



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER: OFFICE OF SUSTAINABILITY

File #: 21-083

Board Meeting Date: 1/26/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Carolyn Bloede, Director, Office of Sustainability

Subject: Policy for the Operation and Maintenance of County Stormwater Control Measures

RECOMMENDATION:

Adopt a resolution authorizing and directing the County Manager to establish a Policy for the Operation and Maintenance of County Stormwater Control Measures.

BACKGROUND:

The San Francisco Bay Regional Water Quality Control Board's (Water Board) 2015 Municipal Regional Permit (MRP) regulates pollutants in stormwater runoff from municipal storm drain systems throughout San Mateo County.

Provision C.3 of the MRP regulates how stormwater treatment measures are incorporated in new development and redevelopment projects and requires that newly installed measures are correctly operated and maintained for the life of the project, or until responsibility is legally transferred to another entity.

On September 17, 2019, the Board of Supervisors adopted Resolution No. 076876 approving a Green Infrastructure Plan for the unincorporated County and County Facilities (GI Plan). The GI Plan describes how the County will gradually shift from traditional "gray" storm drain infrastructure, which channels polluted runoff directly into receiving waters without treatment to "green" infrastructure (GI), which uses natural processes to treat stormwater, reduce flooding, and recharge groundwater.

Throughout the GI Plan, the County commits to installing additional stormwater treatment measures, where practicable, on County-owned parcels and in the public right-of-way, including County-maintained streets and sidewalks.

Provision C.3.h of the MRP requires a legally enforceable mechanism assigning operation and maintenance (O&M) responsibility for these treatment measures and the Policy for the Operation and Maintenance of County Stormwater Control Measures and serves as a blanket policy for all County-

owned treatment measures.

DISCUSSION:

The County currently maintains dozens of stormwater treatment measures across multiple County-owned parcels and in rights-of-way with many more under construction or planned. Failure to properly maintain stormwater treatment measures owned by the County can result in notices of violation and possible fines from the Water Board if not addressed in a timely manner. In addition to possible fines, lack of proper maintenance may lead to the need for more comprehensive and costly maintenance in the future to correct larger problems resulting from multiple seasons of neglect. Proper maintenance is essential to the continued function of these systems and the associated benefits of water quality and flood risk mitigation. Completed GI projects at County facilities include a plan for maintenance, which is developed by the project designer. Ongoing maintenance is completed by either County Parks or Department of Public Works.

To comply with the MRP, County Planning & Building Department requires an O&M Agreement be recorded as a condition of project approval for privately owned and maintained stormwater treatment measures in unincorporated areas. For public projects on County-owned parcels and in the rights-of-way, the County previously documented its compliance with the MRP requirement through inter-departmental agreements. Following a review of such agreements and given that the County is unable to record an agreement with itself, it was determined that establishment of a Policy for the Operation and Maintenance of County Stormwater Control Measures would be the preferred mechanism for assigning operation and maintenance responsibility.

Staff from multiple departments have collaborated on the development of a policy which properly assigns maintenance responsibility and additionally requires comprehensive details of each stormwater treatment measure to ensure that County staff and their contractors have all necessary information to properly operate and maintain the measures. The policy, which would be set forth in an Administrative Memorandum promulgated by the County Manager, would constitute a legally enforceable mechanism assigning operation and maintenance (O&M) responsibility for purposes of MRP compliance. As with other Administrative Memoranda, the County Manager is authorized to amend the policy from time to time without the need to obtain Board authorization.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this resolution. Staff time associated with Office of Sustainability's review for the Green Infrastructure Operation and Maintenance Policy is covered in current year and future year budgets.