summary – Program staff completed an outline for the 2019 Program Summary. The outline will be distributed to the MC in early January for comment. Content is currently being developed for the Summary, which is scheduled for completion in February or March 2020.

## **New Development and Redevelopment**

- Stormwater Resource Plan (SWRP) – The revised Final SWRP has been signed by the Valley Water CEO and submitted to the State Water Board's Grant Manager. The final SWRP "Concurrence Letter" stating that the SWRP is consistent with California Water Code requirements was received from the State Water Board on December 17, 2019 and is included in the MC packet. The letter states that projects included in the SWRP are eligible for State bond funding (e.g., Prop 1 grants). The process for adding additional project concepts to the SWRP will be discussed at the C3PO AHTG meeting. The Final SWRP is available at: <https://scvurppp.org/swrp/docs-maps/>
- 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 – The final GSI Handbook Part 2 and the bioretention and pervious pavement typical details (in CAD and PDF) were completed and posted on the SCVURPPP website (on the same web page as Part 1) on September 24<sup>th</sup>. Program staff plan to continue to revise the SFPUC details for general components related to bioretention and pervious

pavement over the next few months. Program staff presented a webinar on November 7<sup>th</sup> on the typical GSI details with 19 Co-permittee staff in attendance. The webinar covered the development process, sources of details, typical changes made, and next steps.

- C3PO AHTG – A special conference call was held on December 4<sup>th</sup> to discuss direction for the FY 19-20 and FY 20-21 GSI Work Plans, specifically related to the development of GSI planning and implementation tools. Program staff are currently working on a review of available GSI planning tools and providing recommendations for a scope of work for a SCVURPPP tool that would begin development in FY 19-20 and continue into FY 20-21. The draft tools memo will be discussed at the next AHTG meeting, which will be held on January 27, 2020 at Milpitas City Hall.

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

- IND/IDDE AHTG – The last AHTG meeting was held on October 16<sup>th</sup> from 1:30-3:00 pm in San Jose City Hall, Room T-644.

Program staff emailed an interim guidance memo on implementation of Senate Bill 205 Business Licenses: Stormwater Discharge Compliance to the AHTG and MC in November 2019. In December and early January Program staff emailed example business license application forms from City of Saratoga, State Water Board Frequently Asked Questions for Cities and Counties fact sheet and new State Water Board web page on implementation of SB205.

The AHTG reviewed and provided comments on a draft updated Mobile Cleaner Business BMP fact sheet. Program staff revised the draft fact sheet based on comments received and emailed the revised draft to the WEO AHTG work group for review. Program staff are updating the fact sheet based on comments received.

Program staff emailed revised text for the stormwater BMPs for saw-cut slurry in the SCVURPPP Preventing Storm Drain Pollution (Guidelines for Commercial and Light Industrial Facilities) booklet and ICID postcard and requested comments by December 16<sup>th</sup>. The text was updated based on comments received and Program staff are working with the graphics consultant and translation consultants to finalize the materials.

### **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 Site Controls**

- Construction AHTG – An AHTG meeting was held on November 5<sup>th</sup> from 10:00 – 11:30 am in San Jose City Hall Room T-549. The AHTG discussed possible topics for a Construction Stormwater Inspector Training Workshop in February 2020. Program staff emailed the AHTG for municipal inspectors to present construction site case studies at the workshop.
- Construction Inspector Workshop – Program staff emailed a Save the Date to the Construction AHTG for February 5 and 13, 2020 from 8am – 12noon for the Construction Stormwater Inspector Workshop. An Eventbrite registration will be emailed shortly.

### **Water Utility AHTG**

- Water Utility AHTG – Program staff emailed the AHTG with a reminder to conduct the annual representative monitoring required by the State Drinking Water System Discharges General Permit (Order WQ 2014-0194-DWQ). The annual representative monitoring must be conducted during the calendar year (January – December). The Annual Report is due March 1<sup>st</sup> each year.

## **Watershed Education and Outreach**

- Joint Meeting of the WEO AHTG and the RWRC TAC Public Education Subcommittee – Joint meetings were held on November 26<sup>th</sup> and December 9, 2019 to further discuss outreach on discouraging single-use foodware.
- WEO AHTG Meeting – A WEO AHTG meeting was held on November 14, 2019. Meeting minutes are included in the MC packet
- Public Opinion Survey RFP – Program staff developed the draft Public Opinion Survey RFP for review by the BATG. The RFP was distributed to the following three consulting firms on December 9, 2019: EMC Research, FM3 Research, and Action Research. Proposals are due on January 13, 2020.

## **Pesticide Controls**

- OWOW Store Visits – Program staff completed the first round of FY 19-20 store visits to update shelf tags and literature racks.

## **Watershed Management Initiative**

- Land Use Subgroup (LUS) -- Program staff chaired the September 18<sup>th</sup> meeting. 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 next meeting is scheduled for January 15<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, VTA 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/roundtables, including one in early 2020 on illegal dumping. The next ZLI Steering Committee meeting/call is scheduled for February 7<sup>th</sup>.

Program staff has attended three meetings 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). 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 met again on December 10<sup>th</sup> to review a draft model ordinance that has been developed for Co-permittee comment.

The ZLI is currently planning a workshop on Illegal Dumping in early/mid 2020. Additionally, a roundtable on collaborations between Caltrans and Co-permittees on trash management is currently being planned for February. Dates of both events are TBD.

- 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 19-20 at previously assessed street/sidewalk sites are underway. Over 1,100 assessment will be conducted by Program staff in FY 19-20. Additionally, Program staff provided guidance to Co-permittees on reassessing baseline conditions and requested that if Co-permittees choose to update their baselines. A number of Co-permittees have submitted their data to Program staff and baseline map modifications are underway based on these data. Minor modifications to the OVTA program have occurred based on these baseline map changes.

- Trash Performance Standard Development – The Program is currently conducting two performance standard studies 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. A draft of the presentation of the findings was provided to the AHTG in September. A draft report will be completed in January and forwarded to the AHTG for review and comment.
  - Enhanced Business Inspection Performance Standard Project - Program staff has begun evaluating existing OVTA data collected by the City of Sunnyvale staff to evaluate the effects of enhanced business inspections on trash levels. Based on this initial evaluation, Program and Sunnyvale staff are moving forward with further evaluation. Initial findings were provided at the September AHTG meeting. Additional analyses will be completed by early 2020 and included in a brief memorandum.
- 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 four (of five) rounds of qualitative assessments at 30 sites in water bodies in the Santa Clara Valley. The final round of assessments will be completed in January. Two (of two) rounds of qualitative/quantitative assessments led by Co-permittees have been completed by all applicable Co-permittees. 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 was interpreted into a preliminary regional report that 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 December 5<sup>th</sup>. The next meeting is January 21, 2020.

## **Monitoring / Pollutants of Concern**

- Regional Monitoring Coalition (RMC)
  - Creek Status Monitoring – Water Year (WY) 2019 creek status monitoring is now complete. WY 2020 monitoring will begin in spring 2020.
  - 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/fall 2019. An update on the project was provided at the last Monitoring AHTG meeting on July 2<sup>nd</sup> and via email in November. Results of the follow up monitoring will be available in early 2020. A final report will be submitted with the Program's Integrated Monitoring Report (IMR) in March 2020.
    - Lower Silver/Thompson Nutrients - Program staff developed a work plan for a second SSID project for SCVURPPP, which is a nutrient study in Lower Silver and Thompson Creeks. The work plan was finalized in August 2019 after

Monitoring AHTG review. Monitoring began in August will occur through FY 2019-20. An update on the project was provided via email in November.

- 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 are currently under review and will inform potential future source property identification projects. Additional POC monitoring is currently being planned for late 2019 and early 2020 (wet weather). A total of 4 to 6 stormwater monitoring sites will be sampled in WY 2020.
- 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 Control Measure Implementation Plan, which was submitted to the Water Board with the Program's FY 18-19 Annual Report. This Plan will be updated in FY 19-20, and incorporate the findings of the Reasonable Assurance Analysis (RAA), and submitted in the Water Board in September 2020. A draft outline for the Program's updated PCBs and Mercury Control Measures Plan was presented at the November 21<sup>st</sup> RAA Work Group meeting. The next RAA Work Group meeting is currently being scheduled for February.
- 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 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, currently scheduled for FY 2020-21.
- 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. The benefits of existing and predicted GSI projects are currently being modeled, along with the additional GSI needed to achieve MRP defined PCB and mercury load reductions via GSI. A presentation of these results was 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 are underway and results have been received. Program staff and Paradigm Environmental are currently reviewing the comments and developing the next draft RAA documents, which will be made available to Co-permittees in February 2020.

- 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 last POC AHTG meeting on November 4<sup>th</sup>.
- 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 was provided at the November 21<sup>st</sup> RAA Work Group meeting. The Draft RAA document will be released for comment in early January.

- 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 December 12<sup>th</sup> and the SC met in October. The next TRC meeting is scheduled for March and the SC meeting is scheduled for January 22<sup>nd</sup>. RMP Workgroups also continued to meet in September and October, including the Small Tributaries Loading Strategy (STLS) team.

- Monitoring & Pollutants of Concern AHTG and RAA Work Group Meetings

- The POC AHTG last met on November 4<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. The next meeting will occur in February.
- The Monitoring AHTG met on July 2<sup>nd</sup>. The next meeting will occur in early 2020 (exact date TBD).
- The RAA Work Group met following the November 21<sup>st</sup> MC meeting. The next meeting is scheduled for February (exact date TBD).



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## **Highlights of BASMAA Committee Meetings December 2019 – January 2020**

### **BASMAA PIP Committee**

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

- Next Meeting (meets quarterly) – January 22, 2020, 1:30 – 3:00 pm

### **BASMAA Development Committee**

*Chair* – Shannan Young (Dublin); *Vice Chair* – Peter Schultze-Allen (SCVURPPP)  
*SCVURPPP representatives* – Pam Boyle Rodriguez (Palo Alto), Tiffany Ngo (San Jose), Rinta Perkins, (Santa Clara), Jill Bicknell (Program Staff)

- Next Meeting – February 6, 2020, 1:30-4:00 pm

### **Trash Committee**

*SCVURPPP representatives* – Kirsten Struve (Valley Water), Chris Sommers (SCVURPPP), Liz Lewis (San Jose) and Rinta Perkins (Santa Clara).

- Next Meeting – January 28, 2020, 10:00am – 12:00pm.

### **Monitoring/POC (MPC) Committee – January 8, 2020**

*Chair* – Reid Bogert (SMCWPPP)  
*SCVURPPP representatives* – Chris Sommers and Lisa Sabin (SCVURPPP), Simret Yigsaw (San Jose), and James Downing (Valley Water)

- Prior to the MPC meeting, BASMAA member agency staff attended a meeting to discuss the Draft Source Control Load Reduction Accounting Methods for RAA, which was just released for review. The document was sent to SCVURPPP RAA Work Group members and is planned for finalization in March/April 2020.
- The PMC discussed the status of the work plan and SSID regional project for PCBs associated with Electric Utilities. Given the lack of progress on engaging PG&E by the Water Board, the group directed the project manager to revise the project scope for consideration by the MPC and BASMAA Board in January or February.
- The progress on data collection efforts associated with the PCBs in building materials program was discussed. Compilation of the data received to-date will begin later this FY in preparation for including the results of the regional compilation into the Program's FY 19-20 Annual Report.
- Coordination of reporting during 2020 was discussed, including the Integrated Monitoring Report (IMR) and the PCB/Mercury Control Measures Plans and RAAs.
- Next Meeting – March 5, 2020, 9:00 am – 3:00 pm



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## State Water Resources Control Board

**DEC 17 2019**

Norma Camacho, Chief Executive Officer  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95188

**SUBJECT: Proposition 1 (Prop 1) Storm Water Grant Program – Storm Water Resource Plan Concurrence Letter**

Dear Ms. Camacho:

Thank you for submitting the Santa Clara Basin Stormwater Resource Plan (SWRP) and the completed Self-Certification Checklist (Checklist) dated December 21, 2018 to the State Water Resources Control Board's (State Water Board) Division of Financial Assistance (DFA) pursuant to the Prop 1 Storm Water Grant Program Funding Agreement No. D1612605. A revised SWRP and Checklist dated August 20, 2019 and September 6, 2019, respectively, were submitted to address State Water Board staff comments.

State Water Board staff completed a review of the Checklist and referenced pages provided with the SWRP. State Water Board staff concur that the SWRP and Checklist are consistent with the California Water Code (Water Code) sections 10561-10573 and the State Water Board's SWRP Guidelines. By this concurrence, all eligible entities with storm water and dry weather runoff capture projects included in the SWRP are eligible to receive funding from a bond act approved by voters after January 1, 2014.

State Water Board staff's review was for funding eligibility related to a bond act only. The review of the submitted SWRP and Checklist does not include a technical evaluation or analysis of the SWRP or any supporting documents, and this letter provides no approval of these documents.

The State Water Board encourages the Santa Clara Valley Water District to submit future revisions of the SWRP to the DFA. Please note that revised SWRPs must be submitted to the Integrated Regional Water Management (IRWM) group prior to submission to DFA.

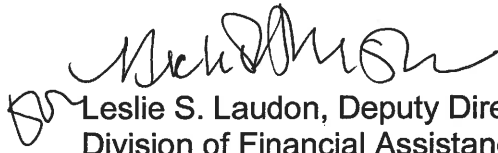
Please do not hesitate to contact Spencer Joplin at [Spencer.Joplin@waterboards.ca.gov](mailto:Spencer.Joplin@waterboards.ca.gov) or (916) 341-5636 should you have any additional questions.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Ms. Camacho

- 2 -

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie S. Laudon". The signature is fluid and cursive, with a large initial "L".

Leslie S. Laudon, Deputy Director  
Division of Financial Assistance

cc: Spencer Joplin, Grant Manager  
Division of Financial Assistance

Daman Badyal, Storm Water Grant Program Manager  
Division of Finance

Meghan Tosney, Bonds Section Chief  
Division of Financial Assistance

Nichole Morgan, Assistance Deputy Director  
Division of Financial Assistance



# SENATE BILL NO. 205

## BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

### Frequently Asked Questions - Cities & Counties

This *Frequently Asked Questions* document provides background information and guidance on California Legislative Senate Bill (SB) No. 205 and the new requirements adding sections 16000.3 and 16100.3 to the California Business and Professions Code, and section 13383.10 to the California Water Code.

#### SECTION 1: ABOUT SB 205

##### 1. What is SB 205 about?

- a. Under existing law, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Water Boards) prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System (NPDES) permit program established by the Federal Clean Water Act and the California Water code. The existing law requires regulated municipalities and industries to obtain a stormwater permit.
- b. Senate Bill 205 (2019) requires a person applying to a city or county for a new or renewed business license to demonstrate enrollment in an NPDES permit, if such a permit is required.

##### 2. What is the purpose of SB 205?

- a. To protect water quality, including the health and safety of drinking water sources statewide, the regulated industry is required to provide proof of enrollment in the NPDES permit program.

##### 3. When was SB 205 signed into law?

- a. SB 205 was signed into law by Governor Newsom on October 2, 2019. It takes effect January 1, 2020

##### 4. Where can I find the full text and additional information about the law?

- a. Visit <http://leginfo.legislature.ca.gov> and search Bill Number "SB 205" in the 2019-2020 legislative session.

#### SECTION 2: CITY AND COUNTY REQUIREMENTS

##### 1. What does SB 205 require of a city or county?

- a. SB 205 requires that cities and counties confirm on the business license that a regulated industrial business has a form of NPDES permit coverage for discharges of stormwater, which may include a No Exposure Certification, or a certified Notice of Non-Applicability.

**2. How do I confirm that an industrial business has stormwater permit coverage?**

- a. During the business license or renewal application, you will require an industrial business to provide the name(s) and locations of all facilities operated by the business, all corresponding *primary* Standard Industrial Classification (SIC) codes, and one of the following for each facility operated by the business.
  - (1) Stormwater permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Board
  - (2) WDID application number issued for the facility by the State Water Board
  - (3) Notice of Non-Applicability (NONA) identification number issued for the facility by the State Water Board
  - (4) No Exposure Certification (NEC) identification number issued for the facility by the State Water Board

**3. Does SB 205 impact all businesses?**

- a. No. Only those businesses with *primary* SIC codes that are identified in or are applicable to the General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Excluding Construction Activities), also known as the Stormwater Industrial General Permit or IGP.

**4. What types of businesses have SIC codes that fall under SB 205?**

- a. Attachment A of the IGP identifies nine categories of facilities subject to enrollment under the IGP, including the following:
  - (1) Feedlots of a specific size (SIC codes 0211-0272): [Feedlot SIC codes](#);
  - (2) Manufacturing Facilities (SIC codes 20XX-39XX and 4221-4225);
  - (3) Oil and Gas/Mining Facilities (SIC codes 10XX-14XX);
  - (4) Hazardous Waste Treatment, Storage, or Disposal Facilities (often SIC code 4953);
  - (5) Landfills, Land Application Sites, and Open Dumps (SIC code 4953);
  - (6) Recycling Facilities (SIC codes 5015 and 5093);
  - (7) Steam Electric Power Generating Facilities (specific activities under SIC code 4911);
  - (8) Transportation Facilities (SIC codes 40XX through 45XX [except 4221-25] and 5171; and
  - (9) Sewage or Wastewater Treatment Works (SIC code 4952)
- b. To access a copy of Attachment A of the IGP, click on the following link: [IGP Attachment A](#)
- c. The State Water Board maintains an electronic list of regulated SIC codes:
  - (1) Alphabetical: [Alphabetical list of SIC codes](#)
  - (2) Numeric: [Numeric list of SIC codes](#)

- 5. Is a stormwater permit required if a business is described by one of the above SIC codes but is not conducting a regulated industrial activity under the IGP?**
  - a. Possibly not. Have the business contact the State Water Board or local Regional Water Board. Please see links in Question 11 below.
  - b. The facility may qualify for a NONA and would require an electronic application submittal.
- 6. Is the city or county required to look up a facility's SIC code?**
  - a. No. SB 205 does not require cities or counties to determine or provide the SIC code of a facility. Finding the SIC code is the business' responsibility. However, cities and counties are responsible for determining whether the primary SIC code(s) that the business provides for the facility are applicable to the IGP. If the SIC code(s) is applicable, the city or county must ensure that the business provides the information outlined in Question 2 above.
  - b. For the electronic list of regulated SIC codes, please see links in Question 4 above.
- 7. What if a business asks our city's or county's business license department how to find a SIC code?**
  - a. Direct them to visit: [U.S Department of Labor SIC code search](#), and search by keyword(s) (for example: metal recycling).
  - b. The company's insurance broker should also know the SIC code.
  - c. For the electronic list of regulated SIC codes, please see links in Question 4 above.
  - d. If your business license application only asks for the business' North American Industry Classification System (NAICS) code, not the SIC code, the NAICS Association has developed a tool to convert NAICS codes to SIC codes, available at [NAICS to SIC crosswalk](#).
  - e. Additionally, the United States Environmental Protection Agency's Industrial Multi-Sector General Storm Water NPDES Permit has an appendix that lists SIC codes and their corresponding NAICS codes found by clicking the following link: [USEPA Multi-Sector Permit](#)
- 8. Does SB 205 require the city or county to visit or inspect an industrial business?**
  - a. No. SB 205 only requires that the city or county ensure regulated facilities have coverage under the IGP.
- 9. Does SB 205 require the city or county to make sure the industrial business is compliant with stormwater rules or permit requirements?**
  - a. No.
- 10. Does SB 205 require the city or county to help an industrial business get a stormwater permit?**
  - a. No.
- 11. What resources can the city or county provide a business that asks about the stormwater permit application process?**

## Senate Bill No. 205 Business Licenses: Stormwater Discharge Compliance Frequently Asked Questions – Cities & Counties

- a. To apply for a stormwater permit, direct them to the State Water Board or local Regional Water Board: [State and Regional Water Boards map](#)
- b. State Water Board storm water contacts, general inquires:
  - (1) Email: [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)
  - (2) Toll Free: 1-(866)-563-3107
- c. State and Regional storm water contacts: [State and Regional Storm Water Contacts](#)
- d. Types of IGP coverage: [IGP Types of Coverages \(PDF\)](#)
- e. Other resources:
  - (1) State Water Resources Control Board Industrial Storm Water Toolbox: [IGP Toolbox](#)
  - (2) California Storm Water Quality Association ([www.casqa.org](http://www.casqa.org))
  - (3) Metals Industry Storm Water Group ([www.stormwatergroup.org](http://www.stormwatergroup.org))

### **12. What if the city or county does not issue business licenses?**

- a. No action is required. SB 205 only applies to cities and counties that issue business licenses.
- b. However, you may also direct the business owner to inquire about stormwater requirements or regulations that may be applicable to their facility by contacting the State Water Board or local Regional Water Board.



**California Stormwater Quality Association®**

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

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December 16, 2019

John Ravenscroft  
Office of Science and Technology  
Environmental Protection Agency

**Subject: Docket ID No. EPA-HQ-OW-0174, Comments on the National Water Reuse Action Plan**

Dear Mr. Ravenscroft:

The California Stormwater Quality Association (CASQA)<sup>1</sup> appreciates the opportunity to provide input on EPA's Draft National Water Reuse Action Plan (Reuse Action Plan) and highlight the value of stormwater as an integral component of an integrated water reuse strategy.

One of the challenges of effectively incorporating stormwater into a National Water Reuse Action Plan is that the drivers, opportunities and challenges for water reuse can vary significantly throughout the country. To provide context for our comment letter, CASQA has identified some of the key drivers for water reuse in California that provide the framework for our comments.

Recent droughts in California have highlighted the value of water and the need for a diverse portfolio of water sources and strategies to provide sufficient water resources for beneficial uses into the future. 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<sup>2</sup> precipitation as a resource. The continued reliance on melting snowpack as one of California's primary sources of water does not appear sustainable. Additionally, the change in California's climate includes long periods of drought, a change in rainfall patterns with more intense storm events, and recent years of significantly higher rainfall totals well above average in some parts of the state. This variability in rainfall with some years being less than average and some years being more than three times the average (e.g., Southern California) presents significant challenges for water reuse.

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

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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> Note: CASQA recommends the term "use" rather than "reuse" when referring specifically to stormwater because, unlike wastewater or recycled water, there is no prior use of stormwater (stormwater capture and use).

state that is planned in an integrated manner with other water resources that can help to augment local water supplies.

At the same time, California has an established integrated planning framework, the Integrated Regional Water Management Plans, that can provide a framework for implementing many of the actions identified in the Reuse Action Plan. This framework provides opportunities for solving multiple problems through integrated projects that maximize the use of available funds by addressing multiple needs. However, while the framework exists, challenges have arisen with fully integrating stormwater into the planning process. Challenges with integration have arisen for many reasons, but one of the primary challenges is the lack of understanding of the value of stormwater as a resource and its potential role in an integrated water resource portfolio. Additionally, most of the focus to date has been on addressing regulatory requirements regarding stormwater discharges rather than on developing the tools and information that can be used to help support developing integrated projects that use stormwater as a resource.

Recognizing many of these drivers, managing stormwater as a resource became the defining tenet of CASQA's "Vision and Strategic Actions for Managing Stormwater in the 21st Century" (Vision)<sup>3</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. CASQA appreciates the inclusion of stormwater as one of the five sources of water for water reuse in the Reuse Action Plan as many of the proposed actions align well with and will support CASQA's Vision. As part of our comments, CASQA has identified suggested priority actions in the Reuse Action Plan that align well with CASQA's Vision and could provide opportunities for collaboration that would further the use of stormwater as a resource.

However, as highlighted by Figure 2 in the Reuse Action Plan, the opportunities for reuse of stormwater are less well defined than the opportunities for the other sources of water available for reuse. This lack of definition leads to some lack of clarity throughout the Reuse Action Plan regarding the applicability of some of the actions to stormwater reuse and some concerns that key elements of the use of stormwater as a resource are missing (or not clearly articulated) within the draft plan. Our comments on the Reuse Action Plan are intended to highlight some key high level concepts to consider in finalizing the Reuse Action Plan and provide suggested priorities for the plan.

#### **COMMENT #1: IDENTIFYING OPPORTUNITIES AND ADDRESSING CHALLENGES RELATED TO STORMWATER CAPTURE AND USE NEEDS TO BE A TOP PRIORITY ACTION**

As noted in the introduction, a relative lack of information about the opportunities, challenges, and information needs to support stormwater capture and use as compared to wastewater reuse makes identifying the needed actions to better support stormwater use in the Reuse Action Plan a bit more difficult. As a result, Action 2.3.3 *Convene Experts to Address Challenges Related to Stormwater Capture and Reuse* needs to be a top priority action to be implemented as part of the Reuse Action Plan. By prioritizing completion of this action, other actions within the plan can be better framed to incorporate consideration of stormwater capture and use.

Work that has been conducted in California provides a starting point for this action. Recognizing the need to evaluate larger scale opportunities and challenges associated with managing stormwater, the California State Water Resources Control Board developed a program entitled Strategy to Optimize Resource Management of Stormwater (STORMS). One of the first actions to be completed as part of the program was a report entitled *Enhancing Urban*

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<sup>3</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)

*Runoff Capture and Use*. This report examines the barriers to stormwater capture and use and provides recommendations for strategies to address many of the identified barriers. CASQA recommends that this report be included as a resource within the Reuse Action Plan to support implementation of Action 2.3.3 *Convene Experts to Address Challenges Related to Stormwater Capture and Reuse*.

The report included a number of key findings, most of which could be incorporated into existing actions within the Reuse Action Plan. CASQA recommends that the information in the report be utilized to help refine some of the actions in the Reuse Action Plan. Some suggestions include:

- **Update Objective 2.8 to include more discussion about stormwater capture and use outreach needs.** Finding 2 in the *Enhancing Urban Runoff Capture and Use* report states: “Public engagement is key to increasing BMP [Ed. best management practice] integration into other public and environmental objectives, which will increase the likelihood of robust, multiple-benefit, and cost-effective projects. Consistent and effective messaging is critical, according to the Project Advisory Group, and CASQA found that it requires specialized expertise and broad coordination.” While Objective 2.8 of the Reuse Action Plan addresses outreach and communication on Water Reuse, the discussion is primarily around messaging for reclaimed wastewater. This action should be broadened to include a discussion about the importance of stormwater outreach and the need to have messaging around the use of stormwater as a water resource.
- **Update Objective 2.4 to include more discussion about the need to address technology for stormwater capture and use.** Finding 4 in the *Enhancing Urban Runoff Capture and Use* report states: “Technological limitations were not reported in case studies. Instead, reported barriers relate to policy, finance, institutional structure, and awareness. Awareness of technological capabilities can overcome some perceived barriers. For example, space limitations and lack of permeability in near-surface soils are perceived barriers that can potentially be addressed by increased awareness of drywell technologies.” The discussion in Objective 2.4 is exclusively focused on discussing wastewater reuse technology and should be broadened to incorporate actions to support addressing stormwater capture and use technology limitations.
- **Ensure Objective 2.3 includes gathering information regarding fit-for-purpose specifications for stormwater as well as wastewater reuse.** Finding 12 *Enhancing Urban Runoff Capture and Use* report notes that: “Applying fit-for-purpose standards to the different uses of urban runoff may reduce unnecessary treatment costs.” Most of the examples cited in the Reuse Action Plan for this objective right now appear to be focused on wastewater reuse. The language in the objective should be modified to ensure that the actions will also support developing fit-for-purpose guidelines for stormwater capture and use.

#### **CASQA Recommendations:**

- Make implementation of action 2.3.3 a priority to help inform effective incorporation of stormwater capture and use into the other actions identified in the Reuse Action Plan.
- Include the STORMS report entitled *Enhancing Urban Runoff Capture and Use* as a resource for implementing action 2.3.3.
- Update Objectives 2.3, 2.4 and 2.8 to include consideration of stormwater capture and use using information from the STORMS report.

#### **COMMENT #2. THE VALUE OF STORMWATER AS PART OF AN INTEGRATED WATER SUPPLY PORTFOLIO NEEDS TO BE CLEARLY ARTICULATED**

CASQA supports Water Reuse Action 2.1 to *Enable Consideration of Water Reuse with Integrated and Collaborative Action at the Watershed Scale* as a critical early action to help support stormwater capture and use projects. However, to facilitate true integrated planning of various water sources, the value of stormwater as part of an integrated water portfolio needs to be established. The products produced from Action 2.1 should provide a

framework for watershed scale planning of integrated projects and considerations for evaluating the full range of potential water sources. While this may be able to be accomplished through Action 2.1.3 *Incorporate Water Reuse and Capture Concepts into Integrated Planning Efforts at the Local Level*, more information is needed to make this action a reality than just recognizing the importance of stormwater in the design of integrated water management plans and policies.

The STORMS report discussed in comment #1 includes a number of relevant findings that could be incorporated into the discussion in Action 2.1:

- Finding 6: Funding. Improved rate-setting procedures in water districts could allow for better comparisons of existing and new infrastructure cost estimates. Water districts can contribute to proper valuation by using rate setting techniques that consider factors such as the environmental costs associated with different water sources and the cost increases associated with likely climate change scenarios.
- Finding 7: Decision support tools. Proper valuation of multiple-benefit projects will also make capture and use projects more attractive for various funding sources (e.g., transportation). Decision support tools can assist in optimizing new system designs with green and grey infrastructure that better promote sustainable and holistic water management, exemplified by one water approaches being pursued in some areas of the state.
- Finding 8: Stormwater infrastructure can support multiple objectives, but these must be considered at the design stage. Centralized strategies better achieve multiple benefits when agencies charged with managing different types of natural resources collaborate to meet resource objectives (e.g., water supply, flood control, habitat, air quality, and receiving water protection). Decentralized strategies tend to be implemented within land uses that are primarily dedicated to other infrastructure (e.g., transportation) so choosing approaches that also support that infrastructure will be critical in marshalling funding designated for that infrastructure.

**CASQA Recommendation:**

- Modify Action 2.1 to clearly acknowledge the need to develop a framework or guidance for local water managers on the value of stormwater within an integrated water supply portfolio, including consideration of rate setting techniques, provide decision support tools for evaluating multiple-benefit projects, and mechanisms for better integrating multiple objectives into the design stage of projects.

**COMMENT #3: PROVIDE INCENTIVES FOR BUILDING INTEGRATED PROJECTS**

Ideally, the actions in the Reuse Action Plan will lead to the implementation of projects that provide integrated water reuse solutions at a local level. While the Reuse Action Plan will provide a very useful set of tools and resources for developing those projects, one of the benefits of having EPA produce this document is the ability for EPA to identify opportunities and flexibilities within existing regulatory requirements that can be leveraged to incentivize and support implementation of these projects.

Many of the municipal separate storm sewer system (MS4) permits in California are moving towards watershed planning efforts that include evaluation and consideration of regional stormwater capture and use projects for the purpose of protecting water quality in receiving waters. As these plans are being developed and implemented, a number of questions and challenges are arising regarding the implementation of multiple benefit projects and the relationship to permit compliance. A significant benefit of the Reuse Action Plan would be to identify the flexibilities that could be utilized within the context of the National Pollutant Discharge Elimination System (NPDES) permitting framework to provide true incentives for stormwater capture and use projects.

Action 2.2.6 *Develop Informational Materials to Better Enable Water Reuse in CWA NPDES Permits* could be expanded beyond providing informational materials on how permits can enable reuse to include ways in which true incentives can be incorporated. Additionally, as this information is developed, it is critical that permit writers be trained on the information and the goals of the Reuse Action Plan to avoid local conflicts with implementing permits and developing stormwater capture and use projects.

**CASQA Recommendation:**

- Modify Action 2.2.6 to include the development of options for incentivizing stormwater capture and use projects in NPDES permits.

**COMMENT #4. INCORPORATE THE CONCEPT OF IDENTIFYING AND INCENTIVIZING ACTIONS THAT CONTROL THE SOURCE OF POLLUTANTS TO BETTER SUPPORT USING STORMWATER AS A RESOURCE**

CASQA's Vision recognized that source control provides a more cost effective and efficient method of addressing constituents before they enter urban runoff. Some important urban stormwater pollutants that have the potential to limit reuse, such as pesticides, short-chain perfluorinated chemicals, and various other persistent mobile toxic chemicals that pass through treatment (PMTs) cannot be prevented (or even controlled through treatment) at the local level. The Reuse Action Plan includes Action 2.2.5 to *Compile and Develop Protection Strategies for Different Sources of Water for Potential Reuse*. However, the action is focused on compiling and developing best practices for pollution prevention and does not emphasize the need to consider actions that are not implemented at the local level. Rather than just compiling and developing best practices, CASQA recommends that for stormwater, the emphasis of the prevention action be on identifying sources of these pollutants and developing strategies appropriate for reducing the presence in stormwater of pollutants that may limit reuse. Strategies for some pollutants are likely to be more complex than simple BMPs, so consideration should be given to regional or nationwide approaches, which may yield substantial water quality improvements. Compilations of "lessons learned" from existing programs will not be able to address most of these pollutants, which are new, ubiquitous, and have sources that are poorly understood.

**CASQA Recommendation:**

- Modify Action 2.2.5 to include identification of pollutants that could limit stormwater capture and use, develop information on the sources of those pollutants, and develop recommended strategies for those sources, including consideration of regional and nationwide approaches.

**COMMENT #5. PRIORITIZE ACTIONS THAT ALIGN WITH CASQA'S VISION**

The 2019 CASQA Vision for Sustainable Stormwater Management aligns with several proposed actions in the EPA National Water Reuse Action Plan, as outlined in the following table.

<b>CASQA Action</b>	<b>National Water Use Action Plan Action / Objective</b>
Action 1.2 – Identify Constraints and Opportunities for Maximizing Stormwater as a Resource	<ul style="list-style-type: none"> <li>• Action 2.1.1 - Develop a Federal Policy Statement to Support and Encourage Consideration of Water Reuse in a Watershed-Scale Planning Context</li> <li>• Action 2.1.2 – Prepare Case Studies of Successful Applications of Water Reuse Within an Integrated Water Resources Management Framework</li> <li>• Action 2.1.3 - Incorporate Water Reuse and Capture Concepts into Integrated Planning Efforts at the Local Level</li> <li>• Action 2.3.3 - Convene Experts to Address Challenges Related to Stormwater Capture and Reuse</li> <li>• Action 2.10.2 - Establish Goals for Extent and Types of Water Reuse in the United States</li> </ul>
Action 1.3 – Provide Effective and Efficient Solutions through True Source Control	<ul style="list-style-type: none"> <li>• Action 2.2.5 - Compile and Develop Protection Strategies for Different Sources of Waters for Potential Reuse</li> <li>• Action 2.2.6 - Develop Informational Materials to Better Enable Water Reuse in CWA NPDES Permits</li> </ul>
Action 2.5 – Enable Funding for Stormwater Programs	<ul style="list-style-type: none"> <li>• Action 2.2.11 - Incorporate Stormwater Capture Considerations in Assessment of Stormwater Finance Needs and Opportunities</li> </ul> <p>Objective 2.6 – Facilitate Financial Support for Water Reuse</p> <ul style="list-style-type: none"> <li>• Action 2.6.1 - Compile Existing Federal Funding Sources for Water Reuse</li> <li>• Action 2.6.2 - Promote Eligibility of Existing SRF and WIFIA Funding for Water Reuse</li> <li>• Action 2.6.3 - Compile Resources Concerning Non-Traditional Funding Mechanisms</li> <li>• Action 2.6.5 - Support Development of Tools to Assist Effective Integration of Onsite Water Reuse Systems in Communities</li> </ul>
Action 3.1 – Communicate the Value of Stormwater to the Public	<p>Objective 2.8 – Improve Outreach and Communication on Water Reuse</p> <ul style="list-style-type: none"> <li>• Action 2.8.1 - Compile and Develop Water Reuse Program Outreach and Communication Materials</li> <li>• Action 2.8.2 - Develop a Community of Practice Around Water Reuse</li> <li>• Action 2.8.3 - Pursue a National Branding Campaign for Water Reuse</li> </ul>

## CASQA Comments on the Draft National Water Reuse Action Plan

The Reuse Action Plan actions included in the table have been identified by CASQA as the actions within the Draft Reuse Action Plan that would best support utilizing stormwater as a resource. CASQA requests that the actions provided in the table be included in the final version of the Reuse Action Plan. Additionally, CASQA requests that the following actions (with the modifications highlighted in previous comments) be highlighted as high priority actions:

- Action 2.3.3 - Convene Experts to Address Challenges Related to Stormwater Capture and Reuse
- Action 2.1.1 - Develop a Federal Policy Statement to Support and Encourage Consideration of Water Reuse in a Watershed-Scale Planning Context
- Action 2.1.2 - Prepare Case Studies of Successful Applications of Water Reuse Within an Integrated Water Resources Management Framework
- Action 2.1.3 - Incorporate Water Reuse and Capture Concepts into Integrated Planning Efforts at the Local Level
- Action 2.2.6 - Develop Informational Materials to Better Enable Water Reuse in CWA NPDES Permits
- Action 2.10.2 - Establish Goals for Extent and Types of Water Reuse in the United States

Thank you again for the opportunity to comment on the National Water Reuse Action Plan. 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: David Smith, EPA Region 9  
CASQA Board of Directors  
Geoff Brosseau, CASQA Executive Director  
Karen Cowan, CASQA Assistant Executive Director  
CASQA Executive Program Committee  
CASQA Policy and Permitting Subcommittee

# Scheduled Meetings and Deliverables

## January – March 2020

### January

8	<b>BASMAA Monitoring/POC Committee</b> 9:00 am – 3:00 pm	EOA, Oakland
10	<b>ZLI Steering Committee</b> 9:00 am – 10:00 am	Conference Call
16	<b>Management Committee</b> 9:30 am – 11:00 am	Sunnyvale Civic Center West Conference Room
	<b>CASQA Quarterly Meeting</b> 9:00 am – 3:00 pm	DoubleTree Hotel Sacramento / Webcast
21	<b>Trash AHTG Meeting</b> 1:00 pm – 3:00 pm	San Jose City Hall
22	<b>BASMAA PIP Committee</b> 1:30 pm – 3:00 pm	Conference Call
23	<b>BASMAA Board Meeting</b> 10:00 am – 3:00 pm	EOA, Oakland
27	<b>C3PO AHTG</b> 1:30 pm – 3:30 pm	Milpitas City Hall
28	<b>BASMAA Trash Committee</b> 10:00 am – 12:00 pm	EOA, Oakland

# February

<b>5</b>	<b>SCVURPPP Construction Stormwater Inspector Training Workshop</b> 8:00 am -12:00 pm	Valley Water Boardroom
<b>6</b>	<b>BASMAA Development Committee</b> 1:30 pm to 4:00 pm	EOA, Oakland
<b>7</b>	<b>ZLI Steering Committee</b> 9:00 am – 10:00 am	Conference Call
<b>13</b>	<b>SCVURPPP Construction Stormwater Inspector Training Workshop</b> 8:00 am -12:00 pm	Valley Water Boardroom
<b>18</b>	<b>Trash AHTG Meeting</b> 1:00 pm – 3:00 pm	San Jose City Hall
<b>20</b>	<b>Management Committee</b> 9:30 am – 11:00 am	Sunnyvale Civic Center West Conference Room

# March

4

**BASMAA Monitoring/POC Committee**  
9:00 am – 3:00 pm

EOA, Oakland

6

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

Conference Call

17

**Trash AHTG Meeting**  
1:00 pm – 3:00 pm

San Jose City Hall

19

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

- Program FY 20-21 Work Plan
- Program Manager NTP
- Draft Self Audit Report
- Integrated Monitoring Report (IMR)

Sunnyvale Civic Center  
West Conference Room

23

**C3PO AHTG**  
1:30 pm – 3:30 pm

TBD