



San Francisco Bay Regional Water Quality Control Board

March 6, 2019

Sandy Wong, Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Subject: Support for unified county agency to address stormwater and climate change

Dear Ms. Wong:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff is writing to support San Mateo County's efforts to develop a unified agency to address stormwater, flooding, sea level rise, and coastal erosion. Collaborative efforts focused on multi-benefit solutions are essential to address water issues, which frequently cross political boundaries.

We are pleased to see that regional stormwater management issues will be included in the proposed agency's list of responsibilities, as such projects can more cost-effectively achieve water quality improvement than many distributed, small-scale efforts, but often require coordination between political entities. For example, regional stormwater retention facilities that capture a significant drainage area can be more cost effective than numerous broadly distributed green street facilities. The regional facility can provide additional large-scale benefits related to flood risk reduction, groundwater recharge, public recreation, and the use of captured water for landscape irrigation, improving water supply resilience.

One benefit of such facilities is that they help control pollutants, such as PCBs and mercury, that are impairing the Bay. Under the Municipal Regional NPDES Stormwater Permit (MRP), San Mateo County municipalities are required to reduce PCBs and mercury discharges in their urban runoff; that is, to do their part to ensure fish in the Bay are safe to eat. We understand there are questions about how these reductions would be credited under the MRP for agencies that collaborate to build, operate, and maintain regional stormwater controls.

The MRP allows for required pollutant discharge reductions to be achieved at a regional, countywide, or local level. This is intended to allow permittees to work together to achieve the reductions by implementing actions that get the most benefit for the least cost, regionwide. In essence, if the reductions are achieved at the regional level, even if limited actions occur in

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different areas within the region, then all 76 permittees under the MRP are considered to be in compliance. However, if the load reductions are not achieved regionally, then all permittees within a county would be in compliance if the county-specific load reduction is achieved at the countywide level, even if some permittees do nothing. If the load reduction is not achieved at the countywide level, each jurisdiction is responsible for achieving their population-based share of the reductions.

This regulatory approach directly supports San Mateo's efforts to create an agency that could build regional stormwater management facilities that will benefit all of the County's 21 MRP permittees.

While such efforts will obviously require discussions within the county regarding how costs will be allocated to design, build, operate, and maintain these facilities, the associated load reductions would benefit all 21 agencies. In addition, we are working with MRP permittees to include a crediting approach in the permit's next five-year term (starting in 2021). That approach is intended to support collaborative implementation efforts and provide certainty to permittees that participating in such efforts will lead to compliance credit for them, even if compliance actions fall short in other geographic areas.

Separately, the Water Board recognizes the significant challenges that climate change adaptation poses, and particularly the need for collaborative action along the coast and the Bay's edge, because rising tides do not stop at any one city's city limits. The creation of this new agency would help facilitate coordinated, collaborative actions to plan and implement the actions needed to address the impacts of climate change.

In summary, we support the County's efforts to establish this new agency and believe it is an important step toward achieving integrated water management within the County. We are willing and committed to work with MRP permittees to ensure collaborative efforts to build multi-benefit projects that help reduce pollutants receive appropriate compliance credit.

I would welcome the opportunity to discuss this further. Please contact me with any questions at (510) 622-2380 or via email to klichten@waterboards.ca.gov.

Sincerely,

Keith H. Lichten, Chief
Watershed Management Division