

## AGENDA

### City/County Manager's Technical Advisory Committee

**Thursday, November 3, 2022**

**10:00 AM**

**LOCATION:**

San Bernardino County Transportation Authority  
*First Floor Lobby Board Room*  
1170 W. 3rd Street, San Bernardino, CA 92410

**TELECONFERENCE LOCATION:**

Needles City Administration & Utility Office  
817 3<sup>rd</sup> Street, Needles, CA 92363

Big Bear Lake City Hall  
39707 Big Bear Blvd., Big Bear Lake, CA 92135

### **Call to Order**

**Attendance**

### **Council of Governments**

**1. Storm Water Permit Renewal – Arlene Chun, San Bernardino County, Department of Public Works.**

Receive presentation on the Municipal Separate Storm Sewer (MS4) Permit Renewal for the Santa Ana River Region.

Attachment No. 1: Pg. 5

Attachment No. 2: Pg. 8

**2. Housing Trust – Monique Arellano, San Bernardino Council of Governments (SBCOG)**

Discuss the cost, cost allocation and the next steps of the Housing Trust.

**3. Smart County Master Plan - Monique Arellano, SBCOG**

Receive the Smart County Master Plan and provide direction to staff regarding the need to establish a working group.

**Public Comment**

Brief Comments from the General Public

**ADJOURNMENT**

The next meeting of the City/County Manager's Technical Advisory Committee is scheduled for **December 1, 2022.**

### **Meeting Procedures and Rules of Conduct**

**Meeting Procedures** - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

**Accessibility** - The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com) and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

**Agendas** – All agendas are posted at [www.gosbcta.com/board/meetings-agendas/](http://www.gosbcta.com/board/meetings-agendas/) at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3<sup>rd</sup> Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

**Agenda Actions** – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors or unanimous vote of members present as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

**Closed Session Agenda Items** – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still applies.

**Disruptive or Prohibited Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!



## Summary Update NPDES MS4 Permit Renewal Staff Working Proposal

This Summary is being provided to update Permittees' executive management on the current MS4 Permit renewal. As of this summary, there is no definite timeline for the adoption of a new MS4 Permit.

### Background

In January 2010, the Santa Ana Regional Water Quality Control Board (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (2010 MS4 Permit) for stormwater discharges from areas in unincorporated San Bernardino County and from the Cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa. The District was designated as the Principal Permittee under the MS4 Permit. The District represents the co-permittees to implement area-wide programs required by the MS4 Permit. The Implementation Agreement (Agreement 11-545) funds this work. The 2010 MS4 Permit expired in January 2015, and was administratively extended by the Regional Board.

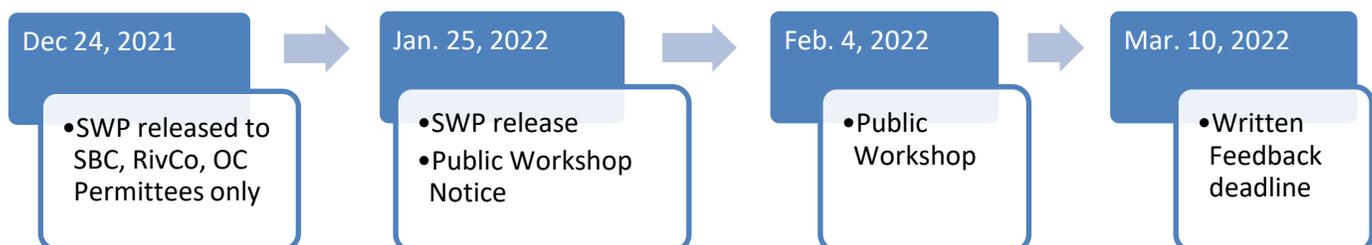
In late 2018, the Regional Board indicated that the next MS4 permit will be a regional permit, naming all 60 permittees in Orange, Riverside, and San Bernardino Counties. The Regional Board had been developing the regional MS4 permit since late 2018.

### Release of Staff Working Proposal

On December 24, 2021, the Regional Board released a Staff Working Proposal (SWP) of a regional permit to the 60 permittees of San Bernardino County, Riverside County, and Orange County (Permittees). Subsequently, the Regional Board publicly released the SWP on January 25, 2022, and held a public workshop on February 4, 2022.

The Regional Board solicited feedback on the SWP from the public; the Principal Permittees provided initial written feedback on March 10, 2022. The initial feedback letter proposed a discussion schedule between Regional Board staff and the Permittees, focusing on specific sections of the SWP. The Regional Board Staff was amenable to this discussion schedule and the Permittees have been meeting with Regional Board since April 2022. The initial feedback letter is attached; it outlines the Permittees' initial concerns with the SWP that were used as discussion points for the meetings with Regional Board staff.

### Timeline: SWP Release



The SWP **is not** a complete “permit” document and omits the Fact Sheet (Attachment D), which documents the Regional Board’s rationale to justify SWP requirements. The SWP **is not** the tentative draft permit. Thus, the initial feedback solicited by the Regional Board is not a formal public comment letter and the Regional Board will not be providing a formal response to feedback received.

### **Tri-County Group**

The Principal Permittees of each county – San Bernardino County Flood Control District, Riverside County Flood Control and Water Conservation District, and County of Orange – formed the “Tri-County Group” to collaborate and coordinate information and concerns between the Permittees and Regional Board staff. The Tri-County Group includes each county’s respective legal counsels, who have been meeting with Regional Board counsel to discuss SWP legal issues identified by the Permittees.

### **Proposed Changes outlined in SWP**

While the Permittees wait for the Fact Sheet (SWP Attachment D), the early discussions with Regional Board staff have been providing the Permittees the Regional Board’s rationale behind new proposed requirements, structure, and current program modifications outlined in the SWP. As a result of these discussions, a smaller Focus Group of the Tri-County Group are developing proposed changes to the SWP in red-lines of the SWP.

The Permittees anticipate that the Regional Board will include the following proposed changes/additions in the SWP. These may require Permittees to develop new, or update existing, programs, plans, studies, perform additional inspections and reporting, retrofit and/or install new facilities, etc. to comply with the permit requirements, increasing the cost of compliance.

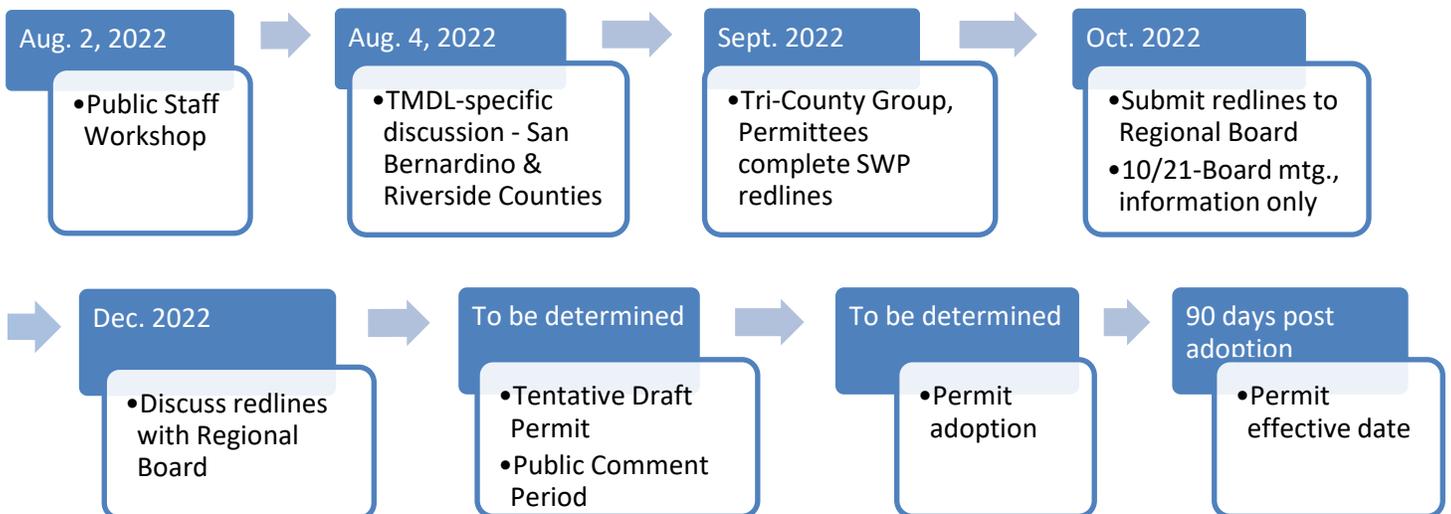
- **Overall Significant Changes resulting in increased costs of compliance:** Cost of compliance is estimated to significantly increase without indication of a source of additional funding if the tentative permit:
  - Does not recognize and/or reference multiple pathways of compliance, or the existing plans, studies, reports, and programs of Permittees to satisfy the permit requirements (i.e. TMDL documents/resolutions, Basin Plan Amendments, Comprehensive Bacteria Reduction Plans, WQMP Technical Guidance Document, regional task force or coalition efforts, etc.);
  - Triggers new measures or programs that will require hiring additional staffing, contract staff, and/or consultants to implement the permit requirements and to maintain the required compliance activities throughout the life of the permit;
  - Does not propose and/or identify any funding mechanisms for stormwater for the implementation of the permit or the required compliance activities through the life of the permit;
  - Requires a new stakeholder process (public review/comment) be implemented for programs or processes that previously did not require stakeholder input; and
  - Expands the scope of training or requires Permittees be responsible for annual training of outside entities, including Permittees’ contractors and consultants.
- **Significant Changes in Specific Sections:**
  - **Potential Significant TMDL Compliance Change:** Continued use, or updates to the Permittees’ Comprehensive Bacteria Reduction Plans (CBRP), and the BMP-based compliance method proposed and established with the 2010 MS4 Permit, is now questionable. The Permittees implementation of the CBRP has significantly improved water quality to date, and Permittees hope to be able to negotiate revisions to the SWP that allow continued use of the CBRP.
  - **New:** SWP implementation of Trash Amendments via Track 1 or Track 2 (determined by each Agency in 2017) will require full compliance by December 2, 2030.

- **New:** The SWP includes development and implementation of a Watershed Management Plan (WMP) with a Reasonable Assurance Analysis to verify that water quality goals can be met as proposed in the WMP. Failure to meet milestones identified in the WMP are permit violations.
- **Significant Change to Development/Redevelopment:** Road WQMP will need to be revised from current program of **length-based** (¼ mile min.) to **area-based** (5,000 sf min.) of new or improved road. *Anticipated increased costs to Permittees.*
- **Revised:** Updates to the WQMP Technical Guidance Document (TGD) will no longer require approval from the Regional Board Executive Officer. This can potentially lead to a non-uniform TGD between the Permittees’ agencies, increasing the Permittees’ potential for permit violations and administrative civil liabilities.
- **Significant Change to Municipal Construction Fees:** Permittees will be required to start paying annual Construction General Permit fees for municipal construction projects >1 acre. *Anticipated increased costs to Permittees.*
- **Significant Change to Inspections:** The SWP increases inspection for commercial and industrial facilities and increases reporting frequencies and requirements. *Anticipated increased costs to Permittees.*
- **Significant Change to Public Education metrics:** The SWP requires Permittees to conduct statistically significant annual surveys with unidentified parameters. *Anticipated increased costs to Permittees.*
- **Significant Change to Water Quality Monitoring:** The SWP requires a costly causal assessment to be conducted to determine cause of any water quality exceedance. *Anticipated increased costs to Permittees.*

**Next Steps**

Public Staff Workshop – The Regional Board hosted a public staff workshop on August 2, 2022, at the Riverside Main Library. The workshop allowed the Permittees to hear and discuss SWP comments with other stakeholders and the Regional Board. No decision on the SWP was made at this workshop. The Permittees share a common goal with the Regional Board to improve water quality and impacts from stormwater. The Permittees strive to ensure permit implementation remains sensible to our respective agencies’ operations. Agency NPDES coordinators and the District’s NPDES section will continue to update you and greatly appreciate your support, especially during any future testimony before the Regional Board.

**Timeline: Next Steps**



Attachment No. 2 to Agenda Item No. 1  
Storm Water Permit Renewal  
(PowerPoint)



## Municipal Separate Storm Sewer (MS4) Permit Renewal Santa Ana River Region

Update to the City-County Managers TAC

Arlene Chun, M.S., P.E.  
Engineering Manager  
November 3, 2022

[www.SBCounty.gov](http://www.SBCounty.gov)

### What is NPDES?

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#### NPDES:

- Codified – Clean Water Act (1972) and its Amendments
- Regulates and controls – pollutant discharge to MS4
- Pollutants – trash, sediment, bacteria, metals, fertilizer
- Implemented – issuance of an MS4 Permit.

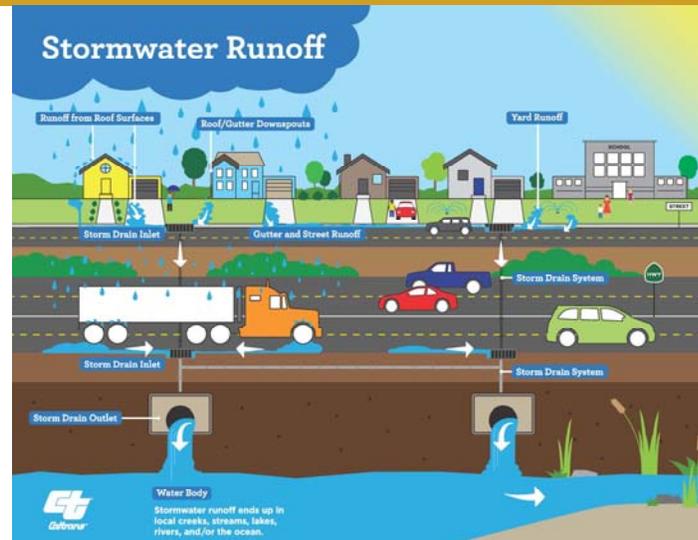
**MS4** Municipal Separate Storm Sewer System

**NPDES** National Pollutant Discharge Elimination System



## Why is the MS4 Permit Important?

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### The MS4 Permit:

- **Allows municipalities** to collect and discharge stormwater runoff to waterbodies
- **Requires municipalities** to implement best management practices to reduce, minimize, or eliminate pollutants in stormwater runoff
- **Protects** water quality



## Staff Working Proposal – Proposed Changes

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- **NEW Watershed Management Plan** – Alternate Compliance pathway
  - Requires Reasonable Assurance Analysis
- **NEW Implementation of Trash Amendments**
  - Enforces 2015 State Trash Amendments
  - Full compliance by December 2, 2030
- **Water Quality Management Plans (WQMPs)** – Change in Road WQMP
  - Area-based trigger (5,000 s.f. +) for new or improved road
  - Currently length-based (¼-mile)



## Regional Board Staff Working Proposal – Proposed Changes

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- **Water Quality Compliance Inspections**
  - Increased inspection & reporting frequencies for Commercial and Industrial facilities
- **Municipal Construction Projects**
  - Permit fees charged annually during project's construction phase
  - Current ranges per project: \$1,536 (20 acres) \$3,096 (50 acres) \$5,696 (100 acres)
  - Fees rise annually
- **Total Maximum Daily Loads Compliance (Impaired Waterbodies)**
  - Alludes to compliance with numeric target – difficult with bacteria
  - Continued use of BMP-based compliance document is questionable

*Anticipate significant increased costs to the Permittees*



## Regional Board Staff Working Proposal – Proposed Changes

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- **Public Education** – annual statistically-relevant surveys
- **Water Quality Monitoring** – causal assessment for exceedances
- **Stakeholder Process** – public review/comment period for programs or processes
- **Staff Training** – training of Permittee contractors and consultants



## Next Steps

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- **October 2022** – submit Tri-County comments on Regional Board Staff Working Proposal
- **November 2022 – January 2023** – meet with City Managers, City Councils
- **December 2022** – discuss Tri County comments with Regional Board Staff
- **January 2023 & beyond** – To Be Determined
  - Tentative Draft Order & Public Comment Period
  - Permit Adoption
  - Permit Effective Date – 90 days after adoption



## Contacts

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<https://sbcountystormwater.org>

