



DEPARTMENT OF PUBLIC WORKS

People serving people.

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DIRECTOR

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Marin County Board of Supervisors
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Dear Board Members:

SUBJECT: Summary of Meeting with the Regional Water Quality Control Board Executive Management

RECOMMENDATION: Accept the report

SUMMARY: Due to statewide budget reductions, the Regional Water Quality Control Board (Regional Board) reports that they do not have the staff to support timely review and processing of local agency permits. In order to address this problem, Regional Board management has offered to provide a dedicated staff person if funding could be provided. An agreement to fund a position at the Regional Board was considered by your Board on July 10, 2012 and the decision was made to table the agreement until a meeting could be held with Regional Board executive management. This report summarizes the outcome from the meeting held on September 4, 2012 and recommended next steps.

Representing the County at the meeting were Supervisors Kinsey and Rice; the department heads from DPW, the Community Development Agency, and County Parks; and DPW staff representing Flood Control, project permitting, the County Stormwater Program, and the Watershed Program. Representing the Regional Board were Executive Officer Bruce Wolfe and senior level staff.

A number of topics were discussed at the meeting and a summary is provided below. We believe that the meeting was productive and there was clear consensus that further meetings would be beneficial. Regional Board management provided assurances that they will work closely with senior County staff and the proposed new dedicated staff person to maintain project priorities.

An agreement with the Association of Bay Area Government (ABAG) and the Sonoma Marin Area Rail Transit (SMART) is scheduled as a concurrent item on the Board of Supervisors Flood Control and Water Conservation District (District) agenda and the County's policy agenda.

Accounting

Airport

Building Maintenance

Capital Projects

Certified Unified Program
Agency (CUPA)

Communications
Maintenance

County Garage

Disability Access

Engineering & Survey

Flood Control &
Water Resources

Land Development

Purchasing

Real Estate

Reprographic Services

Road Maintenance

Stormwater Program

Transportation &
Traffic Operations

Waste Management

BACKGROUND: Discussion included identifying opportunities to improve the working relationship between our agencies. The two-hour meeting covered a number of topics including:

- Utilizing categorical programs to expedite the permitting process for groups of related maintenance activities such as flood control and road maintenance
- Promoting early coordination and communication with Regional Board staff and other permitting agencies from project inception
- Prioritizing time to review complex California Environmental Quality Act (CEQA) documents and project proposals
- Support to develop strategies for implementing clean water regulations included in the new Phase II stormwater permit, Assembly Bill 885 (On site Wastewater Treatment Systems) and coastal regulations aimed at protecting Areas of Special Biological Significance (ASBS) such as Duxbury Reef.

Categorical Permit Programs

Regional Board Executive Officer Bruce Wolfe encouraged the County to explore the use of categorical programs to expedite permitting for a group of related maintenance activities. Several Counties including Santa Clara, Sonoma and Napa have received authorization from the Regional Board for implementing routine flood control maintenance activities.

The Marin County Flood Control and Water Conservation District has been engaged in a similar approach and has secured a Routine Maintenance Agreement from the State Department of Fish and Game for flood control maintenance activities including vegetation management, sediment removal and facility maintenance. The District anticipates working with the new Regional Board staff person to establish a general permit for routine flood maintenance work.

This type of permit is also being proposed to cover sediment removal at 49 culverts in sensitive habitat areas of West Marin.

Project Coordination and CEQA Review

Presently, the Regional Board does not have the staff to dedicate to CEQA review resulting in their comments being transmitted late in the project implementation process. They acknowledge that new and innovative construction methods can create knowledge voids which can delay permit review and issuance. Typically, Regional Board staff only provides feedback once a permit application is submitted, but they acknowledge that their preference is to work with agencies from project inception.

Parks Director Linda Dahl mentioned that her Department is drafting a Road and Trail Management Plan (RTMP). Regional Board management stressed that development of the RTMP should be closely coordinated with their development of new regulations to control sediment within the Lagunitas Creek watershed. Ideally, the recommendations for road and trail projects that stem from the RTMP, including decommissioning, rerouting, and improvements, would be considered during the development of the CEQA document by the Regional Board for the Lagunitas Total Maximum Daily Load (TMDL) plan for sediment.

Phase II Stormwater

The third draft of the revised Phase II permit is scheduled to be released by the State Water Control Board in November. As an alternative to the Phase II permit, Regional

Board management extended an invitation to the Marin County Stormwater Pollution Prevention Program to join the San Francisco Bay Municipal Regional Permit that covers all the Bay Area Phase I permittees. At this time, we plan to seek coverage under the Phase II permit. Staff will return to your Board later this year with an update and recommendations.

ASBS General Exception

Regional Board staff agreed to meet with Marin and San Mateo counties to assist them with development of an ASBS compliance plan. Enforcement of the ASBS compliance plan will be managed by Regional Board staff.

AB 885

AB 885 established more stringent regulations on septic systems, especially on those located near impaired water bodies such as San Geronimo Creek and Lagunitas Creek which are listed as impaired by the State of California for bacteria and pathogens. Under the Federal Clean Water Act there is a process [called 303(d)] which identifies water bodies that are contaminated or impaired by specific pollutants. County Environmental Health staff will continue to work with Regional Board staff to address how the County will implement the new septic regulations.

ABAG agreement for new Regional Board staff person

The ABAG agreement would organizationally allow the Regional Board to provide a staff person dedicated to County and SMART projects that would be an employee of the Association of Bay Area Governments (ABAG). This staff person would work under the day-to-day technical supervision of Regional Board management.

ABAG is a joint powers authority whose board of directors is comprised of Bay Area public entities including the County of Marin. ABAG is able and willing to facilitate this arrangement if funding is committed for a minimum of two years. ABAG currently has similar agreements with Santa Clara County, Alameda County, CalTrans, and the San Francisco Public Utilities Commission for a dedicated staff permit person.

Staff from the County, the District and SMART have conferred in this regard and find that, together, we have a need for one full time position for the necessary time frame. The subject agreement would allow the three agencies to jointly fund an environmental specialist position to support the County and SMART. The agreement would be executed for a pilot period of two years after which the agencies would have the option to extend the contract. This ABAG staff position would be dedicated solely to processing permit applications for the County, the District and SMART. The obligation of these three agencies under this agreement is limited to providing funding and general work priorities. Specifically, the new environmental specialist would review and issue permit authorization for a range of public works projects related to flood control, roads, bridges,

pedestrian and bikeway improvements. Board members received reassurances from Regional Board management that they would personally work with the County to establish work priorities and maintain an efficient work flow.

Both the County and the Regional Board agreed to meet in the spring of 2013 to assess progress towards the objectives highlighted above.

FISCAL IMPACT: The fiscal impact of the ABAG contract is included in the two companion board letters addressed to your Board and the Board of the Marin County Flood Control and Water Conservation District.

REVIEWED BY:	<input type="checkbox"/>	Department of Finance	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	County Counsel	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,



Tracy J. Clay
Principal Civil Engineer

