STORM WATER ADVISORY TASK FORCE (SWATF)
MEETING MINUTES- DECEMBER 9, 2008*
*(*DRAFT, until approved by the SWATF; to be reviewed at February 25, 2009, meeting.)*

ATTENDEES

SWATF Members: Ms. Tracie Billington (for Mr. Mark Cowin) - Department of Water Resources (DWR); Mr. Drew Bohan – California Ocean Protection Council (OPC); Mr. Geoff Brosseau - California Stormwater Quality Association (CASQA); Mr. Tom Dalziel - Contra Costa County; Dr. Mark Grey - California Building Industry Association; Ms. Mary Lee Knecht - Sacramento River Watershed Program; Dr. Timothy Lawrence - University of California at Davis; Mr. Scott McGowen - California Department of Transportation; Ms. Linda Sheehan - California Coastkeeper Alliance; Mr. Jon Van Rhyn - County of San Diego; and Mr. Al Wanger - California Coastal Commission.

Absent SWATF Members: Mr. David Beckman - Natural Resources Defense Council; Mr. Kevin Buchan - Western States Petroleum Association; Dr. Mark Gold - Heal the Bay; and Ms. Lillian Kawasaki - Water Replenishment District of Southern California.

State Water Resources Control Board (State Water Board): Ms. Isabel Baer, Ms. Meghan Brown, Ms. Bridget Chase, Ms. Barbara Evoy, Ms. Shahla Farahnak, Mr. Bruce Fujimoto, Mr. Andrew Lawrence, Ms. Nancy Kington, Mr. James Maughan, Ms. Erin Ragazzi, Ms. Ibyang Rivera, Ms. Danielle Siebal, Board Member Frances Spivy-Weber, and Mr. Dawit Tadesse.

Members of the Public: Mr. Lewis Moeller- DWR

Facilitator: Mr. Jeff Loux

ITEMS DISCUSSED

1) Review draft minutes from the September 15, 2008, and October 23, 2008, SWATF Meetings
   - Comments regarding the September 15, 2008, minutes, Item No. 2
     - 1st bullet on page 2: suggestion to specify that the statement in parentheses was not part of the information presented by DWR, but the opinion of SWATF members
     - Second to last bullet:
       - Delete: "immediate public health and"
       - Should read as follows: "$100,000,000 for seismic safety issues"
     - Last bullet:
       - Add a note to provide additional information made available since the September 15, 2008, SWATF Meeting
       - The note should state: "Of the remaining $10 million, $5.5 million will be for general storm water projects, and $4.5 million will be for program delivery."
   - Comments regarding the September 15, 2008, minutes, Item No. 3
     - 1st Bullet: suggestion to specify that the statement is the opinion of SWATF members
   - No comments regarding the minutes from October 23, 2008

2) Update on DWR Funding Programs (Ms. Tracie Billington, DWR)
   - DWR recently held three workshops for outreach regarding the Proposition 84 Integrated Regional Watershed Management (IRWM) and Proposition 1E Storm Water-Flood Management Grant Programs. There will be one additional workshop held in Chino tomorrow (December 10, 2008)
   - The slides presented at the workshop are available on DWR's website: www.grantsloans.water.ca.gov/docs/prop84/May08_Prop84_Workshops.pdf
   - It is anticipated that guidance regarding DWR's new 'Regional Acceptance Process' will be released for public review and comment next week
   - Draft Guidelines for the expedited funding allocated by Senate Bill (SB) X2 1 (Perata, Chapter 1, 2008) should be released in January/February of 2009
     - The expedited funding will be targeted at projects already identified in adopted IRWM Plans
   - Draft Guidelines for the remaining allocated funds (over $700 million) should be released Summer of 2009. The timeframe for these remaining funds should allow for IRWM plan updates and consideration of the SWATF's request to include a priority for Low Impact Development (LID) projects.
   - Up to 5% of the allocated IRWM funds may be used for IRWM planning. This would not necessarily include funding for updates to Basin Plans, but funding for Basin Plan updates may be possible depending on how DWR looks at funding for integrated planning documents or related planning documents, as part of the IRWM Planning process.
   - Related note from Jeff Loux, Facilitator: the University of California at Davis (UCD) Extension will host a 2-day workshop on the IRWM planning process, likely in May 2009

3) Update on Draft Storm Water Grant (SCWG) Program Guidelines (Ms. Erin Ragazzi, State Water Board, Division of Financial Assistance [DFA])
   - The Draft Guidelines were released for public comment November 18, 2008
   - Two workshops have been held (December 1, 2008, in San Luis Obispo and December 3, 2008, in Sacramento), and one is remaining (Thursday December 11, 2008, in Los Angeles)
   - The handouts distributed at the workshops, may be accessed at: www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/docs/guidelinesworkshop_flyer111708.pdf
   - Deadline for submittal of comments on the Draft Guidelines is noon December 18, 2008
   - A brief summary of comments received thus far:
     - A lot of interest in the type of projects eligible under Public Resources Code (PRC) Section 75072
       - Only for projects applicable on a regional or statewide basis
     - Some feel the $5 million maximum grant amount is too high
       - One recommendation to reduce to $3 million
       - Another recommendation to reduce the maximum grant amount to $3 million, but to allow up to $5 million for any regional projects involving multiple agencies

  - Match requirements- some feel that disadvantaged (not necessarily small) communities should also get a match reduction- for example, maybe only require a 15% match in such cases
  - Another recommendation to add bonus points for small, disadvantaged and environmental justice communities in the concept proposal scoring matrix (currently only included at the full proposal stage)
- Some additional comments from SWATF members:
  - Some concern about excluding projects related to an upcoming (but not yet adopted) TMDL
    - The way this eligible project type is presented in the Guidelines is consistent with the language in Assembly Bill (AB) 739 (Statutes 2007, Chapter 610)
  - LID is mostly paid for by developers in new developments and most redevelopment is in private areas- Are there enough 'public' projects to fill the need?
    - Per the Draft Guidelines, grant funds may be used to implement projects on private land
      - SWATF members agree that as long as the proposed project is demonstrated to be worthwhile and feasible, it is acceptable to implement projects on private land (with a local public agency partnering/acting as grantee)
      - Some concern that because of the strict timeframe associated with the grant program, which may not work out with the development schedule, some local agencies may be afraid to take on the responsibility (i.e., to act as grantee) for LID projects associated with private developments
  - Demonstration and public outreach should be a key component for these projects so that LID will become more familiar and accepted
    - Could we require some sort of universal signage, for all LID projects implemented with SWGP funds, statewide?
- Discussion regarding SWATF role from this point on, proposed as follows:
  - Review list of projects invited to submit Full Proposals (i.e., after Technical Reviewers have scored individual proposals)
  - Review funding recommendations after Technical Review Team (TRT) review of Full Proposals
  - For PRC Section 75072 RFP, SWATF members may be more intimately involved in the review and scoring of individual proposals
  - Some SWATF members are concerned about the potential for a conflict of interest if they've been involved in the development of one or more SWGP proposals
    - Once the proposals are submitted, State Water Board staff will send out a list of the submitted proposals to the SWATF members
    - SWATF members will be able to identify any proposals that they have been involved with, or that they foresee as a potential conflict of interest, and report back to State Water Board staff

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- Proposed schedule for SWGP Program implementation (subject to change):
  - Draft SWGP Guidelines presented to the State Water Board for adoption in February 2009
  - Open the Request for Proposals (RFP) as soon as possible after adoption of the Guidelines
  - Concept Proposals due early April 2009
  - Reviews done by mid to late May 2009
    - SWATF members may review invite-back recommendations, as interested (likely via email only, unless there is significant disagreement or issues to be discussed)
  - Open the RFP for Full Proposals (by invitation only) late June 2009
  - Full proposals due early August 2009
  - TRT reviews done early October 2009
    - SWATF members may review the funding recommendations, as interested (likely via email only, unless there is significant disagreement or issues to be discussed)
  - Round 2 will follow approximately the same schedule during the following year, with the RFP for Concept Proposals opening early 2010
- Follow up on the Surface Water Ambient Monitoring Program's (SWAMP's) proposal to use PRC Section 75072 funding for 'Integration of Grant Data into the SWAMP Data Centers'
  - The State Water Board approved up to $4 million from other funding sources for this need, in Resolution 2008-0088
  - The $4 million should provide funding for approximately the next 3 years
    - To assist with data center start up, and processing the data from past grants
    - To set up a method to make the data centers more self-sustainable
      - May include partnerships with other public and private entities
  - The concept is, once the monitoring associated with grant-funded implementation projects is done, the grantee will go to one of these new data centers and pay a fee for data integration
    - Therefore, grantees should include in their project budget estimated costs for data integration into SWAMP

4) Update on Assessment Document (Mr. Bruce Fujimoto, State Water Board, Division of Water Quality [DWQ] and SWATF Members)
   - Jon Van Rhyn presented a PowerPoint presentation on the assessment document subgroup's work thus far
   - Section 1: Introduction- introductory information, including CASQA definition of effectiveness assessment
   - Section 2: Purpose- mostly language from AB 739
     - The document is intended to inform future permits

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  - The goal is to provide a quick summary of (and links to) existing resources, and then to focus on providing new recommendations and added value, as much as possible
  - Designed for municipal storm water programs, but could also be applicable on a broader basis (i.e., for TMDL implementation)
  - Initially written mostly with pollutant load reductions in mind (similar to the CASQA guidance), but SWATF members would also like to incorporate hydromodification
    - Stream erosion is outlined in AB 739- this opens the door for inclusion of hydromodification in the document
- Section 3: Program Planning and the Iterative Approach- based mostly on CASQA's iterative approach (implementation-assessment-modification)
- Section 4: Standard Elements of Effectiveness Assessment- Based on the six CASQA levels of effectiveness assessment
  - For the purposes of this document, CASQA's effectiveness assessment guidance is a better reference than the United States Environmental Protection Agency's guidance, which focuses on activities required under the NPDES permit (i.e., activities that would fall under CASQA's Assessment Level 1)
  - Sometimes it's difficult to demonstrate each outcome level for all significant program activities (this needs to be considered when writing permit requirements)
  - The ultimate goal is 'Integrated Assessment'- connecting levels 1 through 6, but this is challenging at this point in time
    - Levels 5 and 6 (i.e., Water Quality Assessment) are generally independent of Levels 1 through 4 (i.e., Implementation Assessment)
    - It can be difficult to develop causal relationships when addressing multiple overlapping outcomes
    - Connections to Levels 5 and 6 can be easier to demonstrate when considering a very powerful Best Management Practice (BMP) (i.e., banning a certain type of pesticide), but with the types of BMPs implemented at the municipal level it is difficult to make a direct connection between BMP implementation and water quality improvement
    - Level 4 is a particularly challenging link because it often requires a lot of assumptions, quantities are difficult to measure
  - The document needs to clearly discern the difference between assessment measures and assessment methods
    - Some SWATF members feel it's best to use simple methods (with small investments of time and energy) to allow those implementing BMPs to "self-document" their efforts, with management only spot checking or auditing
    - Others feel that sometimes it's just not worthwhile to monitor all behavior changes- better to pick more meaningful, measurable indicator activities to invest in monitoring/tracking

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- Section 5: Primary Considerations in Establishing Permit Requirements for Effectiveness Assessment- describes a four phase approach, including the following: programs (CASQA Level 1); implementing populations (CASQA Levels 2 and 3); source load reductions (CASQA Level 4); and water quality (CASQA Levels 5 and 6)
    - CASQA's Level 4 will be broken into two parts- one for measurement of pollutant load reductions, another for measurement of changes in runoff volume, velocity, or duration (hydromodification)
    - Should provide a clear definition/explanation of 'Integrated Assessment'
- Section 6: Additional Considerations in Setting Permit Requirements- this section will discuss additional issues that need to be considered in setting achievable and effective permit requirements
    - Need to move to more rational, water quality-based permit requirements
    - Need to setup collaboration/standardized monitoring and reporting requirements for all agencies involved in the permit
        - It is ideal if this language is setup in the permit, rather than negotiated later
    - Also need to consider timeframes for assessment (i.e., maybe some indicators are monitored on an annual basis and others on a 5-year basis, as appropriate)
    - Need to consider comparability within permit regions and across permit regions (i.e., statewide consistency standards)
    - Need to allow for adaptive management (i.e., program changes and improvements)
    - Need to specify what's required for the 'fiscal analysis' requirement
    - Should also allow for identification of special investigations depending on the specific tools needed as part of the municipal program (e.g., surveys, reports, monitoring, etc.) each year; these special investigations would be limited in scope and duration (i.e., not part of the long-term municipal program)
- SWATF members recommend adding another appendix with links to useful tools (i.e., resources to help the municipalities)
- Could also outline future research needs- particularly to help with Level 4 calculations, to assist in making the connection to water quality improvements (i.e., outline what we would do if we had more data, data needs, and how to get there); we need to identify obstacles and what needs to be done to get to Level 4, and to Levels 5 and 6
- We need to be more proactive- If it's too difficult to connect between BMP implementation and water quality improvement, maybe we have to mandate some sort of high-level BMPs that will help get us to water quality improvement, rather than continuing on the existing track with little improvement, until all bodies are impaired and regulated under TMDLs

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- Summary of key "value-added" pieces on which to focus SWATF attention: 1) examples of permit language; 2) adding consideration of hydromodification and flow reduction to the effectiveness assessment process; 3) identifying data gaps and future research needs; 4) providing a tool kit of available resources for municipalities

5) Public Comment and Open Discussion
   - None

ACTION ITEMS

- SWATF members are to provide input on the funding cap or other issues related to the SWGP Guidelines by noon December 18, 2008

- Per Board Member Francis Spivy-Weber's request, State Water Board staff will share the SWGP Guidelines with other Proposition 84 funding programs, for example the Urban Greening Program (administered by the Department of Forestry and Fire Protection) and Urban Streams Restoration Program (administered by DWR)

- For SWATF member review, State Water Board staff will send out the white paper summarizing CASQA's effectiveness assessment process

- SWATF members are to send comments on the Draft Outline of the *AB 739 Effectiveness Assessment Guidance for SWRCB Permitting Staff* (Effectiveness Assessment Guidance) to Mr. Bruce Fujimoto by December 31, 2008

- The assessment document subgroup will hold a conference call Wednesday January 14, 2009, from 3:00 PM – 5:00 PM to continue work on the Effectiveness Assessment Guidance, the goal is to prepare a draft of the document for SWATF review prior to the next SWATF Meeting

NEXT SWATF MEETING

At Cal/EPA Building, Wednesday February 25th, 2009, from 10:00 AM - 3:00 PM

- This meeting will focus on the Effectiveness Assessment Guidance

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