

# 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

### March 16, 2023 Meeting

### MATERIALS FOR INFORMATION

#### II. March 16, 2023 Agenda

#### III. February 16, 2023 Meeting Minutes

#### IV. February 16, 2023 Action Items

#### VIII. MRP Implementation

1. Memorandum to Management Committee, from Program Staff, re: Management Committee Briefing on Priority Items, March 2023
2. Highlights of BAMSC Committee and Subcommittee Meetings, February – March 2023
3. Trash AHTG Meeting Summary, January 17, 2023
4. Construction AHTG Meeting Summary, March 1, 2023
5. SCVURPPP GSI Workshop Evaluation Summary, February 28, 2023
6. Work Products Report, March 2023

#### Other Items

1. Letter to Anna Romanovsky, EPA Office of Pesticide Programs, from Karen Cowan, CASQA, re: Carbaryl Proposed Interim Registration Review Decision (Docket ID No. EPA-HQ-OPP-2010-0230), February 14, 2023
2. Letter to Melanie Biscoe, USA EPA Pesticide Re-evaluation Division Office of Pesticide Programs, from Karen Cowan, CASQA, re: Appendix to the ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions (Docket No. EPA-HQ-2022-0908), February 13, 2023
3. MC Calendar, March 2023 – May 2023



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Urban Runoff  
Pollution Prevention Program**

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**AGENDA**

**MANAGEMENT COMMITTEE MEETING**

**March 16, 2023, 9:30am – 11:00am**

Conference Call/Zoom Meeting Only<sup>1</sup>

- 9:30**
- I. Management Committee Meeting Call to Order/Introductions**
  - II. Additions or Revisions to Agenda; Announcements**
  - III. Approval of Minutes (February 16, 2023 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**
  - VII. Program Business**
- 9:45**
- A. Program Management**
    - 1. **Action Item:** Water Year 2022 Urban Creeks Monitoring Report and Electronic Data Submittal – *request for approval.*
    - 2. **Action Item:** Trash Full Capture Impracticability Report – *request for approval.*
    - 3. **Action Item:** Old Industrial Area Control Measures Plan - *request for approval.*
  - B. Program Budget**

No Items.
- 10:20**
- C. Program Manager's Report**
    - 1. BAMS Collaborative Update – *information.*
    - 2. CASQA Update – *information.*
    - 3. Grants Update – *information.*

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<sup>1</sup> \*Due to the current public health order, the Management Committee meeting is being conducted via conference call and Zoom. Please contact Program staff via email at [jcbicknell@eoainc.com](mailto:jcbicknell@eoainc.com) if you would like to attend the meeting and we will provide the information.

**VIII. MRP Implementation**

**10:30 A. New Development and Redevelopment**

1. Priority Items Identified by Program Staff
  - a. Green Stormwater Infrastructure Work Plan Tasks - *status report*
  - b. Regional Projects – *status report*

**10:35 B. Trash Controls & Unsheltered Homeless**

1. Priority Items Identified by Program Staff
  - a. Long-term Trash Load Reduction Plan Guidance – *status report*
  - b. Regional Projects – *status report*
2. Management Committee Requested Items

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

1. Priority Items Identified by Program Staff
  - a. Monitoring Planning Tasks – *status report*
  - b. Regional Projects – *status report*
2. Management Committee Requested Items

**10:45 D. Outreach Activities**

1. Priority Items Identified by Program Staff
2. Management Committee Requested Items

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

1. Priority Items Identified by Program Staff
  - a. Cost Reporting – *status report*
2. Management Committee Requested Items
  - a. Program Information Management Systems – *status report*

**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 requested.*
4. Planned Agenda Items for Future MC Meetings – *update.*

**11:00 X. Adjourn**



**MANAGEMENT COMMITTEE MEETING  
MINUTES**

February 16, 2023

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

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

John Bourgeois (Chair, Valley Water) called the meeting to order at 9:30 a.m. MC members introduced themselves.

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

There were no changes to the agenda. Chris Sommers (Program staff) made the following announcements:

- The State Water Resources Control Board will announce proposed additions to the 303(d) list soon. SCVURPPP may submit comments if local creeks are proposed to be included on the list.
- The State Board has issued a request for public comment on its updated Water Quality Enforcement Policy for water quality permits and waste discharge requirements. Comments are due on April 28. Program staff are reviewing the enforcement policy. CASQA will likely submit comments on behalf of its members.

**III. APPROVAL OF MINUTES**

Sheila Tucker (WVCWA) requested edits to the minutes from the January 19, 2023 meeting. The first bullet point under Agenda item IX.1. Miscellaneous should be edited to clarify that WVCWA is “considering” doing a survey to track public willingness to fund a stormwater fee, and “considering” issuing an RFP to hire illicit discharge and hazardous waste cleanup contractors.

**Motion:** Ursula Syrova (Cupertino) moved to approve the minutes from the January 19, 2023 MC meeting with requested edits. **Second:** Melody Tovar (Sunnyvale). **Vote:** Motion passed unanimously.

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

Action Items from the January 19, 2023 meeting:

- Action item 1-19-1 (MC members will provide a status update on their plans for MOA approval at the February MC meeting) is complete. A link to a table to report MOA approvals was sent to the MC, and MC members have updated it with approval dates.

Action Items from previous meetings:

- Action item 9-22-1 (Develop a list of Regional Projects and Work Groups that identifies topics and leads) is complete. It was emailed to the MC.

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

No comments were made.

## VI. WATER BOARD STAFF COMMENTS

Chris reported that Countywide program managers had a productive meeting with Water Board (WB) staff Keith Lichten and Derek Beauduy on January 30<sup>th</sup> to discuss Permittee concerns with WB staff communications, recent Annual Report reviews, and other topics. The next meeting will be held in March or April (exact date TBD).

## VII. PROGRAM BUSINESS

### A. Program Management/Action Items

#### 1. Action Item: Final Draft FY 2022-23 Annual Report Template

Jill Bicknell (Program staff) reported that a Regional BAMSC Work Group developed the template for the FY 22-23 Annual Report. The final draft Annual Report template was sent to the MC for review on February 6, 2023. No comments were received. All Countywide Programs intend to approve the template this week and the BAMSC Steering Committee will consider approving it next Thursday. The template will be submitted to the WB Executive Officer by March 1, 2023. Melody Tovar (Sunnyvale) requested additional time for Sunnyvale and Mountain View to review Provision C.14. She will send comments by February 20.

**Motion:** Melody Tovar (Sunnyvale) moved to approve the Final Draft FY 22-23 Annual Report Template, contingent to resolving additional comments on Provision C.14 received by February 20, 2023. **Second:** Ursula Syrova (Cupertino) **Vote:** Motion passed unanimously.

### B. PROGRAM BUDGET

No items

### C. PROGRAM MANAGER'S REPORT

#### 1. BAMS Collaborative Update

Jill reported that Keith Lichten provided an update on the timeline for a permit amendment at the last BAMSC Steering Committee meeting. Keith indicated that the amendment will include language related to Provision C.3 (alternative treatment systems, Category C Special Projects, and possibly road reconstruction in disadvantaged communities), stormwater discharges to Lake Merced, and the Contra Costa Regional Alternative Compliance Program. A tentative schedule was provided for a process ending with a Water Board adoption hearing on August 9, 2023. An alternative plan is to report on the permit amendment progress to the WB in August and adopt the permit amendment later in Fall 2023. Keith was asked if the effective date of new Special Projects criteria might be delayed until the amendment was adopted, and he said he would check with legal counsel.

The MC requested that Program staff provide ongoing updates on Permit-required submittals to the MC.

#### 2. CASQA Update

The next CASQA Seminar (formerly quarterly meeting) will be held on April 6, 2023. The Seminar will focus on lessons learned from the atmospheric river storms and impacts on stormwater programs.

#### 3. Grants Update

Caltrans has announced Cycle 2 of its Clean California Grants. The focus is on

projects in disadvantaged communities.

## **VIII. MRP IMPLEMENTATION**

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

Jill reported that Program staff is continuing to plan the GSI workshop on February 28, 2023. The workshop will include breakout sessions for discussion on several topics.

### **B. TRASH CONTROLS**

Vishakha and Chris provided the following updates:

- The draft outline for the C.17 (Unsheltered Homeless) Regional BMP Report was sent to the Trash AHTG for review. A survey for collecting BMP information was also distributed. Both will be discussed at the Trash AHTG meeting next Tuesday.
- The Trash Impracticability Report was sent to the Regional Work Group and the Trash AHTG for review. Comments are due on February 27, 2023.
- The MRP requires Permittees to demonstrate a 90% trash load reduction by June 30, 2023. WB staff provided their interpretation of the reporting requirements associated with this trash load reduction benchmark in a recent email. If a Permittee is unable to demonstrate the achievement of the 90% reduction benchmark (including credits and offsets) by June 30, 2023, they must submit a letter indicating that the Permittee has not attained the 90% reduction and a revised trash reduction plan by June 30, 2023. If a Permittee is unable to demonstrate achievement of the 90% reduction benchmark (without credits or offsets) by June 30, 2023, they must submit a revised trash reduction plan by September 30, 2023. Program staff is working on a number of tasks to help Permittees with this requirement and will develop a timeline for completion of Program tasks.

*Action: Program staff will develop a timeline for completion of tasks to assist Co-permittees comply with trash reduction benchmarks and plan submittals.*

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

Chris provided the following updates:

- The WY 2022 Urban Creek Monitoring Report (UCMR) is due to the Water Board by March 31, 2023. A draft UCMR will be sent to Co-permittees for review by February 24, 2023. A presentation on WY 2022 monitoring results will be made at the MC meeting in April or May.
- Program and Co-permittee staff have identified locations in Palo Alto, Mountain View, and San Jose to conduct trash monitoring at outfalls. These sites will need to be confirmed and environmental permitting will likely be required at each site.
- Two Technical Advisory Groups (TAGs) have been set up to provide input on new monitoring requirements for trash and LID facilities. The LID Monitoring TAG has held one meeting. The Trash Monitoring TAG will hold its first meeting on March 15.
- The revised draft Old Industrial Area Control Measure Plan was sent to the POC AHTG for review on February 21, 2023.

## **D. OUTREACH ACTIVITIES**

Vishakha Atre (Program staff) reported that an in-person facilitated meeting will be held later today to provide input to Gigantic Idea Studio on the next phase of the Watershed Watch Campaign.

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

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

#### **a. Cost Reporting**

Jill reported that the Regional Cost Reporting Team has received comments on the Draft Cost Reporting Framework and Guidance Manual. The revised products will be sent out in late March. The MC will consider approving the Cost Reporting Framework and Guidance Manual at the June MC meeting.

## **IX. OTHER BUSINESS**

### **2. Miscellaneous**

Jill reported that the Regional BAHM Updates Work Group has had two meetings to discuss updates to the BAHM Model. The final scope of work and budget as well as a project profile for a project of regional benefit will be presented to the Work Group on February 21<sup>st</sup> and brought to the BAMSC Steering Committee for approval on February 23<sup>rd</sup>. The SCVURPPP contribution is consistent with the amount approved as part of the FY 22-23 Program Budget.

### **3. Planned Agenda Items for Future MC Meetings**

The MC discussed having an in-person MC meeting and agreed to schedule it for May or June 2023.

The MC recommended moving the approval of the FY 23-24 Work Plan and the Mid-year Self-Audit Report to the April MC meeting since many Permit-mandated items will be considered for approval at the March MC meeting. Chris said that he will confirm with the Fiscal Agent whether approving the Work Plan at the April MC meeting will work for them.

## **X. ADJOURN**

The MC meeting adjourned at 11:00 a.m.



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

**Meeting Attendance Record**

DATE February 16, 2023

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***

Ursula Syrova – Cupertino  
Alternate: Alex Wykoff

*Ursula Syrova*

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Thanh Nguyen – Los Altos  
Alternate: Erin McDannold

*Thanh Ngyuen, Erin McDannold*

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WooJae Kim – Los Altos Hills  
Alternate: John Chau

*WooJae Kim*

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Elaine Marshall – Milpitas  
Alternate: Roberto Alonzo

*Elaine Marshall, Roberto Alonzo*

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Carrie Sandahl – Mountain View  
Alternate: Bryan Barrows

*Carrie Sandahl, Bryan Barrows*

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

*Pam Boyle Rodriguez*

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Rajani Nair – San Jose  
Alternate: Mary Morse

*Rajani Nair, Mary Morse*

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Dave Staub – Santa Clara  
Alternate: Karin Hickey

*Dave Staub*

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Melody Tovar – Sunnyvale  
Alternate: Madeline Willett

*Melody Tovar*

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Vanessa Marcadejas – Santa Clara County  
Alternate: Garik Iosilevsky

*Vanessa Marcadejas*

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John Bourgeois - SCVWD  
Alternate: James Downing

*John Bourgeois, James Downing*

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

*Sheila Tucker*

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**URBAN RUNOFF PROGRAM STAFF**

Adam Olivieri

*Adam Olivieri*

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Jill Bicknell

*Jill Bicknell*

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Chris Sommers

*Chris Sommers*

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Vishakha Atre

*Vishakha Atre*

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**INTERESTED PARTIES/AGENCY  
REPRESENTATIVE**

Trish Mulvey – Clean South Bay

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**ADDITIONAL ATTENDEES**

*Colleen Trostle, City of Santa Clara*

*Yvana Hrovat, Haley & Aldrich*

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

**Action Items from February 16, 2023 Meeting**

<b>Action</b>	<b>Description</b>	<b>Responsibility</b>	<b>Due Date</b>	<b>Status</b>	<b>Comments</b>
2-23-1	Develop a timeline for completion of tasks to assist Co-permittees comply with trash reduction benchmarks and plan submittals.	Program staff	March	Done	

**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>
None					



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**TO: Management Committee**

**FROM: Program Staff**

**DATE: March 10, 2023**

**SUBJECT: Management Committee (MC) Briefing on Priority Items**

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**Program Management**


- \* Water Year (WY) 2022 Urban Creeks Monitoring Report (UCMR) and Electronic Data Submittal – MRP 3.0 Provision C.8 requires the submittal of the WY 2022 UCMR and electronic monitoring data to the Water Board (WB) by March 31, 2023. The UCMR includes the following sections/parts: creek status, pesticides/toxicity, pollutants of concern (including receiving water limitations monitoring plan), LID monitoring update, and trash monitoring update. The Draft UCMR was distributed to the Monitoring AHTG and the MC on February 27<sup>th</sup> and comments were due on March 10<sup>th</sup>. Program staff are finalizing the UCMR and will send the MC a link to the final version prior to the March MC meeting, when the MC will consider approval of the report.
- \* Trash Full Capture System Impracticability Report - MRP 3.0 Provision C.10 provides Permittees the opportunity to submit a Trash Full Capture System Impracticability Report to the WB by April 1, 2023. This report was developed via a regional BAMS Collaborative project. The draft report was distributed to the Trash AHTG and the MC on February 13<sup>th</sup> and comments were due on February 27<sup>th</sup>. Program staff will send the MC a link to the final version of the report prior to the March MC meeting, when the MC will consider approval of the report.
- \* Old Industrial Area Control Measures Plan - MRP 3.0 Provision C.11/12.c requires Permittees to submit an Old Industrial Area Control Measures Plan to the WB by March 31, 2023. The initial draft Plan was distributed to the POC AHTG and the MC in January and a revised draft was provide for comment on February 20<sup>th</sup>, with comments due on March 3<sup>rd</sup>. Program staff are finalizing the Plan and will send the MC a link to the final version prior to the March MC meeting, when the MC will consider approval of the Plan.
- Draft Mid-Year FY 2022-23 Program Manager Self-Audit Report - Development of the draft Self-Audit Report for the first half of FY 2022-23 is in progress. This report describes Program staff's accomplishments in comparison to the Program Management contract and approved FY

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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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2022-23 Work Plan. The Self-Audit Report will be sent to the MC for review in early April and will be considered for acceptance at the April 20<sup>th</sup> MC meeting.

- Draft FY 2023-24 Program Work Plan – Development of the FY 2023-24 Work Plan, consistent with the approved FY 2023-24 Program Budget, is underway. The Draft Work Plan will be sent to the MC for review in early April and will be considered for approval at the April 20<sup>th</sup> MC meeting
- MOA Amendment #4 -- The final draft version of the 4th Amendment to the SCVURPPP MOA was approved by the MC at its January 19<sup>th</sup> meeting. The Amendment and an example staff report are also available [here](#). Co-permittees now must adopt/approve and sign the Amendment within 90 days of this MC action and provide Program staff with the signed Amendment. Co-permittees need to have the amendment approved and signed by the end of March if at all possible, but no later than April 19, 2023. Co-permittees are requested to provide information on the status of their MOA adoption/signature process by completing this table:  [MOA Adoption Status.xlsx](#).
- MRP 3.0 Work Groups – Program staff are working with Water Board staff and the BAMS Collaborative Steering Committee to manage high priority work groups that are required by MRP 3.0, are associated with regional projects, or were requested by Water Board members at the adoption hearing. Meetings of the Alternative Treatment Systems and Category C/Affordable Housing Work Groups were held in February and meeting notes and other information will be posted on the shared drive (see below) in the C3PO AHTG folder when available. The BAMSC C.17 Unsheltered Populations BMP Report Work Group had an information sharing meeting on January 17<sup>th</sup> and another meeting is scheduled for March 13<sup>th</sup>. The first Firefighting Discharges Work Group meeting is scheduled for March 14<sup>th</sup>. The Bay Area Hydrology Model (BAHM) Work Group approved a scope of work and budget for BAHM updates and a project profile for sharing costs was approved by the BAMSC Steering Committee (the SCVURPPP contribution is consistent with the amount approved in the FY 22-23 Program budget).
- Information Management Needs Evaluation – In late FY 2021-22, Co-permittee and Program staff met to begin discussing the scope of a task included in the Program’s FY 2022-23 Work Plan – Information Management Needs Evaluation. Program staff agreed to schedule a follow-up meeting to further discuss the scope and timing of the evaluation. Program staff are currently scheduling a second meeting to be held in April/May 2023. Program staff have identified a few consulting firms that may be helpful in conducting the needs assessment for the Program.
- Internal SCVURPPP Share Drive/Folder – Program staff have created an internal Share Drive/Folder for the MC, Budget AHTG, and all SCVURPPP AHTGs. The drive/folder is accessible by all MC and AHTG members and contains materials/documents associated with each group. The AHTG Status Table is also posted on the drive/folder, which can be accessed by clicking [here](#).

### **New Development and Redevelopment**

- GSI Vegetation Guide – The GSI Vegetation Guide (Guide) focuses on GSI vegetation identification, characteristics, care, inspection and maintenance. Program staff are working on converting the final Word version to InDesign. Once the InDesign version is completed, it will be sent out to the work group for final review.
- Stormwater Treatment Measure (STM) Data Portal – Program staff is continuing to work individually with Co-permittees to resolve remaining data inconsistencies, add voluntary GSI projects and update new projects. Program staff strongly recommend Permittees submit the Stormwater Management Plan, typically a one-page construction plan sheet that shows the project boundary, DMAs, STM locations and DMA summary table, with each project. This plan sheet can be attached to the project record and provides details needed for Program staff to

efficiently update records. Program staff will review the newly installed projects submitted in the Annual Reports and will email the appropriate Permittees for FY 21-22 project data.

- C.3 Stormwater Handbook Update – Program staff are continuing work on updates to this Handbook to include anticipated MRP 3.0 requirements and other needed changes. A work group of the C3PO AHTG has been formed to review the changes. The draft Handbook will be sent to them for review in March.
- C.3 Outreach Materials – Program staff has developed fact sheets to inform developers and project applicants about the new C.3 requirements. Both are posted on the SCVURPPP website. Program staff is addressing comments received on the fact sheet on new requirements for single-family home projects.
- GSI Workshop – Program staff held a virtual GSI workshop for Co-permittee staff on February 28, 2023. The workshop included presentations on C.3/GSI requirements in MRP 3.0 and evaluation of GSI opportunities in streets and parking lot projects. The workshop also included two breakout sessions to further discuss these topics in smaller groups. A total of 159 Co-permittee staff attended the workshop. A summary of evaluations is included in the MC Information Packet. The evaluations indicate that attendees found the workshop useful. Workshop presentations are posted on the SCVURPPP website.

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

- IND/IDDE AHTG – The AHTG met on January 24<sup>th</sup>. There were 23 municipal staff in attendance. The letter to mobile businesses that received multiple enforcement actions in different jurisdictions was finalized. The final letter to mobile businesses that received an enforcement action in more than one jurisdiction was mailed with the BMP fact sheet in three languages in February. The MC Training Work Group directed Program staff to not hold an IND/IDDE inspector training workshop this fiscal year. Program staff updated the May 2020 memo with recommendations on internal training options and emailed the March 2023 memo to the AHTG. Program staff emailed the draft graffiti removal BMP fact sheet to the AHTG for review and comment by mid-February. Program staff will update the fact sheet and provide to the AHTG and the Scripts Work Group for final review.
- C.15.b.iii Emergency Firefighting Discharges - Program staff emailed the AHTG asking for stormwater program staff or Fire Department personnel interested in participating in the Regional Firefighting Discharges Work Group to address Provision C.15.b.iii requirements. The Regional Work Group meeting will be held March 14<sup>th</sup>.

### **Municipal Maintenance**

- Municipal Maintenance AHTG – The last AHTG meeting was held on November 9<sup>th</sup> to discuss the adopted MRP 3.0 requirements. The AHTG discussed sharing agency specific SOPs/BMPs documents for Provisions C.2.a, b, and c and corporation yard Stormwater Pollution Prevention Plans (SWPPPs). Program staff emailed the AHTG asking if anyone was interested in sharing SOPs/BMPs or SWPPPs. Program staff will post the documents received on the SCVURPPP members only website.

### **Construction Controls**

- Construction AHTG – The AHTG met on March 1<sup>st</sup>. Approximately 35 municipal staff were in attendance. The SCVURPPP BMP Plan sheet was emailed to the AHTG for review and comments. Comments were due mid-February. The updated BMP Plan sheet will be provided to the AHTG for a final review. A survey was emailed to the AHTG before the meeting to determine if Permittees are using the SCVURPPP construction activity BMP brochures and if there is a need to update any of them. Fourteen people responded from 10 agencies. Five respondents use the SCVURPPP outreach brochures but an additional 6 other respondents were interested in updating the brochures. The majority would like the tri-fold brochures updated to a single page fact sheet. The draft work products developed by the Regional

BAMSC Work Group for MRP 3.0 Enhancements to Program for Managing PCBs during Demolition were provided to the AHTG for review and comment. Comments received by February 22<sup>nd</sup> were provided to the BAMSC Work Group leads.

The MC Training Work Group directed Program staff to not hold a Construction stormwater site inspector training workshop this fiscal year. When the BAMSC Enhancements to Program for Managing PCBs during Demolition guidance materials are finalized, Program staff will hold a meeting open to all inspectors and present the new MRP 3.0 requirements. Program staff will also develop a memo providing suggestions for training materials that can be used for internal training.

## **Water Utility**

- Water Utility AHTG – There are no meetings scheduled. Program staff sent a reminder email to the AHTG that the State Drinking Water Systems Discharges General Permit annual report for the 2022 calendar year is due on March 1<sup>st</sup> and provided information on the new Regional Water Board contact person for reporting discharges.

## **Watershed Education and Outreach**

- Watershed Watch Campaign Strategic Planning Meeting – An in-person facilitated planning meeting, led by Gigantic Idea Studio, was held on February 16, 2023. It was attended by WEO AHTG and MC representatives. Attendees provided input on the overall strategic direction for the Watershed Watch Campaign. Gigantic Idea will use the input received to develop the FY 23-24 Work Plan and the Multi-year Outreach Plan.
- Earth Day Poster Contest - Program staff is working with Gigantic Idea Studio and the Earth Day Contest Work Group to plan and implement the 2023 Watershed Watch Earth Day Poster Challenge. The contest will be launched on March 15, 2023.
- Activity Booklet – Program staff sent revised booklets to the Work Group for a second round of review in February.

## **Pesticide Controls**

- Santa Clara Valley Green Gardener Training - The Winter 2023 Green Gardener training began on February 2, 2023. The training is being held online. A total of 16 individuals have registered for the training.
- Our Water Our World (OWOW) Program – Program staff completed the OWOW program rollout at three new Outdoor Supply Hardware stores in February. All stores have been set up with literature racks and shelf tags. The second round of OWOW store visits is currently ongoing.

## **Watershed Management Initiative**

- Land Use Subgroup (LUS) -- The LUS last met on December 21<sup>st</sup>. The LUS reviewed the results of a survey that was sent to LUS members to gauge which topics are of most interest for 2023. Based on the survey results, an event planning work group met on January 17<sup>th</sup> to discuss potential speakers/panelists (including Co-permittee staff) to invite to a meeting in June that will focus on the topic of development projects and creek setbacks. One of the topics of interest is the development occurring in the Coyote Valley. The LUS is also continuing its efforts to share regional land-use and water-quality related information and update the WMI website. The next meeting of the Subgroup will be held on March 15, 2023.
- Zero Litter Initiative (ZLI) – The ZLI Steering Committee meets approximately monthly via Zoom. The Chair of the Steering Committee is Ann Calnan from VTA. At the March 10<sup>th</sup> meeting, the Committee received a presentation from Justin Imamura of Trash Punx, and received updates on Keep Coyote Creek Beautiful and Keep Santa Clara Valley Beautiful clean up events.

## Trash Controls

- On-land Visual Trash Assessments (OVTAs) – Planned FY 22-23 OVTAs are roughly 50% complete. The significant rainfall in the Bay Area in January and February has delayed OVTAs, which cannot be conducted during or directly after significant rainfall events. OVTAs will continue through June 2023. Updates on OVTA completions will be given monthly through the end of the FY to support Permittee reporting requirements in June 2023.
- Long-term Trash Reduction Guidance – Meetings with Co-permittee staff continued in December 2022 and January 2023 to discuss planning towards the 90% and 100% MRP trash reduction benchmarks. Subtasks being completed by Program staff as part of the Long-term Trash Reduction Guidance task include the following: revisions to baseline trash generation maps, trash reduction calculator development, development of a model private land drainage area (PLDA) trash control program, assistance in siting small (catch basin insert) types of full capture systems, and guidance on updating Co-permittee Long-term Trash Control Plans, which some Co-permittees will be required to submit to the Water Board with their annual reports in September 2023. The status of each of these subtasks will be discussed at the February AHTG meeting. **Please note:** should a Co-permittee not be able to demonstrate achievement of the 90% trash load reduction benchmark by June 30, 2023, the MRP requires that the Co-permittee submit a letter to the Water Board acknowledging that they have not achieved this milestone by that date. Additional discussion on this requirement and assistance that will be provided by Program staff to assist with this determination and reporting was discussed at the February AHTG meeting.
- Trash Impracticability Report - MRP 3.0 provides the opportunity for Permittees to collectively submit a programmatic report that describes conditions under which it is infeasible to control trash via full trash capture devices. The report is being developed via a project of regional benefit and a regional Work Group was developed to oversee its completion. The draft report was distributed for review on February 13<sup>th</sup>. The final report is now complete and Program staff will send the MC a link to the final version of the report prior to the March MC meeting, when the MC will consider approval of the report.
- Trash AHTG Meetings – The Trash AHTG typically meets on the 3<sup>rd</sup> Tuesday of the month. The last meeting was on February 21<sup>st</sup>. The next meeting is scheduled for March 21<sup>st</sup>.

## Unsheltered Populations Management

- Unsheltered Homeless Populations BMP Report – MRP 3.0 requires Permittees to collectively develop a best management practice report that identifies effective practices to address non-stormwater discharges associated with homeless populations. The BAMSC Unsheltered Homeless Populations Regional Work Group has developed a draft outline for this Report. The Regional C.17 Work Group developed draft guidance for Countywide Programs to collect information on BMPs for Controlling Discharges from Unsheltered Homeless Populations. Based on this draft guidance, Program staff put together an Excel Spreadsheet to collect BMP information from Co-permittees. After one round of review, the Excel Spreadsheet was sent to the Trash AHTG for collecting BMP information. Program staff have started writing the Countywide BMP Report.
- Map of Unsheltered Homeless Population Locations – MRP 3.0 requires Permittees to develop maps identifying the approximate locations of unsheltered homeless populations. Staff from the County's Office of Supportive Housing attended the November Trash AHTG meeting and presented information on the County's 2022 Point-in-Time (PIT) Count. Program staff are working with County staff to collect data for developing the maps.

## Monitoring / Pollutants of Concern

### • Monitoring

- Creek Status Monitoring – Creek Status Monitoring for Water Year (WY) 2022 is complete. WY 2022 is the final year of creek status monitoring, as monitoring under MRP 3.0 is changing focus to Low Impact Development (LID), Receiving Water Limitations (RWL), and trash monitoring. The WY 2022 Urban Creek Monitoring Report (UCMR) is due to the Water Board by March 31, 2023. A draft UCMR was released to Co-permittees for comment on February 27, 2023. Comments were due by Friday, March 10<sup>th</sup>. The UCMR will be updated and finalized based on comments received, and then approval by the MC will be requested at the March 16<sup>th</sup> MC meeting.
- Trash Monitoring Planning – MRP 3.0 requires two types of trash monitoring – outfall/MS4 discharge monitoring and receiving water monitoring. Outfall/discharge monitoring is scheduled to begin in WY 2024 (fall 2023) and receiving water monitoring in WY 2025 (fall 2024). Program staff have completed an analysis to help identify locations for outfall/discharge monitoring in preparation for monitoring plan development and shared these results with the Monitoring and Trash AHTGs. Additionally, advisors to sit on the regional Technical Advisory Group (TAG), as required by the MRP, have been selected. Program staff have participated in bi-monthly regional planning/coordination meetings since last Spring to discuss technical issues related to trash monitoring. The next regional planning meeting is currently scheduled for February 1<sup>st</sup>. The first TAG meeting is scheduled for early/mid-March 2023. Additional information on the status of these efforts will be provided at the next Trash AHTG meeting on January 17<sup>th</sup>. The draft trash monitoring plan will be distributed to the Monitoring and Trash AHTGs by May 1<sup>st</sup> for review.
- Low Impact Development (LID) Monitoring – Similar to trash outfall/discharge monitoring, LID monitoring is scheduled to begin in WY 2024 (fall 2023). Program staff have identified two potential locations for LID monitoring in the City of San Jose and have developed a draft monitoring plan for those sites. Additionally, Program staff continued to work with the other Bay Area Stormwater Programs to develop a regional LID Monitoring QAPP. Program staff participated in a regional planning/coordination meeting on February 1, 2023 to discuss technical issues related to LID monitoring plans and regional QAPP development. A follow-up meeting is currently scheduled for April 5<sup>th</sup> to continue the discussions on regional coordination for LID Monitoring. Program staff led development of the LID Monitoring TAG, required by the MRP. The first LID Monitoring TAG meeting was held on December 8, 2022. The second LID Monitoring TAG will be on March 21, 2023. Program staff submitted the Draft SCVURPPP LID Monitoring Plan to the TAG for review on March 1, 2023. Co-permittee review of the Draft Monitoring Plan will occur concurrently with TAG review, with all comments due by March 24<sup>th</sup>. The LID Monitoring Plan is due to the Regional Water Board on May 1, 2023. Additional information on the status of these efforts will be provided at the next meeting of the Monitoring AHTG on March 7<sup>th</sup>.
- POCs Monitoring – Planning for WY 2023 POCs monitoring began in October 2022. Sites were selected based on data needs associated with characterizing old industrial areas. Already during this Water Year (WY2023), stormwater samples have been successfully collected at five sites in the Santa Clara Valley. Program staff will coordinate with Co-permittees as needed on additional site locations and monitoring.
- Pesticide/Toxicity Monitoring – MRP 3.0 requires that the Program conduct wet weather and dry weather monitoring for pesticides and toxicity. SCVURPPP is working with BAMSC regional partners to successfully accomplish all wet weather pesticides and toxicity monitoring requirements. MRP 3.0 requires that a regional total of 10 wet weather samples be collected during the permit term. SCVURPPP is responsible for 3 of the 10 samples, which were successfully collected from Stevens Creek, San Tomas Aquino, and Guadalupe River during a storm in early November. Wet weather pesticide and toxicity monitoring is

now complete for the permit term, barring any resampling needed based on the results. Dry weather sampling will begin in summer 2023.

▪ **Pollutants of Concern Controls**

- PCB/Hg Source Property/Area Identification Studies – Program staff continue to implement Source Property investigation activities and are currently updating the Source Investigation Work Plan to be fully consistent with MRP 3.0 provision C.11/12.b requirements, which are more focused on old industrial areas. The status of these activities will be discussed at the POC AHTG meeting that will be scheduled in April. Program staff have held meetings and are currently planning follow-up meetings with specific Co-permittees to discuss ongoing source property investigations and potential referrals to the Water Board.
- Control Measures Plan for Old Industrial Land Use Areas and Areas with Moderate Levels of PCB/mercury – Program staff are developing a Control Measures Plan, consistent with requirements in MRP 3.0 provision C.11/12.c. Program staff are outlining measures that that Co-permittees and the Program will take during the term of MRP 3.0 to address the PCBs and mercury load reduction requirements in this provision and meeting with Co-permittees to discuss possible controls to include in the Plan. The initial Draft Plan was submitted to Co-permittees for review on January 19<sup>th</sup>. The POC AHTG met on January 31, 2023 to discuss the Draft Plan. A follow-up meeting was held on February 14<sup>th</sup> to discuss revisions to the Draft Plan. A Revised Draft Plan was submitted to Co-permittees for review on February 20<sup>th</sup> with comments due March 3<sup>rd</sup>. The POC AHTG met again on March 2 to discuss comments on the Revised Draft Plan. The Revised Draft Plan will be updated and finalized based on comments received, and then and then approval by the MC will be requested at the March 16<sup>th</sup> MC meeting.
- Tracking POC Control Measure Implementation – The Program’s Stormwater Treatment Measures Data Portal is available to the public at <https://scvurppp.org/gsi/>. The current structure of the database is in Phase I. Phase 2 is planned to be completed in FY 2022-23. Additional functionality will be added to the database as well during future phases to align with MRP 3.0 Asset Management requirements.
- Management of PCBs during Building Demolition – With assistance from Program staff, Co-permittees are using the information, tools and guidance provided via the BASMAA regional project to implement a PCBs in Building Demolition Management Program. Co-permittees should continue to implement the established PCBs in demolition program in FY 2022-23, consistent with guidance provided by Program staff.
- 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 met in December and the Steering Committee met in January. The Steering Committee will next meet in April and the TRC will meet again in March. In addition, Program staff serve as stormwater representatives on various RMP workgroups, including the Sources Pathways and Loadings Workgroup (SPLWG) and the Contaminants of Emerging Concern Workgroup (CECWG). A joint annual meeting of the SPLWG and CECWG will be held on April 20 and May 23.

▪ **Monitoring & Pollutants of Concern AHTG Meetings**

- The POC AHTG last met on March 2<sup>nd</sup> to discuss ongoing POC-related control program planning and implementation during MRP 3.0. Specifically, the March meeting focused on reviewing the Revised Draft Control Measures Plan for Old Industrial areas that is due to the Regional Water Board on March 31, 2023.
- The Monitoring AHTG met on March 7<sup>th</sup> to discuss the WY 2022 UCMR, LID monitoring plan, and Trash monitoring plan. The next Monitoring AHTG meeting is TBD.



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**Highlights of Bay Area Municipal Stormwater (BAMS) Collaborative  
Steering Committee, Subcommittee and Work Group Meetings  
February-March 2023**

**Steering Committee – February 23, 2023**

*Co-Chairs* – Emily Corwin (SSA) and Karin Graves (CCCWP)

*SCVURPPP representatives* – Jill Bicknell and Chris Sommers (Program staff)

**Internal Meeting**

- Debriefed on the January 30, 2023 meeting with Water Board (WB) management.
- Shared internal Regional Work Group updates.
- Approved Project of Regional Benefit Profiles for 1) Bay Area Hydrology Model (BAHM) Regional Updates; and 2) Regional Trash Monitoring QAPP Development. (Budgets for SCVURPPP contributions are included within the FY 22-23 Program Budget.)
- FY 22-23 Annual Report Forms have been approved by all MRP countywide programs and will be submitted by BAMSC via email to the Water Board by March 1.

**External Meeting**

- **Caltrans Collaboration** – Brian Rowley (Caltrans) reported that they are still interested in partnering with permittees on stormwater and trash capture projects. The Clean CA Cycle 2 funding call for projects is out, with proposals due April 28<sup>th</sup>. Caltrans is a sponsor of California Community Days of Action and he will send information to BAMSC about coordination.
- **Water Board Collaboration (Keith Lichten)**
  - **C.10 Documents Due June 30, 2023** – Keith confirmed that if a Permittee is unable to demonstrate the achievement of the 90% reduction benchmark by June 30, 2023 (including credits and offsets) then Permittees must submit both a letter indicating that the Permittee has not achieved the 90% reduction and a revised trash reduction plan for 90% (and 100%) reduction by June 30<sup>th</sup>.
  - **Submittal of Regional Reports** – Keith confirmed that regional and countywide reports due March 31<sup>st</sup> could be submitted via the Water Board's FTP site. WB staff will provide the information on how to access the site.
  - **Schedule for Permit Amendment** – Keith said they are still finalizing the schedule and will provide an update at the March BAMSC Steering Committee meeting. He will try to build in a period for Permittee review.
  - **January 30<sup>th</sup> Meeting Follow-up** – The group discussed the outcomes and action items from the January 30<sup>th</sup> meeting between management level WB staff and countywide programs. All felt it was productive and that another meeting should be held in April. Chris Sommers will send out a draft meeting summary.
  - **LID Inspection** – Keith confirmed that inspections are now focused on Special Projects and implementation of LID vs non-LID. Because the permit is not very specific on LID

feasibility, they are looking at the approaches being taken by Permittees to review/approve Special Projects.

### Regional Work Groups

- **Trash Impracticability** – The Work Group’s task is to develop a regional Trash Impracticability report. The draft report was completed and sent out for review in February. The final draft version was sent to MRP countywide programs on March 8<sup>th</sup> for approval. The final report will be submitted by the BAMS Collaborative to the Water Board (on behalf of all Permittees) by March 31<sup>st</sup>.
- **Unsheltered Populations** – The Work Group finalized guidance to permittees on how to collect the BMP data for the countywide reports. Data collection will begin in February. An information sharing meeting was held on January 24, 2022. Different agencies/organizations gave presentations on their efforts related to addressing non-stormwater discharges associated with unsheltered homeless populations. EPA Region 9 and Regional Water Board staff attended this meeting. The next Work Group meeting will be held on March 13<sup>th</sup>.
- **Firefighting Discharges** – The report from this Work Group is not due until September 2025 but the MRP requires the Work Group to meet twice per year. The first meeting for FY22/23 will be held on March 14<sup>th</sup>. A project profile is not needed at this time. [An email was sent to the SCVURPPP IND/IDDE AHTG asking for interested participants, from stormwater programs and fire departments, for the Regional Work Group.]
- **Annual Report Template** – The final FY 22-23 Annual Report forms were approved by all MRP countywide programs and were submitted by BAMSC via email to the Water Board by March 1<sup>st</sup>.
- **Cost Reporting Framework and Methodology** – The Regional Work Group met on February 27<sup>th</sup> and discussed comments received on the draft Framework and Guidance Manual. The revised draft Framework and Guidance Manual will be sent to permittees for review in mid/late March. An information meeting with Water Board and EPA staff will be held in mid-April.
- **Bay Area Hydrology Model (BAHM)** – The final scope and budget for regional BAHM updates and a project profile for cost-sharing on FY 22-23 tasks was approved by the Work Group at its February 21<sup>st</sup> meeting and subsequently approved by the BAMSC Steering Committee February 23<sup>rd</sup>. The work to update the model and User Manual will begin in March and be completed by June 30<sup>th</sup>.
- **PCBs in Building Demolition** – On February 5<sup>th</sup>, the project team distributed draft work products to the regional workgroup, including construction program enhancement options and an updated model demolition permit applicant package that reflects new notification and reporting requirements. The second and final workgroup meeting was held March 2<sup>nd</sup> to discuss the feedback received on the draft work products and the project team is currently revising them accordingly. The revised draft work products will then be distributed to all Permittees for additional review and comment. The goal is to seek approval of the final work products at the April BAMSC Steering Committee meeting.
- **Receiving Water Limitations (RWL) Monitoring** – The Work Group is tasked with developing a regional Receiving Waters Monitoring Report (Plan), as required by the MRP. The Work Group has looked at historical data on creeks/channels and what analytes might be exceeding RWLs. A draft of the RWL report, incorporating Water Board staff comments, was distributed for review on February 24<sup>th</sup> and the final version must be submitted to the Water Board by March 31<sup>st</sup>.

Next Meeting – March 23, 2023 (9:30am-12pm for internal meeting and 1pm-3pm for main meeting.)

## **PIP Subcommittee**

*Chair* – TBD

*SCVURPPP representative* – Vishakha Atre (Program staff)

Next Meeting – TBD

## **Development Subcommittee (No February meeting)**

*Co-Chairs* – John Steere (Contra Costa County) and Daniel Matlock (City of Fremont)

*SCVURPPP representatives* – James Downing (Valley Water), Tiffany Ngo (City of San José), Peter Schultze-Allen and Jill Bicknell (Program staff)

### **Updates on C.3 Regional Work Groups**

- Alternative Treatment Systems – Met on February 22<sup>nd</sup>. Proposals for providing LID equivalency in terms of pollutant removal, hydrologic benefits, and urban greening were presented by WB staff, permittees, and vendors. WB staff is evaluating proposals.
- Road Reconstruction in DACs – Met on February 6<sup>th</sup>. Discussed what metrics might be useful in defining DACs and the constraints presented in those neighborhoods, and potential alternatives. WB staff asked for specific proposals by the next meeting (March 13<sup>th</sup>).
- Special Projects Category C/Affordable Housing – Met on February 7<sup>th</sup>. The group provided feedback on the proposal from WB staff for a new LID treatment reduction credit scheme that was more flexible and generous than the current permit language. Additional meetings of this Work Group are not planned.

Next Meeting – March 14, 2022 (meets quarterly)

## **Trash Subcommittee – (No February Meeting)**

*Chair* – Liza DeFrain (MCSTOPPP); *Vice Chair* – Chris Sommers (SCVURPPP)

*SCVURPPP representatives* – Liz Neves (San Jose), Sheila Tucker (West Valley), and Chris Sommers (SCVURPPP).

Next Meeting – March 28, 2023

## **Monitoring/POCs Subcommittee – March 1, 2023**

*Chair* – Lisa Austin (ACCWP); *Vice Chair* – Lisa Sabin (SCVURPPP)

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

### **Internal Meeting:**

- The Subcommittee received updates and discussed issues related to MRP 3.0 requirements for trash, LID and receiving water monitoring and regional coordination needed for these efforts.
- The Subcommittee discussed next steps for regional coordination needed for MRP 3.0 requirements for mercury and PCBs, including old industrial area control measure planning, PCBs in electrical utilities, PCBs in infrastructure caulk, and management of PCBs during building demolition.

### **Main (External) Meeting**

- The Subcommittee received updates from Regional Water Board staff on relevant MRP 3.0 monitoring related topics and provided updates on the status of ongoing monitoring plan development.

- Water Board staff provided a presentation on the proposed additions to the 303(d) list of impaired water bodies. A number of creeks in Santa Clara Valley are being proposed for listing. Comments on the proposed additions to the list are due by April 3<sup>rd</sup>.
- Program staff requested additional information and updates on source properties referred to the Regional Water Board. Regional Water Board staff agreed to follow up with updates in the near future.

Next Meeting – May 3, 2023 (meets bimonthly)



## Trash Ad Hoc Task Group Meeting Summary January 17, 2023

### Key Issues Discussed:

#### I. Brief Updates

- Direct Discharge Control Plan (DDCP) Submittal – The City of San José submitted an updated DDCP to the Water Board on January 3, 2023. The updated DDCP included more narrative and background on the City's housing programs.
- Receiving Water Trash Monitoring – Program and Co-Permittee staff met with Oldcastle Infrastructure to identify locations for receiving water trash monitoring. Program staff are focusing on six to eight locations with additional locations to be considered. A list of selected locations will be posted on the Shared drive.
- USEPA SF Bay Water Quality Improvement Fund Grant Application - In September 2022, C/CAG of San Mateo submitted a grant application to USEPA on behalf of all MRP Permittees for trash management and monitoring related projects. In December 2022, C/CAG staff received notification from USEPA that the project was not awarded funding under the FY22-23 funding cycle, but the project scored well and would receive funding under the FY 23-24 funding cycle. Based on the follow up conversation with USEPA staff, the grant agreement will be signed in spring 2023 and funding will be available in early FY 23-24.

#### II. MRP Provision C.17 – Discharges Associated with Unsheltered Homeless Populations

- SCVURPPP/Regional Best Management Practice Report (Provision C.17.a.i.(2)) – MRP 3.0 requires Permittees to collectively develop a best management practice report that identifies effective practices to address non-storm water discharges associated with homelessness into MS4s. Bay Area Municipal Stormwater Collaborative (BAMSC) is currently reviewing the regional draft BMP report. Program staff will be developing a Countywide BMP report. Program staff distributed an Excel Spreadsheet entitled *Guidance for Countywide Programs Collecting Information on Unsheltered Homeless Populations BMPs for Compilation in a Regional BMP Report* on December 19, 2022. The Spreadsheet identifies initial information that will be included in the Countywide BMP report.
- Mapping of Unsheltered Homeless Populations (Provision C.17.a.ii.(1)) – MRP 3.0 requires Permittees to develop a map with approximate locations of unsheltered homeless populations. The Program's initial map will be based on the 2022 Point-in-Time count and will be submitted with the Program's FY 22-23 Annual Report.

#### III. MRP Provision C.10 – Trash Load Reduction

- FY 2022-23 Draft Annual Report Forms – FY 22-23 Draft Section C.10 Annual Report Forms were updated to reflect new MRP 3.0 requirements. Draft forms were provided to the Trash AHTG for review. Comments are due by Friday, January 27, 2023.
- Impracticability Report (C.10.e) – Project of Regional Benefit – Provision C.10.e allows Permittees to collectively submit a programmatic report describing the conditions under which it is impracticable to control trash via full trash capture devices. AHTG Members should contact Chris if interested in joining the Trash Impracticability Work Group. The report is due to the Water Board by March 31, 2023. The report is being developed via a project of regional benefit and a regional Work Group was developed to

oversee its completion. Conclusions included in the report can be used by Permittees when developing updated Long-term Trash Reduction Plans. A survey was distributed to Co-permittees, device vendors, and engineering consultants to inform the content of the report and a draft summary of the survey results is now finalized. A draft annotated outline of the report was also provided for comment is now finalized. The draft report will be distributed for review in mid-February.

- FY 22-23 On-land Visual Trash Assessments (OVTAs) – OVTA protocols prohibit assessments within 48 hours of significant rainfall events (i.e., > 0.25 inches). OVTAs are currently on hold due to significant rainfall events occurring over the past two weeks. OVTAs will resume in the following weeks.
- Long-term Trash Load Reduction Plan Guidance Tasks
  - Revised Trash Load Reduction Dashboard – Program staff are editing the final draft Trash Load Reduction Dashboard to include some additional enhancements. The Dashboards will be posted to the Shared drive by the end of January.
  - Model Private Land Drainage Area (PLDA) Trash Control Program – The February Trash AHTG meeting will focus on the draft Model PLDA Trash Control Program. The draft Model Program will include a memorandum, model data collection form, and data tracking Excel Spreadsheet. Draft documents will be distributed prior to the meeting. Co-permittees that intend to begin PLDA program implementation in FY 23-24 are requested to notify Program staff.
  - Evaluation of Land Areas <10,000 ft<sup>2</sup> for PLDA designation – Program staff presented the memorandum entitled *Analysis of Stormwater Drainage Status on Parcels less than 10,000 ft<sup>2</sup>* which identifies the extent and magnitude of relatively small properties (i.e., <10,000 ft<sup>2</sup> in area) that generate trash and have private stormwater drainage systems directly connected to Co-permittee Municipal Separate Storm Sewer Systems (MS4s). Based on the findings of this analysis, a large majority of parcels <10,000 ft<sup>2</sup> were found to be non-PLDAs. Parcels determined to be PLDAs represented a small portion of land area where additional trash controls are needed. The analysis recommends the de-prioritization of identifying smaller PLDAs and focusing resources on the development and implementation of a PLDA Trash Control Program for larger parcels. Comments on the draft memorandum were requested by Friday, January 27, 2023.
  - Guidance for Updating Long-term Trash Reduction Plans – Program staff are assessing low performing areas in TMAs and identifying areas within those TMAs that would benefit from small full trash capture (FTC) devices. Co-permittees that are considering the installation of small FTC devices in the public ROW should contact John Fusco regarding siting. Program staff will evaluate which Co-permittees will not achieve the 90% trash load reduction compliance benchmark by June 30, 2023. An update of Co-permittee Long-term Trash Load Reduction Plans is required by September 30, 2023 if 90% is not attained.

**IV. Next Steps** – Trash AHTG participants will provide comments on the FY 22-23 Draft Section C.10 Annual Report Forms and the *Analysis of Stormwater Drainage Status on Parcels less than 10,000 ft<sup>2</sup>* memorandum by Friday, January 27, 2023.

**V. Next Meeting** – February 21, 2023, at 1:00 pm via Zoom.

Location:	Zoom
Date:	January 17, 2023, 1:00-2:50 pm
<b>Name</b>	<b>Affiliation</b>
Alex Wykoff	City of Cupertino
Brad Hunt	City of Palo Alto
Carrie Sandahl	City of Mountain View
Cecilia Rios	City of San Jose
Chris Sommers	Program Staff – SCVURPPP
Colleen Trostle	City of Santa Clara
Dustin Clark	City of Sunnyvale
Emma Hinojosa	City of Sunnyvale
Garik Iosilevsky	County of Santa Clara
John Fusco	Program Staff – SCVURPPP
Julie Schaer	West Valley Clean Water Program Authority
Karin Hickey	City of Santa Clara
Kathy Woo	Program Staff – SCVURPPP
Liz Neves	City of San Jose
Maile Harrison	City of San Jose
Marina Chislett	Town of Los Gatos
Mary Morse	City of San Jose
Matt Lambert	City of Milpitas
Melody Tovar	City of Sunnyvale
Olivia Trevino	City of Palo Alto
Sandeep Bohnsle	Valley Transportation Authority
Shelia Tucker	West Valley Clean Water Program Authority
Thanh Nguyen	City of Los Altos
Trisha Patrice Madayag	City of San Jose
Ursula Syrova	City of Cupertino
Vishakha Atre	Program Staff – SCVURPPP
Zhenzhen Jiang	County of Santa Clara
Zuha Lambert	City of San Jose

## SCVURPPP Construction Ad Hoc Task Group (AHTG) Meeting Summary Report March 1, 2023

### Key Issues Discussed:

#### Introductions and Announcements

- New participants to the Construction AHTG introduced themselves.
- Sheila Tucker from WVCWA announced that they will submit an exemption for managing PCB-containing materials and wastes during building demolition activities to the Regional Water Board (RWB) for the City of Monte Sereno. Additionally, she opened the opportunity for other Permittees planning to start the same process to reach out to her and she will share the feedback they have gotten so far from RWB staff. WVCWA is currently preparing the exemption application.
- Maile Harrison indicated that the City of San Jose recently had a RWB inspection for Provision C.3 program, where the RWB staff expressed their interest in also verifying Provision C.6 program measures.

#### Annual Reporting

- Regional Water Board (RWB) staff comments on FY21/22 Annual Reports. RWB staff reviewed the SCVURPPP FY21/22 Annual Reports (ARs) and emailed clarifying questions to Permittees. For example, C.6 questions to Permittees included concerns about reporting a large number of construction inspections but either little or no enforcement actions or illicit discharges identified. RWB staff also asked questions about staff training when staff could not attend the SCVURPPP training. Kristin highlighted that it is important for Permittees to not only include in the staff training section of the AR the SCVURPPP training but also include any internal training or training from other organizations (e.g., tailgate safety meetings, inspectors' review of relevant documents, CASQA conference, etc.).
- FY 22/23 Annual Report forms. The fiscal year 22/23 annual report forms were finalized and submitted to the RWB for review and approval. The Provision C.6 inspection form is similar to the one used in previous years. One difference to note is that the report form for staff training includes the total number of inspectors trained, including municipal and non-municipal staff. Once the AR forms are approved by the RWB, SCVURPPP will provide guidance for completing the forms.

#### Provision C.12.g. Manage PCB-Containing Materials and Wastes During Building Demolition Activities

- The Bay Area Municipal Stormwater Collaborative (BAMSC) Managing PCBs during Building Demolition Work Group is developing materials to address the following MRP requirements:
  - Beginning October 2023, inspect demolition sites with PCBs.
  - Enhance construction site control programs to minimize migration of PCBs into the MS4 from demolition sites with PCBs.
  - After July 1, 2023, verify that materials at demolition sites with PCBs are properly managed and obtain documentation that materials were disposed of appropriately.
  - After July 1, 2023, require demolition contractors to notify Permittees, RWB, and EPA at least one week before demolition.

The draft deliverables developed under the regional project were provided to the SCVURPPP Construction AHTG for comment including draft construction program enhancement options and a draft updated model demolition permit applicant package to reflect new notification and reporting requirements under MRP 3.0. SCVURPPP Permittees had the opportunity to provide comments on the draft materials. The next BAMSC meeting will be held on March 2, 2023.

## State Construction Stormwater General (CGP) Permit adopted September 2022, effective September 1, 2023

- The effective date of the reissued CGP is September 1, 2023. However, sites enrolled under the current permit can continue following the requirements of the current permit until 2025.
- Kristin provided resources for AHTG members interested in learning more about the new permit (i.e., hyperlinks to CGP reissuance documents, State Board presentation on reissued CGP, and State Board Meeting “Proposed Statewide NPDES Construction Stormwater General permit”) in the agenda packet. Also, CASQA is developing a CGP SWPPP Template to comply with the new permit requirements. The new template will be available in July 2023.
- CASQA has a Construction Subcommittee that meets monthly, and they will have discussion groups for different topic areas of the new statewide CGP permit requirements. Kristin let meeting participants know that if they are heavily involved in compliance with this permit and want to attend those meetings, they can contact her to get information on when they are being held.
- Municipal C.6 construction site stormwater inspections performed on sites permitted under the State CGP permit are for appropriate BMPs and compliance with local ordinances – not for compliance with the CGP.

## Construction Site Inspector Workshop

- The SCVURPPP Management Committee Training Work Group directed staff to not hold a construction inspector training workshop this FY. Kristin proposed that, once the BAMSC PCBs building demolition materials are available and finalized, the Construction AHTG could have a special Zoom meeting open to all inspectors to have a presentation on the BAMSC PCBs building demo materials to serve as a focused training for construction site inspectors.
- A meeting participant indicated they have new personnel performing inspections and are interested in training construction site inspectors as soon as possible. Program staff will develop a memo for the AHTG identifying available materials for internal training options.
- MRP Provision C.6.f. requires Permittees to provide training or access to training at least every other year. As mentioned previously, this may include internal training.

## Outreach Materials

- SCVURPPP BMP Plan Sheet updates. At its last meeting, the AHTG requested the update of the BMP Plan Sheet.; The Plan Sheet was emailed to the AHTG for review and comments. The comments received will be incorporated, and the final draft will be sent to the AHTG for review.
- Review survey results and discuss if updates to other SCVURPPP outreach materials are needed. A survey was sent to determine if/which individual BMP brochures should be updated. A total of 14 responses were received from 10 agencies. The survey results are summarized below:
  - **Do you currently distribute/use any of the SCVURPPP tri-fold BMP brochures?**
    - No, but we would be interested if they are updated - 6
    - Yes - 5
    - No, we have our own outreach material - 2
    - Other: Construction Best Management Practices Handout - 1
  - **Which SCVURPPP BMP outreach materials do you distribute?**
    - None - 9
    - General Construction and Site Supervision – 5
    - Fresh Concrete and Mortar Application, Road Work and Paving, Earth-Moving and Heavy Equipment Operations, Dewatering Activities – 3 (each)
    - Home Repair and Remodeling, Landscaping and Gardening, Painting and Application of Solvents and Adhesives – 2 (each)
  - **Are you interested in having any of the construction BMP outreach tri-fold brochures updated?**  
The most frequently selected options were:
    - Home Repair and Remodeling - 9
    - General Construction and Site Supervision – 9

- Fresh Concrete and Mortar Application – 8
- **In which format would you prefer the updated construction BMP outreach materials?**
  - Single page (front and back) 8.5x11 fact sheet – 6
  - Tri-fold brochures (no change to format) – 5
- **When the materials are updated would you like them translated into another language?**
  - Spanish – 11
  - Vietnamese – 4
  - Chinese – 4
  - No other languages needed – 2
  - Other: We get a better response when the information is less written and more graphic – 1
- **When materials are updated would you like them printed?**
  - Yes, have them professionally printed – 7
  - No, we will print them in house – 3
  - No, we plan on referring contractors to the electronic materials – 3
  - Other: Professionally printed would be nice, but most often we communicate electronically – 1

Program staff will update the three BMP brochures, Home Repair and Remodeling, General Construction and Site Supervision, and Fresh Concrete and Mortar Application into a single-page format as it is more suitable for electronic distribution, posting on webpages and printing in-house.

#### **Open Forum**

- Background information was provided regarding the Clean Bay Blueprint document.

**Next Meeting** – TBD. At this time, it is not deemed necessary to hold another meeting before the BAMSC PCBs building demolition materials are finalized.

#### **Action Items**

- Program staff will send the final BAMSC Managing PCBs during Building Demolition Work Group materials.
- Program staff will send the SCVURPPP Construction Inspection Form template and Inspection Tracking Excel Template to the AHTG to determine if there is interest for these documents to be updated based on the review of the final Managing PCBs during Building Demolition Work Group materials.
- Program staff will schedule a special Construction AHTG meeting to deliver a focused presentation on the BAMSC PCBs building demo materials.
- Program staff will provide the AHTG with a memo suggesting ideas for internal training options.
- Program staff will finalize the SCVURPPP BMP Plan Sheet with comments received.
- Program staff will update individual BMP brochures (i.e., Home Repair and Remodeling, General Construction and Site Supervision, and Fresh Concrete and Mortar Application) into a single-page format.

### Meeting Attendance List

Location	Zoom Videoconference
Date	March 1, 1:00-2:30pm
<b>Name</b>	<b>Agency</b>
Dustin Burch	City of Campbell
Peri Newby	City of Campbell
Roger Storz	City of Campbell
John Burchfiel	City of Campbell
Ursula Syrova	City of Cupertino
Don Wimberly	City of Monte Sereno
Ellen Cunningham	City of Monte Sereno
Brian Jones	City of Mountain View
Chris Fujimoto	City of Palo Alto
Cecilia Rios	City of San Jose
Gary Sangha	City of San Jose
Maile Harrison	City of San Jose
Ryan Sommers	City of San Jose
Shayan Serajeddini	City of San Jose
Brandon Redic	City of Santa Clara
Damaris Han	City of Santa Clara
Kevin King	City of Santa Clara
David Dorcich	City of Saratoga
Emma Hinojosa	City of Sunnyvale
Nasser Fakih	City of Sunnyvale
Richard Gutierrez	City of Sunnyvale
Garik Iosilevsky	County of Santa Clara
Julianna Martin	County of Santa Clara
Vanessa Marcadejas	County of Santa Clara
Zhenzhen Jiang	County of Santa Clara
Kara Baker	Stanford
Roy Alba	Town of Los Gatos
Uday Mandlekar	Valley Water
Julie Schaer	WVCWA
Sheila Tucker	WVCWA
Ileana Alvarado	SCVURPPP Program
Kristin Kerr	SCVURPPP Program

## SCVURPPP Annual C.3 Workshop

### Evaluation Form Summary

**Number of Attendees: 159**

**Number of Evaluations: 55**

Zoom Webinar

Tuesday, February 28, 2023

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1. How useful was the presentation "Review of Provision C.3 Requirements in MRP 3.0" (Jill Bicknell, SCVURPPP)?

- **Very Useful - 50**                      **Somewhat Useful - 4**                      **Not useful - 0**

2. How useful was the presentation "Evaluation of GSI Opportunities in Streets and Parking Lot Projects" (Peter Schultze-Allen, SCVURPPP)?

- **Very Useful - 43**                      **Somewhat Useful - 11**                      **Not useful - 0**

3. How useful was Breakout Session #1 – GSI Opportunity Screening?

- **Very Useful - 37**                      **Somewhat Useful - 14**                      **Not useful - 3**

4. How useful was Breakout Session #2 – Policies in the Frontage and GSI Opportunities?

- **Very Useful - 33**                      **Somewhat Useful - 17**                      **Not useful - 3**

8. Did this workshop meet your expectations?      **Yes: 52**                      **No: 2**

9. What parts of the workshop were most useful to you?

- Example GSI evaluation screening and opportunities. (4)
- Hearing about challenges and others' concerns regarding frontage/ROW improvements associated with Regulated Projects. (6)
- The breakout session and free discussion. (11)
- Review of Provision C.3 Requirements in MRP 3.0. (12)
- Checklists within the slides.
- Going over stormwater treatment measures was particularly helpful.
- Alternative compliance.
- Items related to ongoing O&M responsibilities, feasibility, cost allocation, etc.
- Hearing about local laws and updates.
- The material presented was most useful.

10. What would have made this workshop more useful?

- More real-world examples. (2)
- Make it in-person workshop. (2)



- Good break-away discussions. (2)
- More time in breakout rooms.
- More diverse examples would have been helpful.
- Being creative and how to provide alternative solution.
- Snacks.
- Handout of slides so we can take notes and highlight important aspects as they relate to our jurisdiction.
- Practically dealing with and providing specific strategies for treatment within the ROW of a regulated project (e.g., curb ramps, sidewalks, etc., that drain away from the overall project boundary.
- Alternative compliance.
- While analysis was interesting, could have spent more time on implementation part - it is not just a design issue, but code, compliance, maintenance issues, collaboration with planning. Good to drop into the weeds to look at non-design issues that must be addressed with these new requirements.
- Does not really apply to my work at County Parks since we are not in an urban landscape.
- Some hands-on experience sizing and developing solutions to potential projects would be helpful. Being a workshop, I thought we'd do more design.
- Do one exercise proposing GSI features with details on an actual street and later discuss after the breakout session.
- Some recommendations for local jurisdictions on how to adopt these new rules effectively.
- Wish there was more discussion on real issues we would face and what the proper way to handle it (i.e., would the trench need to be counted in the treatment for a sewer later or would it be a "non-contiguous").
- Smaller breakout sessions with more time allocated. The group size and short time limited the discussion.
- Having more specific info about working in the frontage.
- This workshop would be more useful if maintenance methods of stormwater treatment measures were discussed.
- I could not speak or send chat messages. When I "raised my hand" digitally, no one responded. My guess is that it was a technical problem that prevented me from interacting and the session leaders from knowing I was even there.

#### **11. What topics would you recommend for a future workshop?**

- A dive into alternative compliance opportunities. (2)
- Latest updates. (3)
- My recommendation would be to go over requirements in rural communities, or if there aren't any, stating that there aren't.
- More unique scenarios.
- Other manufacture proposed mitigation measures.
- Hearing how agencies are dealing with the off-site improvement treatment requirements within easements or rights of access, that are not in-lieu treatment (Alternative Compliance) would be useful.
- Maybe something about long term maintenance of treatment - what is the life span of bioretention and permeable pavement? At what point does the whole system need to be replaced?



- Best practices by different agencies. Take advantage of all of us being in the (virtual) room together so that we can try and learn from each other.
- Alternative compliance and off-site improvements - types of systems, feasible locations for treatment, how to setup in-lieu fees for currently identified projects (i.e. a publicly owned parking lot).
- City of San José may have the most varied examples of "different" LID materials and their use in projects. Maybe photos from a bunch of those projects to spur discussion.
- I would like to cover the asset management and reporting requirements of the MRP.
- I'd enjoy a course that looks at a few standard situations and designs compliant solutions to meet the code requirements.
- More real-life examples and how to interpret them in relation to MRP 3.0.
- MRP for Central Coast Section and any upcoming permit revisions.
- O&M agreement templates for the GIS, new C3 forms, LID calcs etc.
- More about prioritizing locations for GSI, sizing, case studies from zero to construction and maintenance.
- I would recommend case studies of both poor and above average maintenance of GSI.

## **12. General Comments?**

- Really appreciate the workshop! Please continue to host more of these training sessions. (2)
- Thank you. (7)
- Thanks - I attended this workshop last year and placed in the survey that I would like more project applications and this year definitely delivered!
- Zoom is okay (and I imagine gets better attendance) but in-person trainings were generally enjoyable and provided better interaction.
- Great workshop with breakout sessions.
- I would like a workshop dedicated to the Land Development side of the discussion. The CIP groups have less of an impact from MRP 3.0, and a Land Development focused group would be smaller and more focused. Great training! Thank you for putting this together.
- Please let us know when the new C3 form is available.
- What happens if two replaced pavements are 1 foot apart, does that consider not being contiguous?
- Very engaging, good to learn about implementation, not just regulations, breakouts were good to hear from others.
- Overall great presentations. Meeting with individuals following a similar career path is not only helpful, but it offers different perspectives on the same issues.

## Work Products Report - February 2023

### Project Management Work Products

Date	Product Name	Product Type
2/10/2023	Management Committee Meeting Minutes - January 19, 2023	Meeting Summary
2/10/2023	Management Committee Briefing on Priority Items	Briefing

### Regulatory Assistance Work Products

Date	Product Name	Product Type
2/10/2023	Highlights of Bay Area Municipal Stormwater Coalition (BAMS) Committee, Subcommittee and Work Group Meetings January - February 2023	Summary
2/27/2023	FY 22-23 Annual Report Template (Draft) - Prepared for the BAMS Collaborative	Template

### Performance Standard Work Products (C.2 - C.15)

Date	Product Name	Product Type	Permit Provision
2/20/2023	Draft Model Private Land Drainage Areas (PLDAs) Trash Inspection Program (TIP)	Memorandum	C.10
2/21/2023	MRP Provision C.10.a.ii.b Trash Generation Area Management Private Land Drainage Areas (PLDAs): Draft Process for Conducting a Trash Inspection Program on PLDAs	PowerPoint Presentation	C.10



February 14, 2023

Anna Romanovsky, romanovsky.anna@epa.gov  
Office of Pesticide Programs (OPP)  
Environmental Protection Agency Docket Center (EPA/DC; 28221T)  
U.S. Environmental Protection Agency (EPA)

**Subject: Carbaryl Proposed Interim Registration Review Decision  
(Docket ID No. EPA-HQ-OPP-2010-0230)**

Dear Ms. Romanovsky:

On behalf of the California Stormwater Quality Association (CASQA),<sup>1</sup> thank you for this opportunity to comment on the Proposed Interim Registration Review Decision (“PID”)<sup>2</sup> for carbaryl. CASQA also reviewed EPA’s recently released Draft Evaluation Supporting Proposed Mitigations Predicted to Avoid Jeopardy and Adverse Modification of Designated Critical Habitat and Reduce Take for Four Federally Listed Endangered and Threatened Species (“BE Memo”).<sup>3</sup>

As noted in the Draft Ecological Risk Assessment (ERA),<sup>4</sup> carbaryl is registered for outdoor use as a carbamate insecticide and plant growth regulator with both agricultural and non-agricultural uses. While EPA’s pesticide registration review process proceeds pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), there is an important nexus with the requirements of the federal Clean Water Act (CWA), which regulates urban runoff discharges to waters of the United States (commonly known as “receiving waters”) through the National Pollutant Discharge Elimination System (NPDES) permit program.

The results of EPA’s registration review for carbaryl have important implications for our members’ CWA compliance, as local agencies are held responsible for the quality of urban runoff discharges conveyed to receiving waters through municipal storm drainage systems. When pesticide-related water pollution occurs, municipalities can be subject to CWA enforcement actions under the terms of their NPDES permits. Municipalities also face negative publicity and potential litigation under the citizen suit provisions of the CWA.<sup>5</sup>

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<sup>1</sup> CASQA is a nonprofit corporation that advances sustainable stormwater management protective of California water resources. With approximately 2,000 members, our membership is comprised of a diverse range of stormwater quality management organizations and individuals, including over 180 cities, 23 counties, special districts, federal agencies, state agencies, ports, universities and school districts, wastewater agencies, water suppliers, industries, and consulting firms throughout the state. Collectively, CASQA represents over 26 million people in California.

<sup>2</sup> Carbaryl Proposed Interim Registration Review Decision, Case Number 0080, November 2022. Memorandum dated 11-22-2022. Docket ID # EPA-HQ-OPP-2010-0230-0120

<sup>3</sup> Carbaryl: Draft Evaluation Supporting Proposed Mitigations Predicted to Avoid Jeopardy and Adverse Modification of Designated Critical Habitat and Reduce Take for Four Federally Listed Endangered and Threatened Species. Memorandum dated 11-18-2022. Docket ID # EPA-HQ-OPP-2010-0230-0119

<sup>4</sup> Carbaryl: Draft Ecological Risk Assessment for Registration Review. Memorandum dated May 27, 2021. Docket ID # EPA-HQ-OPP-2010-0230-0073

<sup>5</sup> See e.g., Natural Resources Defense Council, Inc. v. County of Los Angeles (Filed July 13, 2011), Case No. 10-56017; 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

## COMMENT #1: CASQA SUPPORTS EPA'S PROPOSED MITIGATION MEASURES FOR CARBARYL

Given the high degree of threat posed by carbaryl use in the urban environment, as thoroughly documented in the Draft ERA and PID, CASQA supports the inclusion of the following proposed mitigation measures as enumerated in the PID:

**Use Deletions:** the prohibition of residential dust formulations and residential granule formations for use on turf (because these are often applied incorrectly and end up on impervious surfaces such as sidewalks)

**Spray Drift Management** measures, including limits on wind speed and inclusion of buffer zones for aquatic habitats. As specified in Appendix B [PID p. 84] this includes "Buffer Zones to Water Bodies for residential applications", with the following statement required in the label's Directions for Use:

"Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes, reservoirs, rivers, streams, marshes, ponds, estuaries, and commercial fish ponds)."

**General Environmental Protection Measures**, including mitigation measures for outdoor urban uses in residential and commercial settings (i.e., structural, turf, ornamental, nursery) to reduce the amount of carbaryl in the urban environment that enters outdoor drainage systems and waterbodies, and mitigate potential risks to aquatic organisms. These proposed measures include improved label language for carbaryl product labels, to be included within the Directions for Use, specifically:

- Statements for Outdoor Label Consistency [PID pp. 54-55, App. B p. 85-86]: label changes to ensure consistency among various products and with current EPA policy. This includes label language to state maximum application rates and define the maximum size of a treatment that may be considered a spot treatment:

"Spot treatments must not exceed two square feet in size"

- General Outdoor Application Statements [PID p. 55, App. B p. 84]: "All outdoor spray applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:
  1. Applications to soil, lawn, turf, or vegetation;
  2. Perimeter band treatments of 6 ft wide or less from the base of a man-made structure to pervious surfaces (e.g., soil, mulch, or lawn);
  3. Applications around potential exterior pest entry points into man-made structures such as doorways and windows, when limited to a band not to exceed one inch;
  4. Applications to vertical surfaces directly above pervious surfaces, such as bare soil, lawn, turf, mulch or other vegetation, that do not drain into ditches, storm drains, gutters, or surface waters."

The proposed improved product label language also includes measures intended to reduce the amount of runoff entering waterbodies and drainage systems, specifically:

- Water Protection Statements [PID p. 55-56, App. B p. 85]:
  - "Do not spray the product into fish pools, ponds, streams, or lakes. Do not apply directly to sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur."
  - "Do not allow the product to enter any drain during or after application."
  - "Do not apply directly to impervious horizontal surfaces such as sidewalks, driveways, and patios except as a spot or crack-and-crevice treatment."
  - "Do not apply to vertical surfaces directly above pervious or impervious surfaces that drain into ditches, storm drains, gutters, or surface waters."
  - "Do not apply or irrigate to the point of run-off."

- Rain-Related Statements [PID p. 56, App. B p. 85]:
  - “Do not apply carbaryl containing products during rain.”
  - “Do not apply carbaryl containing products when a storm event likely to produce runoff from the treated area is forecasted (by NOAA/National Weather Service, or other similar forecasting service) to occur within 48 hours following application.”
  - “Do not apply carbaryl products when soils are saturated or above field capacity.”
- Statements for Crack-and-Crevice Treatments [PID p. 56, App. B p. 90]:
  - “Treat exposed surfaces to cover thoroughly but avoid excess run-off.”
  - “To treat insects harbored in voids and cracks-and-crevices, applications must be made in such a manner to limit dripping and avoid runoff onto untreated structural surfaces and plants.”

CASQA further supports the additional mitigations proposed to reduce drift and runoff from non-broadcast/non-agricultural applications pursuant to implementing the NMFS Salmonid Biological Opinion [PID pp. 64-65, App. G pp. 110-111], including specifically the following label statements designed to reduce drift and runoff from urban/residential environments. Those statements reflect the mitigations proposed for non-listed species in the Memo [App. B, pp. 80-83], and they generally reiterate the mitigations included in the proposed label language as cited above, with the addition of the incident reporting language:

- Reporting Ecological Incidents: To report ecological incidents, including mortality, injury, or harm to plants and animals, call [insert registrant phone number].

CASQA also supports the inclusion of updated Environmental Hazard Statements on carbaryl product labels [PID App. B, pp. 79-80]. Although residential, non-professional use of carbaryl has been banned in California since 2020, CASQA remains concerned about residential products due the prevalence of online purchases of pesticides, which can also include out-of-state purchase of residential products that include carbaryl. To this end, CASQA supports the proposed inclusion of the carbaryl product labels, specifically:

#### Outdoor, Terrestrial Uses

“For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate”.

#### Outdoor, Residential Consumer Products

For liquid concentrate formulations:

“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 48 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.”

For broadcast granular formulations:

“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 48 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.”

For liquid ready-to-use formulations:

“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 48 hours will help ensure that wind or rain does not blow or wash pesticide off the treatment area.” For products

with outdoor, terrestrial uses that require fish or aquatic invertebrate statements include: "Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas."

- **CASQA Recommendation:** CASQA supports EPA's proposed label language mitigations for carbaryl.

## COMMENT #2: CASQA SUGGESTS LABEL MITIGATION MEASURES FOR CONSISTENCY

- CASQA recommends a small edit to label language to add greater clarity.
  - General Outdoor Application Statements [PID p. 55, App. B p. 84]:
    2. Perimeter band treatments of 6 ft wide or less from the base of a man-made structure to pervious surfaces (e.g., soil, mulch, or lawn)
  - CASQA's suggested language: ***Perimeter band treatments to pervious surfaces (e.g., soil, mulch, or lawn) of 6 ft wide or less, measured from the base of a man-made structure***
- CASQA recommends correcting application rates in the PID mitigations to be consistent with the mitigations stated in the November 2022 BE Memo.
  - The PID notes [p.41] that: "Reducing the maximum annual application rate for turf to 16 lbs ai / acre (currently labeled maximum annual application rate for residential turf and golf courses is 36 lbs ai / acre and 32 lbs ai / acre for sod)"
  - However, the BE Memo documents the pesticide registrants' recommendations [Appendix C. Summary of Mitigations from Carbaryl Registrants for Listed Species, p. 85]:
    - i. Ornamental Trees and Plants
      1. Maximum Annual Amount: 4 lbs. ai / acre (currently 6 lbs. ai / acre)
      2. Maximum Annual Number of Applications: 4 (currently 6 lbs. ai / acre)
    - ii. Turfgrass (Golf Turf, Sports Fields, Sod Farms, Domestic and Commercial Lawns, Cemeteries, Parks, Campsites, Recreational Areas)
      1. Maximum Annual Amount: 10 lbs. ai / acre (currently 16 lbs. ai / acre)
      2. Maximum Application Rate: 5 lbs. ai / acre (currently 8 lbs. ai / acre)

CASQA suggests correcting the maximum application rate values in the PID to match the values proposed in the BE Memo.
- **CASQA Recommendation:** CASQA suggests modifying the above label mitigations as noted above.

## CONCLUSIONS

In summary, as documented in EPA's risk assessments and PID, outdoor, non-agricultural uses of carbaryl may result in toxic concentrations of carbaryl in urban surface waters. Pesticide pollution of urban surface waters – causing toxicity to freshwater life – creates a multi-million-dollar regulatory burden for our municipal agency members. CASQA supports the inclusion of the proposed mitigation measures as enumerated in the PID.

Thank you for your consideration of our comments. If you have any questions, please contact Victoria Kalkirtz, CASQA's pesticides project lead, at (858) 541-4326 or [vkalkirtz@sandiego.gov](mailto:vkalkirtz@sandiego.gov); or contact me at (424) 241-2249 or [karen.cowan@casqa.org](mailto:karen.cowan@casqa.org).

Sincerely,



Karen Cowan, Executive Director  
California Stormwater Quality Association

cc:

Edward Messina, Director, EPA Office of Pesticide Programs  
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Jean Holmes, Environmental Fate and Effects Division  
Ideliz Negron-Encarnacion, Environmental Fate and Effects Division  
Christopher Koper, Environmental Fate and Effects Division  
Andrew Sawyers, Director, EPA Office of Water, Office of Wastewater Management  
Tomas Torres, Director, Water Division, EPA Region 9  
Alexandra (Sasha) Mizenin, EPA Region 9  
Diana Hsieh, EPA Region 9  
Rochelle Cameron, 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  
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region  
Rebecca Nordenholt, California Regional Water Quality Control Board, San Francisco Bay Region  
Amanda Magee, California State Water Resources Control Board  
Rich Breuer, California SWRCB  
Claire Waggoner, California State Water Resources Control Board  
Danny McClure, California Regional Water Quality Control Board, Central Valley Region  
Peter Meertens, California Regional Water Quality Control Board, Central Coast Region  
Jenny Newman, California Regional Water Quality Control Board, Los Angeles Region  
Anson Main, California Department of Pesticide Regulation  
Mason Zoerner, California Department of Pesticide Regulation  
Seth Brown, National Municipal Stormwater Alliance  
CASQA Board of Directors, Executive Program Committee, and True Source Control Subcommittee



## California Stormwater Quality Association®

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

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February 13, 2023

Melanie Biscoe  
Pesticide Re-evaluation Division  
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: Appendix to the ESA Workplan Update: Nontarget Species Mitigation for Registration Review and Other FIFRA Actions (Docket No. EPA-HQ-OPP-2022-0908)

Dear Ms. Biscoe:

On behalf of the California Stormwater Quality Association (CASQA<sup>1</sup>), thank you for this opportunity to comment on the Appendix to the ESA Workplan Update. 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.

As managers tasked with protecting the surface waters receiving our discharges and the species in these waters—including endangered species—we appreciate EPA's efforts to develop procedures to integrate 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, and endangered species. Through these CWA permits, municipalities are made responsible for meeting Endangered Species Act (ESA) requirements.<sup>3</sup>

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<sup>1</sup> CASQA is a nonprofit corporation that advances sustainable stormwater management protective of California water resources. With approximately 2,000 members, our membership is comprised of a diverse range of stormwater quality management organizations and individuals, including over 180 cities, 23 counties, special districts, federal agencies, state agencies, ports, universities and school districts, wastewater agencies, water suppliers, industries, and consulting firms throughout the state. Collectively, CASQA represents over 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. R2-2022-0018* (May 11, 2022), Attachment A, Page A-80, Paragraph B.11: "This Order requires compliance with discharge prohibitions, receiving water limits, and other requirements to protect the beneficial uses of waters of the state, including protecting rare, threatened, or endangered species. Permittees remain independently responsible for meeting all applicable federal and state Endangered Species Act requirements."

Because our member agencies do not have authority to control urban pesticide uses and have no practical control over subsequent pollution of surface waters, we seek to ensure that the ESA Consultation process will lead to mitigations that will protect endangered species and their critical habitats from urban pesticide sources. Because our responsibilities extend beyond endangered species to include all other beneficial uses in our receiving waters, 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, including both listed and non-listed species.

The proposed mitigations included in the ESA Workplan Update Appendix are limited to changes in pesticide product label language for agricultural pesticide uses. However, Section V of the Workplan Update includes the following text regarding non-agricultural uses generally, and residential uses specifically:

*Section V. Additional Strategies to Expedite Progress on ESA Workplan Initiatives:  
d. Approaches for Specific Pesticide Uses.*

*EPA also plans to explore strategies for certain pesticide uses, particularly non-agricultural ones. ...EPA is exploring a strategy to develop broad mitigation measures to minimize exposure to listed species from outdoor pesticide residential uses. EPA welcomes collaboration from various pesticide user groups—particularly non-agricultural groups whose pesticide uses might not be as familiar to EPA—that may be interested in developing strategies for their uses. [Workplan Update p. 18]*

Our comments provided below relate to content within the Workplan Update Appendix. Our comments reflect our intention to be proactive as EPA expands ESA mitigations to urban uses, as this appears to be the only opportunity for public comment on the ESA Workplan Update.

## CASQA Supports Proposed Label Language Improvements

CASQA supports the following proposed label language from the ESA Workplan Update Appendix, as we expect that these measures will be valuable mitigations for urban pesticide uses (associated Workplan Update page numbers are shown in parentheses):

- Section 2. Surface Water Protection – Surface Water Runoff: “Do not apply during rain.” (p. 24).
- Section 3. Surface Water Protection – Soil Erosion: “Do not apply during rain.” (p. 28)
- Section 8. Ecological Incident Reporting Label Language: “REPORTING ECOLOGICAL INCIDENTS: For guidance on reporting ecological incidents, including bee kills, see EPA’s Pesticide Incident Reporting website: <https://www.epa.gov/pesticide-incidents>.” (p. 51)

To the extent they apply to urban pesticide applications, CASQA also supports the spray drift management measures proposed in Section 5. Interim Ecological Mitigation #3: Reducing Ecological Risks from Spray Drift (pp. 41-46). In the section “Stray Drift Buffer to Aquatic Habitats” and “Stray Drift Buffer to Wildlife Conservation Areas” (p.43-46) CASQA appreciates that EPA notes that there is an exemption for mosquitocides. CASQA suggests that the text shown below in strike-through should be removed, as there are cases where mosquitocides need to be applied by different application methods for public health reasons.

*“To be considered for products that are applied as liquid with aerial (except ~~Ultra Low Volume/ULV~~ applications for mosquitocides), groundboom, or airblast equipment”*

## For the 48-Hour Storm Event Restriction, CASQA Recommends Additional Study to Include Urban Land Use Scenarios

In Section 2. Surface Water Protection – Surface Water Runoff CASQA supports the proposed label language for persistent pesticides with a soil adsorption coefficient (Koc) less than or equal to 100, including pesticides with half lives > 2 days: *“Do not apply when a storm event likely to produce runoff from the treated area is forecasted (by NOAA/National Weather Service, or other similar forecasting service) to occur within 48 hours following application.”*

From our review of EPA’s “Preliminary Analysis of the Effectiveness of a 48 Hour Rain Restriction to Reduce Pesticide Runoff<sup>4</sup>,” it appears that EPA did not use urban pesticide use models in its analysis, with the exception of the right-of-way model. Since urban application of pesticides also affect endangered species around the country, we request that EPA expand its modeling to include urban scenarios, including urban application of pesticides on impermeable surfaces. Residential and other urban land use scenarios are readily available within EPA’s PWC modeling system.

## Additional Mitigation Tools Beyond Label Language Will Be Needed for Urban Uses

The mitigation tools proposed in the Workplan Update Appendix are limited to label language and are heavily reliant on Bulletins Live Two (BLT) and buffer zones for endangered species mitigation. While this may be appropriate for agricultural users, there is widespread non-compliance with consumer product labels and clearly neither BLT nor buffer zones are feasible or appropriate for urban applications. We presented evidence regarding these limitations in our presentation at EPA’s June 2022 Environmental Modeling Public Meeting (EMPM).<sup>5</sup> At the EMPM we also presented case studies of urban mitigations that have been effective.

CASQA appreciates EPA’s Intention “to develop broad mitigation measures to minimize exposure to listed species from **outdoor pesticide residential uses**”, as noted above. CASQA welcomes the opportunity to collaborate on this effort.

To that end, we ask that EPA’s strategy be expanded to include all urban uses: commercial, industrial and residential urban land uses. This includes uses on impervious surfaces that lead to enhanced transport of pesticides to surface waters via constructed storm drainage systems. 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 applied around buildings to control ants & spiders - are the primary source of insecticides in urban runoff.

Based on scientific findings linking applications of pyrethroid pesticides 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>6</sup> Similar research on fipronil use and runoff stimulated label changes by fipronil registrants which were recently approved by EPA to protect water quality.

EPA will need to develop and implement mitigation measures appropriate to the urban context including product design and availability restrictions. We look forward to an opportunity for additional dialogue with regard to such mitigation opportunities.

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<sup>4</sup> Preliminary Analysis of the Effectiveness of a 48-Hour Rain Restriction to Reduce Pesticide Runoff. Memorandum dated 11-18-2022. Docket ID #EPA-HQ-OPP-2022-0908-0015

<sup>5</sup> “Practical measures and mitigations to reduce pesticide effects to endangered and threatened species in urban areas: lessons from local and state government,” Tammy Qualls, Kelly Moran, Ph.D; Stephanie Hughes, and Armand Ruby, U.S. EPA Environmental Modeling Public Meeting, June 23, 2022.

<sup>6</sup> California Department of Pesticide Regulation Surface Water Regulations, 2012. Available at: <http://www.cdpr.ca.gov/docs/legbills/calcode/040501.htm#a6970>

Thank you for your consideration of our comments. If you have any questions, please contact Victoria Kalkirtz, CASQA's pesticides project lead, at (858) 541-4326 or [vkalkirtz@sandiego.gov](mailto:vkalkirtz@sandiego.gov); or contact me at (424) 241-2249 or [karen.cowan@casqa.org](mailto:karen.cowan@casqa.org).

Sincerely,



Karen Cowan, Executive Director  
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.

cc: Edward Messina, Director, EPA Office of Pesticide Programs  
Ya-Wei Li, Deputy Assist. Administrator for Pesticide Programs, OCSPP  
Kristina Garber, Senior Science Advisor, Environmental Fate and Effects Division, OPP  
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Anson Main, California Department of Pesticide Regulation  
Mason Zoerner, California Department of Pesticide Regulation  
Seth Brown, National Municipal Stormwater Alliance  
CASQA Board of Directors, Executive Program Committee, and Pesticides Subcommittee

# Scheduled Meetings and Deliverables

## March – May 2023

# March 2023

<b>1</b>	<b>BAMS Collaborative Monitoring &amp; Pollutant of Concern (MPC) Subcommittee</b> 10:00 am – 3:30 pm  <b>Construction AHTG</b> 1:00 pm – 2:30 pm	Microsoft Teams Meeting   Zoom Meeting
<b>2</b>	<b>Pollutants of Concern AHTG</b> 3:30 pm – 4:30 pm	Zoom Meeting
<b>7</b>	<b>Monitoring AHTG</b> 1:30 pm – 3:30 pm	Zoom Meeting
<b>14</b>	<b>BAMSC Development Subcommittee</b> 1:00 pm – 3:00 pm	Zoom Meeting
<b>10</b>	<b>WMI – Zero Litter Initiative Steering Committee</b> 9:00 am – 10:00 am	Zoom Meeting
<b>15</b>	<b>WMI – Land Use Subgroup</b> 10:00 am – 11:30 am	Zoom Meeting
<b>16</b>	<b>Management Committee</b> 9:30 am – 11:00 am Approvals: <ul style="list-style-type: none"> <li>• WY 2022 Urban Creeks Monitoring Report</li> <li>• Trash Full Capture Impracticability Report</li> <li>• Old Industrial Area Control Measures Plan</li> </ul>	Zoom Meeting
<b>21</b>	<b>Trash AHTG</b> 1:00 pm – 3:00 pm	Zoom Meeting
<b>23</b>	<b>BAMS Collaborative Steering Committee</b> 1:00 pm – 3:00 pm	Zoom Meeting
<b>28</b>	<b>BAMS Collaborative Trash Subcommittee</b> 10:00 am – 12:00 pm	Zoom Meeting

# April 2023

<b>14</b>	<b>WMI – Zero Litter Initiative Steering Committee</b> 9:00 am – 10:00 am	Zoom Meeting
<b>18</b>	<b>Trash AHTG</b> 1:00 pm – 3:00 pm	Zoom Meeting
<b>20</b>	<b>Management Committee</b> 9:30 am – 11:00 am Approvals: <ul style="list-style-type: none"><li>• LID Monitoring Plan &amp; QAPP</li><li>• FY 22-23 Mid-Year Self Audit Report</li><li>• FY 23-24 Program Work Plan</li><li>• Program Manager Notice to Proceed</li></ul>	Zoom Meeting
<b>25</b>	<b>SCVURPPP C.3 Workshop</b> 9:00 am – 1:00 pm	Zoom Webinar
<b>27</b>	<b>BAMS Collaborative Steering Committee</b> 1:00 pm – 3:00 pm	Zoom Meeting

# May 2023

<b>3</b>	<b>BAMS Collaborative Monitoring &amp; Pollutant of Concern (MPC) Subcommittee</b> 10:00 am – 3:30 pm	Microsoft Teams Meeting
<b>5</b>	<b>WMI – Zero Litter Initiative Steering Committee</b> 9:00 am – 10:00 am	Zoom Meeting
<b>16</b>	<b>Trash AHTG</b> 1:00 pm – 3:00 pm	Zoom Meeting
<b>18</b>	<b>Management Committee</b> 9:30 am – 11:00 am <ul style="list-style-type: none"><li>FY 22-23 Annual Report Guidance</li></ul>	Zoom Meeting
<b>23</b>	<b>BAMS Collaborative Trash Subcommittee</b> 10:00 am – 12:00 pm	Zoom Meeting
<b>25</b>	<b>BAMS Collaborative Steering Committee</b> 1:00 pm – 3:00 pm	Zoom Meeting