

NOTICE AND AGENDA

MANAGEMENT COMMITTEE for the MONTEREY REGIONAL STORMWATER MANAGEMENT PROGRAM

DATE: April 23, 2025
TIME: 9:30 a.m.
LOCATION: Monterey One Water Conference Room, 5 Harris Court, Building D, Monterey

THIS HYBRID MEETING WILL BE HELD BOTH IN-PERSON AND VIRTUALLY

To join the Zoom Webinar Meeting, click on this link:
<https://us02web.zoom.us/j/89246755123?pwd=NDOMwkbN6w8F8Xh5iwpEbAWgGvTVH.1>
or copy and paste the link into your browser. If your computer does not have audio, you will need to join the meeting via phone. To participate telephonically, you can call the number below and enter the webinar ID number and password when prompted:

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Webinar ID: 892 4675 5123 Password: 257007

PUBLIC COMMENTS: If you are unable to participate via telephone or webinar, you may submit your comments by e-mailing them to MontereySEA@my1water.org with one of the following subject lines: "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – NON-AGENDA ITEM". Comments must be received by 12:00 p.m. on Tuesday, April 22, 2025. All submitted comments will be provided to the Committee, may be read into the record, and will be compiled as part of the public record.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Program Administrator at (831) 645-4635 or by email at MontereySEA@my1water.org. Notification 30 hours prior to the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible.

Officers: Chairperson: Kevin Anderson, City of Monterey
Vice-Chairperson: Patrick Grogan, City of Seaside

Participating Entities: City of Carmel-by-the-Sea City of Del Rey Oaks
City of Monterey City of Pacific Grove City of Sand City
City of Seaside County of Monterey

Other Coordinating Entities: Carmel Unified School District Pacific Grove Unified School District
Monterey Peninsula Unified School District Pebble Beach Company

Ex-Officio Members: Association of Monterey Bay Governments Monterey Bay National Marine Sanctuary

AGENDA ITEMS

Page #

- | | | |
|--|--|-----|
| 1. Call to Order / Roll Call | | N/A |
| 2. Public Comments | | N/A |
| 3. Approve Management Committee (MC) Meeting Minutes for 03/26/25 (Attachment 1) | | 03 |

INFORMATION AND DISCUSSION ITEMS

- | | | |
|---|----------------|-----|
| 4. Update on PE/PO Program | | |
| a. Monthly Update | (Attachment 2) | 08 |
| b. Review of Snapshot Day Monitoring Event Alternatives | (Attachment 3) | 16 |
| c. E.7/E.8 Annual Report Preparation Options | | N/A |
| 5. Ad Hoc Committee for Memorandum of Agreement Update | | |
| Summary of Ad Hoc Committee Progress | | N/A |
| 6. Committee Member Invoicing Process | | N/A |
| 7. 2025 Committee Meeting Calendar | (Attachment 4) | 18 |

ACTION ITEMS

- | | | |
|--|----------------|----|
| 8. Select Contractor for Fiscal Year 2025-2026 PE/PO Coordinator | (Attachment 5) | 19 |
| 9. Consider Adoption of Draft Fiscal Year 2025-2026 Budget | (Attachment 6) | 20 |

ADMINISTRATIVE REPORTS

- | | | |
|---|----------------|-----|
| 10. Program Administrator Update | | |
| a. January through March 2025 Quarterly Report (Q3) | (Attachment 7) | 23 |
| b. Stormwater-Relevant US Supreme Court Rulings | (Attachment 8) | 31 |
| c. CASQA Subcommittee Meetings Summary | | N/A |
| 11. Management Committee Member Updates | | N/A |
| a. City of Carmel-by-the-Sea | | |
| b. City of Del Rey Oaks | | |
| c. City of Monterey | | |
| d. City of Pacific Grove | | |
| e. City of Sand City | | |
| f. City of Seaside | | |
| g. County of Monterey | | |

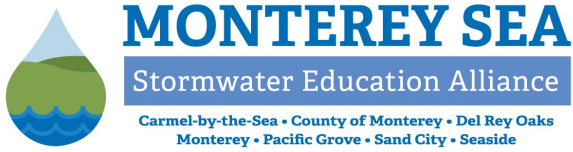
SCHEDULE NEXT MEETING / ADJOURNMENT

N/A

12. Schedule Next Meeting:

The next MC Meeting is scheduled for Wednesday, May 28, 2025, at 9:30 a.m.

13. Meeting Adjournment



**Monterey Regional Stormwater
Management Program**
Management Committee

MEETING MINUTES for March 26, 2025

AGENDA ITEMS

1. Call to Order / Roll Call

Chairperson Anderson (*City of Monterey*) called the meeting to order at 9:31 a.m. and performed the roll call.

Management Committee Members:

City of Carmel-by-the-Sea - Val Gaino
City of Del Rey Oaks - Ron Fucci
City of Monterey - Kevin Anderson
City of Pacific Grove - Absent
City of Sand City - Absent
City of Seaside - Patrick Grogan
County of Monterey - Michael Trapani

**Monterey One Water (M1W,
Program Administrator):**

Michelle Bumgardner
Erica Parker

Other Virtual:

Doug Dowden
Andrew Easterling (*City of Monterey*)
Mollie Wooden (*Pebble Beach Company*)

Other In-Person:

Maris Sidenstecker (*PE/PO Coordinator*)

2. Public Comments

Chairperson Anderson called for public comment, none received.

3. Approve Management Committee Meeting Minutes for 01/22/2025

Action: On a motion by Grogan (*City of Seaside*), seconded by Fucci (*City of Del Rey Oaks*), Management Committee (MC) approved the Management Committee Meeting Minutes for 02/26/2025.

Ayes: Anderson, Fucci, Gaino, Grogan, Trapani

Noes: None

Absent: Fuerst, Gomez

Member Gomez joined the meeting at 09:39 am.

INFORMATION AND DISCUSSION ITEMS

4. Update on PE/PO Program

a. Monthly Update by Sidenstecker

Sidenstecker briefed the Committee on school presentations delivered in February, storm drain emblem stenciling in unincorporated Monterey County, the Horticulture Faire event in Monterey, and inspection of Our Water Our World (OWOW) product labels at Home Depot in Seaside. She shared that the engagement with members of the public was excellent at Horticulture Faire, with in-depth

conversations on OWOW products and environmental stewardship. Members discussed Home Depot product labeling and staff contacts at the Seaside store. Sidenstecker explained the regional, bilingual TV ad campaign coordination underway with M1W staff to invoice partner agencies, with ad spots running through April. She requested a quote for targeting ads to zip codes from the company who ran the Protect Pollinators ad. She also mentioned the potential for a press release to highlight community action to identify missing storm drain emblems. Coming in April are numerous Earth Day events, and Snapshot Day has been postponed due to Lindsay Brown's departure from the California Marine Sanctuary Foundation (CMSF). The MC expressed concern about this monitoring event not occurring within the 2024-25 fiscal/permit year; Parker (M1W) has a conversation scheduled with CMSF staff following the MC meeting and will follow up with Members. A longer exchange ensued, focusing on meeting stormwater permit requirements and CMSF contract requirements.

- Follow-up action: Parker will share highlights from the CMSF meeting with the MC.
- Follow-up action: Support staff will provide further details regarding CMSF's contractual obligations and outstanding MRSWMP permit requirements for the remainder of the fiscal year.

Parker showed the location of the "Love Your Storm Drains" contact form (<https://montereysea.org/love-your-storm-drains/>) for the public to report missing emblems. She introduced the new MRSWMP YouTube channel with stormwater training videos (<https://www.youtube.com/@montereysea>) and the new Resources tab on the website (<https://montereysea.org/resources/>). Members emphasized the benefits of jurisdictions linking directly to the Monterey SEA webpage for resources in lieu of generating their own content and expressed appreciation for the new online offerings. Gaino (*City of Carmel-by-the-Sea*) inquired about Member approaches to education and enforcement around eliminating copper architectural elements.

- Follow-up action: Parker will add educational videos to the YouTube channel.
- Follow-up action: Support staff will facilitate resource sharing on copper elements.

b. Request for Proposals (RFP) Briefing

Bumgardner (M1W) reviewed the RFP process, the three separate elements included, and the schedule moving forward. Scoring of all 14 proposals is underway by Fucci, Gaino, and support staff. Interviews will be scheduled with the top three candidates for each component, and, once the top contractor is identified, their fee proposal will be disclosed to the selection panel. The target deadline for selecting contract(s) is April 23, 2025.

5. Stormwater Training Updates

Ad Hoc Committee Update

Bumgardner shared a synopsis of the March 18, 2025, Training Ad Hoc meeting with Members Bilse (*City of Carmel-by-the-Sea*), Gaino, Gomez, and Grogan. The remaining training opportunity through MRSWMP this fiscal year will be via eblast to the MC distribution list - links to videos on the new YouTube channel. Support staff will facilitate a hybrid Construction Best Management Practices training session to coincide with Storm Water Awareness Week in September, and the next Training Ad Hoc Committee meeting will be scheduled for late June/early July to begin planning for the session. Anderson inquired about using CASQA videos as a resource for training municipal staff.

- Follow-up action: Bumgardner will research rules for utilizing CASQA videos to train a large room of people and report back.
- Follow-up action: Support staff will disseminate an on-demand training resource to the MRSWMP distribution list and MC Members in April on Post-Construction Requirements.

- Follow-up action: Bumgardner will create and share a flyer regarding required employee training for MC Members to share with their staff every January and July.

6. Ad Hoc Committee for Memorandum of Agreement (MOA) Update

Discussion of MC Representative and Alternate Designation Letter

Parker provided a brief update on the MOA Ad Hoc Committee meeting on March 11, 2025, with Members Anderson and Trapani (*County of Monterey*). She is in the process of incorporating feedback from the meeting: for example, ensuring the language includes mention of a new permit issuance to preclude the need to update the MOA a second time. Presented for consideration was a draft letter to designate MC representatives. Members provided context and feedback to make the template relevant to all jurisdictions. April 9, 2025, is the next MOA Ad Hoc meeting

- Follow-up action: Parker will send out an updated letter draft to Members.
- Follow up action: Parker will share further information on the process and content development for the MOA.

7. Draft Fiscal Year 2025-2026 Budget Discussion

Budget Cost-Share Worksheets

Parker reviewed the FY 25-26 MRSWMP budget draft, with updated values for the OWOW membership cost and staff salaries. She also shared the past five years of data on PE/PO contract amounts and contingency fund totals, as requested by the MC. Members discussed the purpose and function of contingency funds, budget amendments, and timeline for approving the budget. Parker shared that the first invoices for Program costs were sent on March 19, 2025, for June through December 2024 expenditures. The MC inquired about OWOW partnerships with additional garden stores.

- Follow-up action: Parker will send updated charts for PE/PO and contingency fund data to MC Members.
- Follow-up action: A budget proposal for the MC's consideration will be agendized for the April MC meeting.

ACTION ITEMS

8. Consider Adjustment to Committee Meeting Schedule for November/December 2025

Action: On a motion by Grogan (*City of Seaside*), seconded by Gomez, the MC approved the cancellation of the November 26, 2025, meeting and the rescheduling of the December meeting to December 10, 2025.

Ayes: Anderson, Fucci, Gaino, Gomez, Grogan, Trapani

Noes: None

Absent: Fuerst

ADMINISTRATIVE REPORTS

9. Program Administrator Update

- California Marine Sanctuary Foundation Monitoring Data, Contact Information

Parker reiterated Lindsay Brown's departure from CMSF, and support staff have been in contact with Danielle Brown, Pam Krone, and Susan Robinson about their transition plans to ensure data reporting continues in a timely manner this fiscal year. The best contact email for questions is

urbanwq@californiamsf.org. Parker reported that the Final Report for Dry Run and First Flush timeline is unknown, though the MC will have it in time for Annual Reports in October. Raw data will be available from samples before then. CMSF staff informed her that the MRSWMP Snapshot Day financial contribution is approximately \$1,000 to process lab samples from four sites: Majors Creek, Monterey Library/Hartnell Gulch, Pacific Grove Greenwood Park, and Asilomar State Park bridge. This monitoring event has been postponed and may end up being cancelled for 2025. She will bring back additional details from CMSF to share with the MC.

- Follow-up action: Support staff will include updates on MRSWMP's progress for permit compliance in this permit year as a part of April's Quarterly Report.
- Follow-up action: Support staff will share MRSWMP Guidance Document with MC and agendize a discussion of potential updates.

Additional verbal updates from support staff were as follows:

Research on TerraCycle operations showed certain large manufacturing companies have partnered with them to recycle specific wrappers (i.e. potato chip bags), and no cigarette companies have sponsored TerraCycle explicitly. Their operations entail painstaking sorting of materials, warehousing the sorted categories/components, and searching for markets to purchase byproducts. TerraCycle also offers products for sale made from materials they process.

Parker shared that Pacific Grove City Council, Architectural Review Board, Beautification and Natural Resources Commission, Historic Resources Committee, and Planning Commission had a Joint Special Meeting that evening, March 26, 2025, from 6 - 8 pm where representatives will receive training on Robert's Rules of Order and the Ralph M. Brown Act. This public meeting can be a resource for Members to better understand relevant regulations.

- Follow-up action: Parker will send the virtual meeting link to Members immediately following the MC meeting.
- Follow-up action: Parker will search for a recording of the Joint Special Meeting and send to the MC.

10. Management Committee Member Updates

- a. City of Carmel-by-the-Sea: No report.
- b. City of Del Rey Oaks: Fucci reported that FORTAG construction will result in a full closure of Hwy 218 to Carlton for switchbacks installation and utility work, for at least 60 days. Cal Am mainline work should be completed in two to four weeks.
- c. City of Monterey: Anderson shared that the 2NFORM webinar series continues to be helpful, especially with inspection capability functions, and he is in the process of adding all food service establishments to their system.
- d. City of Pacific Grove: No report.
- e. City of Sand City: Gomez mentioned they are set to send out a newsletter including the MRSWMP ASBS and cigarette butt ads. The City is focused on code enforcement and direct wastewater discharge issues.
 - Follow-up action: Support staff will research Member newsletters and determine if they can be posted on the Monterey SEA website.

- f. City of Seaside: Grogan reported the new City Manager started on March 17, and the City is recruiting for an Engineer Inspector, Junior Engineer, and Utilities Field Supervisor.
- g. County of Monterey: Trapani shared that access to their outfall monitoring site during the March rain event (Pajaro River) was prevented by a large encampment of unhoused people, with litter, off-leash dogs, and aggressive behavior creating an unsafe situation for staff. He has been in close communication with the Regional Water Board to keep them apprised of the limited access and restricted sampling. Trapani requested support staff provide insight into recent US Supreme Court decisions impacting water regulations. Parker informed the MC on the ruling to overturn the Chevron rule (Loper Bright Enterprises v. Raimondo; Relentless, Inc. v. Department of Commerce) and changing the way the EPA can enforce regulations (City and County of San Francisco v. Environmental Protection Agency).
 - Follow-up action: Support staff will offer in-depth information from advocacy associations on these cases in the future.

SCHEDULE NEXT MEETING / ADJOURNMENT

11. Schedule Next Meeting

The next MC Meeting is scheduled for Wednesday, April 23, 2025, at 9:30 a.m.

12. Meeting Adjournment

The meeting was adjourned at 11:29 a.m.

Monterey Regional Storm Water Management Program (MRSWMP) Committee Meeting

Public Education/Public Outreach Program Update

April 23, 2025

By Maris Sidenstecker, Executive Director, Save The Whales



Completed School Classroom Presentations

School	Jurisdiction	Presentation Date	Grade Level	# Classes, # Students
International School of Monterey	Seaside	March 4, 2025	3	2 Classes, 49 students
Ord Terrace Elementary	Seaside	March 6, 2025	1	2 Classes, 54 students
Pacific Grove High School	Pacific Grove	March 7, 2025	12	1 Class, 29 students
Carmel River School	Carmel	March 10, 2025	1	4 Classes, 88 students
Robert Down Elementary	Pacific Grove	March 20, 2025	3	3 Classes, 74 students



Completed Activities

Completed: *March – April 14, 2025*

Activity	Date	Location	Notes
Beach Cleanup	March 1, 2025	Sand City & Seaside	Nine volunteers collected 18 pounds of trash
Home Depot OWOW Product Labeling	March 10, 2025	Seaside	Reset point-of-purchase (POP) store labels for alternatives to pesticides
Storm Drain Emblem Install in Oak Hills	March 23, 2025	Prunedale, MoCo	27 emblems installed
CA Wildlife Day	April 6, 2025	Carmel	Reached 57 people
Whalefest Monterey	April 14, 2025	Monterey	Reached 225 people



Love YOUR STORM DRAINS

Did you know Monterey Bay begins on your street? Storm drains in the streets lead to rivers, creeks, and the ocean.







**Eco-friendly
Effective Product!**



Bilingual TV Ads

Activity	Station	Dates	Number of Ads
Bilingual TV Ads <ul style="list-style-type: none"> • Pesticides – Baseball • Trash – Football • Doggie Doo – Soccer 	Telemundo (KMUV)	3/1/25- 3/31/25	188
		4/1/25-4/6/25	31
	CW (KCBA)	4/1/25- 4/6/25	17
	KION	3/1/25- 3/31/25	79
		4/1/25-4/6/25	12



Upcoming April Activities

Activity	Date	Location	Notes
Press Release for Earth Month	April 2025	MRSWMP Area	Highlight actions residents can take to reduce pollution from runoff, identify storm drains in need of emblems
Del Rey Oaks Earth Day	April 26, 2025	DRO Park	Event Tabling: <ul style="list-style-type: none"> • OWOW materials, examples of alternative products • Watershed Model • Trash Timeline Activity
Earth Day Carmel	April 26, 2025	Devendorf Park, Carmel	
Seaside Earth Day	April 27, 2025	Seaside City Hall	



Questions?



Attachment 3

Monterey Regional Stormwater Management Program (MRSWMP) Committee Informational Memo

TO: MRSWMP Committee Members

FROM: Michelle Bumgardner & Erica Parker, MRSWMP Program Administrator Support Staff

DATE: April 16, 2025

SUBJECT: California Marine Sanctuary Foundation (CMSF) Staff Transition & Snapshot Day Monitoring Event

Background

MRSWMP coordinates with CMSF to conduct water quality monitoring and data collection every year. Volunteer engagement, public awareness, and determination of pollutants present in bodies of water are required elements for MRSWMP Member Entities to comply with National Pollutant Discharge Elimination System (NPDES) Phase 2 Municipal Separate Storm Sewer System (MS4) permits. MRSWMP's contribution, both financially and through public outreach, is integral to meeting the related MS4 permit requirements.

At the end of February 2025, Lindsay Brown, CMSF's Urban Water Quality Program Coordinator, left the organization. The remaining staff members are working to determine how they will continue the work undertaken by Ms. Brown.

Discussion

Support staff reached out to CMSF staff regarding the postponement of Snapshot Day (or potential cancellation for 2025) and the Dry Run and First Flush (DR/FF) Final Report.

Staff research into available Snapshot Day summary reports found that the Monterey Bay National Marine Sanctuary and Coastal Watershed Council websites do not show reports every year. For the years 2015, 2017, and 2019, the Final Reports contain only Santa Cruz County site sampling and analysis.

The current MRSWMP contract with CMSF specifies only the DR/FF sample collection and analysis, with no mention of Snapshot Day. A letter to Maris Sidenstecker from Lindsay Brown outlines costs for the monitoring event, though staff have been unable to locate documentation of CMSF obligations to execute Snapshot Day.

Permit requirements include:

- Monetary contribution to Snapshot Day
- Publicity for Snapshot Day - may already be met as flyer was distributed publicly

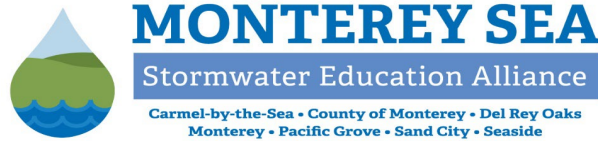
Program support staff reached out to Leah Lemoine with the Regional Water Board to determine any issues, given the current promotion of the 2025 Snapshot Day event, with meeting permit requirements and to discuss mutually satisfactory alternative options.

CMSF staff confirmed that they will provide the DR/FF final report by mid-August and raw data on the same timeline for permittees to meet Annual Report requirements. They also shared that feedback from MRSWMP Members on the DR/FF report would be appreciated;

CMSF is working to ensure it meets the needs of permittees. Should Members want additional jurisdiction-specific information, CMSF staff would be happy to provide it. This could include the incorporation of suggested solutions, projects, and outreach strategies to address issues identified within the sampling data.

Recommendations/Alternatives

1. MRSWMP assumes responsibility for monitoring event – PE/PO Coordinator to organize volunteers, lead training and sampling, ensure lab processing of samples, and prepare a summary report.
2. Support staff await feedback from the Regional Water Board regarding the potential for existing work on Snapshot Day to fulfill MS4 permit Annual Report requirements.
3. The Management Committee provides feedback on the DR/FF Final Report contents to CMSF.
4. Take no action.



2025 Calendar

Management Committee Meetings

Committee Meeting Date (4th Wed @ 09:30)	Staff Review Agenda w/Chair and Vice Chair	Agenda Packet Publish Date
2025*		
January 22, 2025 <i>Election of Chair and Vice Chair</i>	January 8, 2025	January 17, 2025
February 26, 2025 <i>Begin budget analysis for FY 25-26</i>	February 12, 2025	February 21, 2025
March 26, 2025 <i>Draft budget consideration by committee</i>	March 12, 2025	March 21, 2025
April 23, 2025 <i>Target budget approval by committee</i>	April 9, 2025	April 18, 2025
May 28, 2025 <i>Deadline to submit MRSWMP budget to Monterey One Water</i>	May 14, 2025	May 23, 2025
June 25, 2025 <i>Target Program Administrator evaluations</i>	June 11, 2025	June 20, 2025
July 23, 2025	July 9, 2025	July 18, 2025
August 27, 2025	August 13, 2025	August 22, 2025
September 24, 2025	September 10, 2025	September 19, 2025
October 22, 2025	October 8, 2025	October 17, 2025
November 26, 2025	CANCELLED	
December 10, 2025 RESCHEDULED	November 26, 2025	December 5, 2025

***NOTES:**

2025 Staff Review dates with Chair and Vice Chair are estimates
 TBD by new leadership
 Nov and Dec meetings conflict with staff holidays

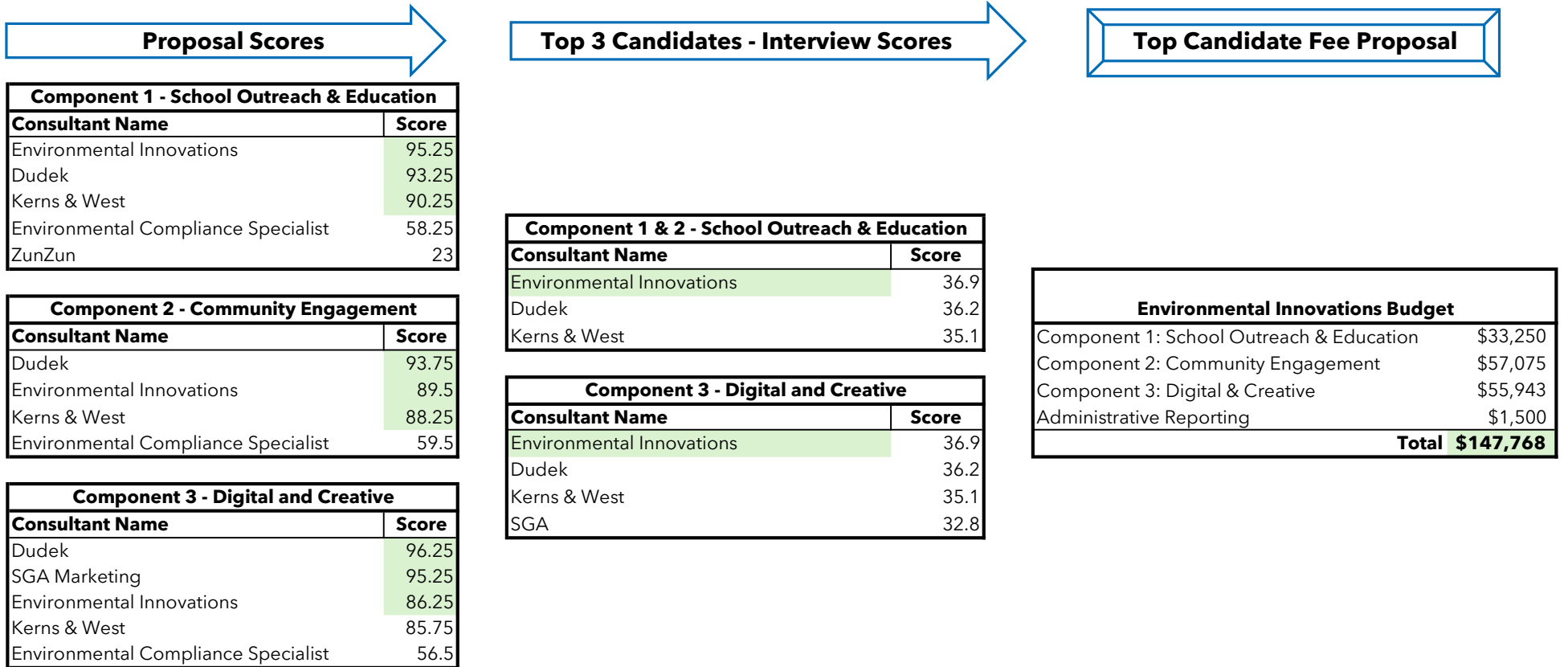
Member Training Schedule

	Date	Trainer
2024		
Quarter 3	September 23, 2024	Milam
Topic	Flow chart on CGPs and PCRs	
Quarter 4	November 14, 2024	Grogan
Topic	Construction BMPs	
2025		
Quarter 1	February 10, 2025	Patsch,
Topic	Drywell Maintenance	
Quarter 2	April 8, 2025	Pacheco
Topic	PCR Compliance & Evaluation (Video)	
Quarter 3	September 22, 2025	
Topic	BMP (Ops, Design, or Construction) Video	
Quarter 4	November 15, 2025	
Topic	Landscape Design & Maintenance (Video)	

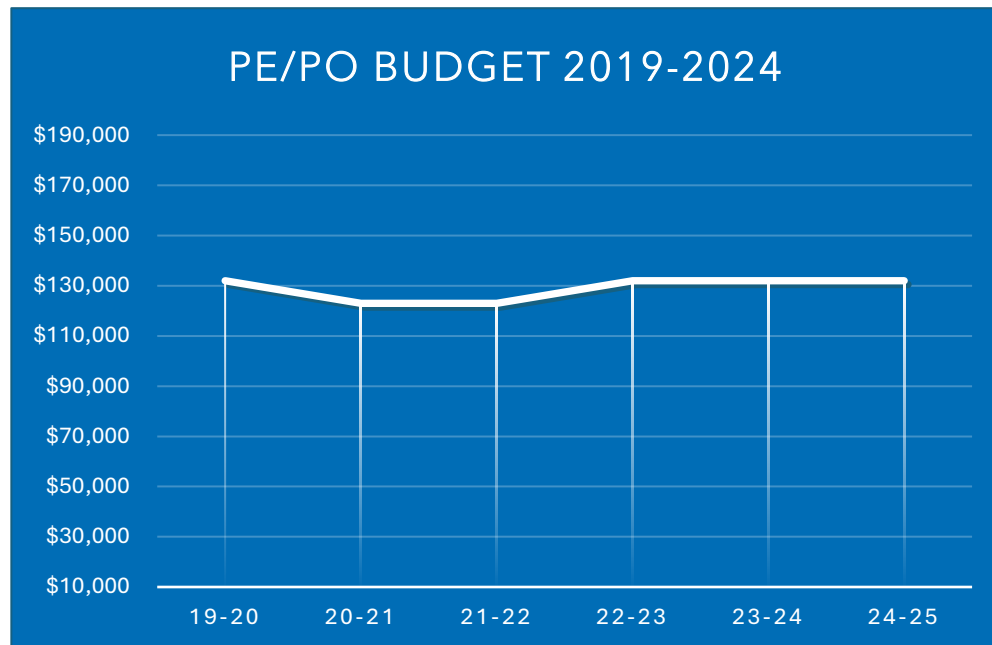
Other Important Dates

March 15, 2025	Monterey Cutting Day & Horticulture Faire
April 6, 2025	CA Wildlife Day
April 12-13, 2025	Whalefest Monterey
April 26, 2025	Carmel Earth & Arbor Day
April 26, 2025	Del Rey Oaks Earth Day
April 27, 2025	Seaside Earth Day
TBD - July	Marine Sanctuary Snapshot Day
August 1, 2025	Begin volunteer recruitment for First Flush
Sept 15-17, 2025	CASQA Conference
September 20, 2025	Coastal Cleanup Day
Sept 22-26, 2025	Storm Water Awareness Week
October 15, 2025	Annual Reports due

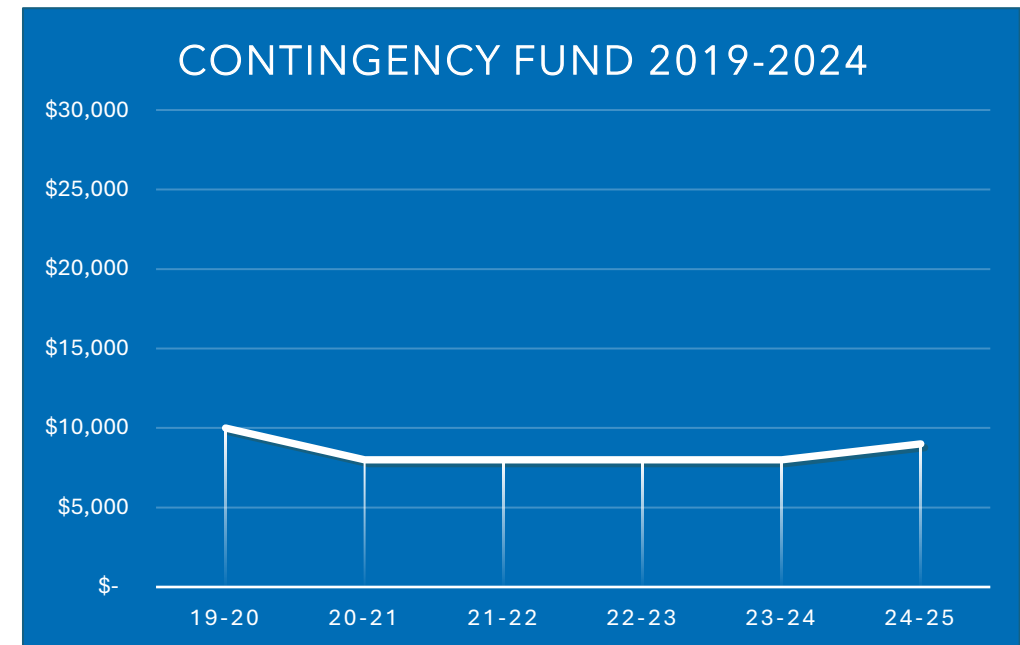
Monterey Regional Stormwater Management Program Public Education & Public Outreach Coordinator Fiscal Year 2025-2026 Request for Proposals Respondent Score Outcomes



Budget Snapshots: PE/PO, Contingency



Peak ≈ \$157,000 (2014)



Peak ≈ \$27,000 (2014)



Budget Worksheet

PROGRAM ELEMENT	FY 24-25 Budgeted Cost (w/o admin fee)	FY 25-26	Δ from FY 24-25	M1W Admin Fee (+10%)	TOTAL Line-Item BUDGET	Cost-Share Allocation Schedule
2 Positions 50% allocated, Salary & Benefits total	\$ 154,000	\$ 166,320	\$ 4,620	\$ 16,632	\$ 182,952	A (total)
Program Positions - Fixed Fee Portion	\$ 70,000	\$ 70,000			\$ 70,000	A-1
Program Positions - Population-based Portion	\$ 84,000	\$ 96,320			\$ 112,952	A-2
Stormwater Monitoring Program (E.8 & E.14)	\$ 34,264	\$ 35,694	\$ 1,430	\$ 3,569	\$ 39,263	C
- Program and Analysis Costs	\$ 19,354	\$ 14,826		\$ 1,483	\$ 16,309	
- Lab Fees	\$ 14,910	\$ 20,868		\$ 2,087	\$ 22,955	
Programs Budget	\$ 6,300	\$ 10,250	\$ 3,950	\$ 1,025	\$ 11,275	B
Conferences, Travel	--	\$ 5,000				
Training (Hybrid BMP, Resource Updates)	--	\$ 4,500				
Committee Enrichment	--	\$ 750				
PE/PO Contract (E.7 & E.8)	\$ 132,243	\$ 158,692	\$ 26,449	\$ 15,869	\$ 174,561	B
Our Water Our World License	\$ 2,189	\$ 1,725	\$ (464)	\$ 173	\$ 1,898	B
Web Development	\$ 1,575	\$ 1,890	\$ 315	\$ 189	\$ 2,079	B
Sponsorships (Snapshot Day, Coastal Cleanup, Sustainable Garden Project)	--	\$ 3,500	\$ 3,500	\$ 350	\$ 3,850	B
Contingency	\$ 8,400	\$ 9,240	\$ 840	\$ 924	\$ 10,164	B
PEAIP Software License	\$ 34,043	\$ 34,043	\$ 0	\$ 3,404	\$ 37,447	D
CASQA Membership	\$ 4,704	\$ 6,250	\$ 1,546	\$ 625	\$ 6,875	E
BUDGET COMPONENT TOTALS	\$ 377,718	\$ 427,604	\$ 49,886	\$ 42,760	\$ 470,364	

Cost Share Schedule	Basis of Calculation	Total Budget (Incl Admin Fee)
A (total)	Program Positions	\$ 182,952
A-1	Fixed Fee Portion	\$ 70,000
A-2	Population-Based Portion	\$ 112,952
B	Population, Permitted Area	\$ 203,826
C	No. of Monitoring Locations	\$ 39,263
D	Regional Module Cost Discount	\$ 37,447
E	Reg. Subscription Cost Discount	\$ 6,875
Total		\$ 470,364

Notes

- +8% from FY 24-25 (COLA, Steps est.)
- FY 25-26 confirmed costs
- New Cost Category
- +20% from FY 24-25
- +10% from FY 24-25
- Actual Cost higher than budget



Permittee Cost Share Worksheet

PARTICIPATING ENTITIES	Cost Share Schedule A						Cost Share Schedule B			Cost Share Schedule C		Schedule D	Schedule E	FY 25-26 PERMITTEE SHARE COST (A+B+C+D+E) w/o Admin Fee	TOTAL Line-Item BUDGET (Including +10% M1W Admin Fee)
	Fixed Fee Share		Population-Based Share		Total										
	Participant	Participant Fixed Cost Share (A1)	Participant Population (2020)	Population-Based Cost (A2)	Schedule A Share Cost Total (A1+A2)	Population (2020)	Population Share	Population Share Cost (B)	Monitoring Locations (Total)	Monitoring Share Cost (C)	Participant Cost	Participant Cost			
TRADITIONAL PERMITTEES															
Carmel-by-the-Sea	1	14.30%	\$10,000	3,220	\$2,245	\$12,245	3,220	2.30%	\$4,182	2	\$5,099	\$2,700	\$455	\$24,682	\$27,150
Del Rey Oaks	1	14.30%	\$10,000	1,592	\$1,110	\$11,110	1,592	1.10%	\$2,068	0	\$ -	\$700	\$455	\$14,333	\$15,766
Monterey	1	14.30%	\$10,000	30,212	\$21,065	\$31,065	30,212	21.20%	\$39,242	4	\$10,198	\$7,700	\$1,060	\$89,265	\$98,192
Pacific Grove	1	14.30%	\$10,000	15,090	\$10,521	\$20,521	15,090	10.60%	\$19,600	5	\$12,748	\$3,700	\$455	\$57,024	\$62,727
Sand City	1	14.30%	\$10,000	325	\$227	\$10,227	325	0.20%	\$422	0.2	\$510	\$700	\$455	\$12,314	\$13,545
Seaside	1	14.30%	\$10,000	32,366	\$22,567	\$32,567	32,366	22.70%	\$42,040	0.8	\$2,040	\$8,000	\$1,060	\$85,706	\$94,277
County of Monterey	1	14.30%	\$10,000	55,339	\$38,585	\$48,585	55,339	38.80%	\$71,879	2	\$5,099	\$10,543	\$2,310	\$138,416	\$152,258
<i>Traditional Permittees' TOTAL</i>	7	100.00%	\$70,000	138,144	\$96,320	\$166,320	138,144	96.84%	\$179,433	14	\$35,694	\$34,043	\$6,250	\$421,740	\$463,914
COORDINATING ENTITIES															
Pebble Beach Company	0	0.00%	\$ -	0	\$ -	\$ -	4,514	3.20%	\$5,863	0	\$ -	\$ -	\$ -	\$5,863	\$6,449
<i>Coordinating Entities' TOTAL</i>	0			0			4,514			0					
<i>Participants' TOTAL</i>	7	100.00%	\$70,000	138,144	\$96,320	\$166,320	142,658	100.00%	\$185,297	14	\$35,694	\$34,043	\$6,250	\$427,604	\$470,364



Monterey Regional Stormwater Management Program (MRSWMP)
Program Administrator
FY24/25 Quarterly Performance Report - Quarter 3

Reporting Period: 01/01/2025 - 03/31/2025
Prepared by: Erica Parker and Michelle Bumgardner
Date: 04/15/2025

Program Background

The mission of the Monterey Regional Stormwater Management Program (MRSWMP) is to meet Clean Water Act requirements for urban runoff, protect public health, and enhance environmental quality of watersheds and beaches. MRSWMP is comprised of the Cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, and the County of Monterey. Monterey One Water (M1W) serves as the Program Administrator for MRSWMP, providing Management Committee Meeting facilitation and support for member entities complying with their Municipal Separate Storm Sewer Systems (MS4) Permit requirements.

Summary of Expenditures to Date

Item	Budget *	Expenditures to Date *	Amt. Remaining
Salaries and Benefits	169,400.00	-78,688.50	90,711.50
Stormwater Monitoring Program	37,690.40	-31,565.60	6,124.80
Programs Budget	6,930.00	-4,913.73	2,016.27
PE/PO Contract	145,467.30	-101,205.79	44,261.51
Our Water Our World License	2,407.90	-1,897.50	510.40
Web Development	1,732.50	-1,265.29	467.21
Contingency	9,240.00	0	9,240.00
PEAIP Software	37,447.30	-35,664.16	1,783.14
CASQA Membership	5,174.40	-5,500.00	- 325.60
Total	\$415,489.80	\$-260,700.57	\$154,789.23

* **Note:** Amounts include 10% administrative fee per MOA.

Cost-Share Responsibilities by Jurisdiction to Date

Jurisdiction	Cost-Share Amt. to Date *	Amt. Remaining
Carmel-by-the-Sea	\$16,415	\$8,112
Del Rey Oaks	\$8,415	\$5,806
Monterey	\$54,507	\$31,429
Pacific Grove	\$36,747	\$19,264
Sand City	\$7,527	\$4,848
Seaside	\$50,080	\$31,831
County of Monterey	\$83,552	\$51,711
Pebble Beach Company	\$3,458	\$1,788
Total	\$260,701	\$154,789

* **Note:** Amounts include 10% administrative fee per MOA.

**Monterey Regional Stormwater Management Program (MRSWMP)
Program Administrator
FY24/25 Quarterly Performance Report - Quarter 3**

Outreach Update

During the third quarter (Q3) of Fiscal Year 2024-2025, MRSWMP provided school presentations at six locations, provided public education at one local event, and promoted stormwater awareness with movie theater advertisements. 102 storm drain emblems were installed in Monterey, Pacific Grove, and unincorporated Monterey County.

1. School Presentations & Field Trips

Program/School	Jurisdiction	Reach
Pacific Grove Middle School	Pacific Grove	149 students
Pacific Grove High School	Pacific Grove	195 students
Robert Down Elementary	Pacific Grove	140 students
International School of Monterey	Seaside	49 students
Ord Terrace Elementary	Seaside	54 students
Carmel River School	Carmel	88 students
	Total	675 students

2. Public Events, Awareness, & Education

Event	Jurisdiction	Reach
Storm Drain Emblems (4 Volunteers)	Pacific Grove	21 emblems
Storm Drain Emblems (10 Volunteers)	Mty County	51 emblems
Storm Drain Emblems	Monterey	30 emblems
Home Depot OWOW Point-of-Purchase Labels	Seaside	Two visits
Beach Cleanup	Seaside/Sand City	Nine volunteers 18 lbs trash collected
CSUMB Volunteer Recruitment	Seaside	80 students
Horticulture Day	Monterey	82 people
Bilingual TV Ads	All	327 Ads

3. Training

Topic	Format	# of Attendees
February - Drywells	Virtual	86 total

MRSWMP hosts training sessions for Member Entities and industry professionals to assist in meeting MS4 annual permit requirements. Trainings also seek to increase awareness of stormwater runoff best practices to enhance water quality in the region.

February: Utilizing Drywells to Achieve Effective Stormwater Treatment and Infiltration Goals

Travis Pacheco, Alex Bennett, and Gregor Patsch from Torrent Resources led this training session, focused on treatment and infiltration through the vadose zone using drywells.

**Monterey Regional Stormwater Management Program (MRSWMP)
Program Administrator
FY24/25 Quarterly Performance Report - Quarter 3**

3. MS4 Permit Compliance Progress Report

Support staff track MRSWMP activities to fulfill permit requirements. See attached chart for a summary of progress made to achieve permit compliance during the Fiscal Year 2024-2025.

4. Outreach and Engagement Coordinator Request for Proposals (RFP)

Program Administrator support staff developed a detailed RFP for the Public Education and Public Outreach (PE/PO) MS4 Permit elements, in order to comply with M1W's Procurement Policy. This RFP divided the scope of work into three components: School Outreach & Engagement, Community Engagement, and Digital & Creative Support. Staff published the RFP on the M1W website, sent it directly to 23 firms, compiled and answered 41 questions, and collected 14 proposals for all three components.

Other Accomplishments & Updates

1. Support staff met with the sixth and final of seven Member Agencies in January.
2. Onboarded new Chair and Vice Chair.
3. Planned topics for the remainder of the fiscal year with the Training Ad Hoc Committee.
4. Submitted invoices to all Member Entities for MRSWMP expenses incurred between July 1, 2024, and December 31, 2024.
5. Created Monterey SEA YouTube channel: <https://www.youtube.com/@MontereySEA>.
6. Compiled resources on Monterey SEA website into one centralized [Resources](#) page.

Next Quarter

Between April and June of 2025, MRSWMP support staff will focus on the following areas:

1. Selection of a PE/PO contractor and finalization of contract(s) for fiscal year 2025-2026.
2. MRSWMP budget approval by M1W Board of Directors.
3. Continued coordination of Memorandum of Agreement update process, approval by Member Entities.
4. Regional Stormwater Program update for Pacific Grove Beautification and Natural Resource Commission (BNCR).

Reminders

1. Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer (QSD)/Qualified SWPPP Practitioner (QSP):

Project-level compliance requires these roles to be filled either through municipal staff or external contractors for appropriate projects.

Individuals that have self-registered as a QSD through SWRCB's self-registration process will appear on their site: <https://smarts.waterboards.ca.gov/smarts/faces/SwPublicUserMenu.xhtml>.

Monterey Regional Stormwater Management Program (MRSWMP)
Program Administrator
FY24/25 Quarterly Performance Report - Quarter 3

A PE license typically satisfies the educational and professional qualification requirements for becoming a QSD in California under the CGP issued by the SWRCB.

To be listed on the CASQA Directory, QSD and QSP applicants must register through CASQA, obtain applicable prerequisite(s), complete a Trainer of Record led QSD and/or QSP course, and pass the applicable exams to receive a QSD and/or QSP certification. For more information: <https://www.casqa.org/training/cgp-training/qsd-qsp-overview>

2. Pollution Prevention and Good Housekeeping (GH), Illicit Discharge Detection and Elimination (IDDE) Trainings:

When member entities hire new staff, they must complete the GH training module within a year of hire and the IDDE module within six months. For those who do not have jurisdiction-specific resources, the modules are located on the password protected Member Page of the MRSWMP website. Program support staff can provide documentation on individuals who have completed these modules.

MRSWMP Annual Report Progress Tracking

New Permit BMP #	Old BMP # Program Activity	Annual Measurable Goals	Requirement	Year to Date
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E.7.a Public Education and Outreach Program Annual Report

E.7.a.ii.j.1 E.7.a.ii.d	1.1 Grades K-3	Reach 750 students with partner presentations or coloring books	750 students	815
E.7.a.ii.j.2 E.7.a.ii.d E.7.a.ii.b	1.2. Grades 4-12	24 total classes with hands-on presentations	24 classes	26
E.7.a.ii.j.2 E.7.a.ii.d E.7.a.ii.b	1.2. Grades 4-12	Reach 600 students per year with hands-on programs and activities	600 students	654
E.7.a.ii.j.2 E.7.a.ii.d E.7.a.ii.b	1.2. Grades 4-12	10% increase in student awareness based on pre- and post- survey results	10% increase	
E.7.a.ii.j.3 E.7.a.ii.c E.7.a.ii.d	1.3. Grades 4-College	Stencil 150 inlets; document location	150 stencils	99
E.7.a.ii.j.3 E.7.a.ii.c E.7.a.ii.d	1.3. Grades 4-College	Student community service of 100 hours/year	100 hours	
E.7.a.ii.j.3 E.7.a.ii.c E.7.a.ii.d	1.3. Grades 4-College	Minimum of 50 volunteer participants	50 volunteers	9
E.7.a.ii.j.4 E.7.a.ii.f E.7.a.ii.d	1.4. Teacher Training	2 teacher trainings during 5-year permit	2 trainings	1
E.7.a.ii.j.4 E.7.a.ii.f E.7.a.ii.d	1.4. Teacher Training	Each year, collect 20 teacher evaluations of the instruction and content of classroom programs	20 evaluations	3
E.7.a.ii.d	2. Sea Otter Mortality Increase general public awareness	Completed in past permit cycle Will continue to post messages on the topic on Facebook and website		
E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	3. Selected BMP Brochures	BMP brochures distributed either electronically or in City/County offices for businesses and general public		
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.g E.7.a.ii.h E.7.a.ii.i	4. Residential Outreach	50,000 "mailings" distributed throughout the MRSWMP area (Email blasts, hardcopy mailer, website posting, electronic newsletter, trash insert, etc.)	50,000 "mailers" sent	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.g E.7.a.ii.h E.7.a.ii.i	4. Residential Outreach	Provide 1 workshop to residents on LID and stormwater friendly garden techniques	1 LID workshop 1 garden technique	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.g E.7.a.ii.h E.7.a.ii.i	4. Residential Outreach	Provide incentives to 1 sustainable group to enhance local park or community area with stormwater friendly techniques	1 incentive	
E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	5. Household Hazardous Waste (HHW) in Monterey County	Report collection numbers for motor oil and used oil filters. These are reported in MS4 Annual Reports for their jurisdictions.	Individual City	

New Permit				Year to
BMP #	Old BMP # Program Activity	Annual Measurable Goals	Requirement	Date
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	6. Our Water Our World (OWOW) Displays	Maintain bilingual OWOW flyers in 4 public locations	4 locations	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	6. Our Water Our World (OWOW) Displays	Visit Home Depot on a monthly basis to check on OWOW display rack and shelf talkers	12 visits to Home Depot	3
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	6. Our Water Our World (OWOW) Displays	Offer in-store training OR an extra tabling event to be decided by the store manager	1 in-store training -or- 1 tabling event	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	7. OWOW Outreach Events	Participate in 4 events including possible tie-in with SPCA vaccine clinic	4 events	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	7. OWOW Outreach Events	Reach 75 people through events	75 people	Horticulture Day 82 people
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h E.7.a.ii.i	7. OWOW Outreach Events	Report on increase/decrease in sales of "natural insecticides" from box store corporate headquarters"	Report on +/-	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h	8. Restaurant Outreach	Visit 75 restaurants	75 restaurants	
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h	8. Restaurant Outreach	Post restaurant DVD training video on website in English and Spanish to reduce/eliminate DVD distribution		
E.7.a.ii.c E.7.a.ii.d E.7.a.ii.f E.7.a.ii.h	8. Restaurant Outreach	Post survey online to print and distribute for completion by restaurant managers and staff after viewing DVD		
E.7.a.ii.c E.7.a.ii.d	9. Bilingual Radio Ads (residents, general public)	Reach 150,000 listeners	150,000 listeners	
E.7.a.ii.c E.7.a.ii.d	9. Bilingual Radio Ads (residents, general public)	Air 500 ads	500 ads	
E.7.a.ii.c E.7.a.ii.d	9. Bilingual Radio Ads (residents, general public)	Achieve 35% Effective Reach	35% effectiveness	
E.7.a.ii.c E.7.a.ii.d	10. Bilingual TV Ads (general public, tourists)	Air 650-1,000 ads on 4 stations aiming for some prime time slots Reach will be reported each year	650-1000 ads on 4 stations	327
E.7.a.ii.c E.7.a.ii.d	11. Bilingual Movie Ads (general public, tourists)	Reach 175,000 movie patrons	175,000 people	77,326
E.7.a.ii.d E.7.a.ii.h	12. Publicity/Press Releases (general public)	17 print ads with # circulation impressions	17 print ads	
E.7.a.ii.d E.7.a.ii.h	12. Publicity/Press Releases (general public)	2-3 press releases submitted to media	2-3 press releases	1
E.7.a.ii.d E.7.a.ii.c	13. Website (general public)	Report the number of website and/or social media hits per year	# of hits	
E.7.a.ii.d E.7.a.ii.c	13. Website (general public)	Three audits/year by Education Coordinator	3 audits	

New Permit BMP #	Old BMP # Program Activity	Annual Measurable Goals	Requirement	Year to Date
E.7.a.ii.e E.7.a.ii.g	14. Events	Partner with organizations such as MBNMS and NGOs to participate in 5 events (7 days) per year	5 events	2
E.7.a.ii.e E.7.a.ii.g	14. Events	Partner with organizations such as MBNMS and NGOs to Reach 1,300 people (general public, residents,	1,300 people	552
E.7.a.ii.e E.7.a.ii.g	14. Events	Partner with organizations such as MBNMS and NGOs to distribute 1,500 educational materials	1,500 distributed	
E.7.a.ii.b	15. Public Attitude Survey	Analyze 175 public survey responses	175 public surveys	
E.7.a.ii.d	16. Large hands-on Storm Drain Model	Rotate model to 1-2 locations per year	1-2 locations	1 *MEarth
E.7.a.ii.d	16. Large hands-on Storm Drain Model	Distribute 250 bilingual brochures	250 brochures	
E.7.a.ii.c	17. Tourist Outreach	Restock and upkeep existing hotel partners with brochures and posters		
E.7.a.ii.c	17. Tourist Outreach	Add new hotels to help educate visitors through brochures, posters in elevators or vending areas, or PSA to air in hotel	Additional hotels	
E.7.a.ii.c E.7.a.ii.h E.7.a.ii.i	18. Printing of Educational Materials	Distribute educational materials to various audiences and report the number of materials distributed	# of material	Seaside Farmers Market (#TBD)
E.7.a.ii.a E.7.a.ii.k E.7.a.ii.l	19. Business Outreach	Coordinate commercial car wash facility to encourage community youth groups to use commercial facility for fund raising car wash; implement pilot program in Year		
E.7.a.ii.a E.7.a.ii.k E.7.a.ii.l	19. Business Outreach	Distribute messages related to proper car washing		
E.7.b.1	Illicit Discharge Detection and Elimination Training (Also covers 4-4.b legacy requirement)	Employee training program established in Year 3 through a "Members Only" training module on MontereySEA.org - Permittees may access via username and password. New hires receive training within their first year of employment. Module includes Excal Visual IDDE Employee Stormwater Training Video and a quiz to measure comprehension of key concepts and practices.		
E.7.b.2.a.i	Training (Also covers 4-4.b legacy requirement)	A Construction BMP Implementation and Inspection Workshop was held on November 2024		1
E.7.b.3 E.11	Biennial Employee Training Program	Pollution Prevention/Good Housekeeping online training module provided through the "Members Only" MontereySEA.org page. New hires receive training within their first year of employment. Module includes Excal Visual IDDE Employee Stormwater Training Video and a quiz to measure comprehension of key concepts and practices.		<input checked="" type="checkbox"/>
E.7.b.2.b.ii	Construction Education Materials	A free Construction BMP Handbook continues to be distributed via the MontereySEA.org website, with copies available at Building Department counters. The Handbook was adapted with permission from the SF PUC. A bilingual Construction BMP Plan Sheet also is available, listing applicable Construction BMPs to be implemented year round and intended to be inserted directly into plan sheet sets to ensure compliance. It was adapted with permission from the Santa Clara Valley Urban Runoff Pollution Prevention Program.		<input checked="" type="checkbox"/>

New Permit BMP #	Old BMP # Program Activity	Annual Measurable Goals	Requirement	Year to Date
E.8.a Public Involvement and Participation Program				
E.8.ii.a		Develop a public involvement and participation strategy that establishes who is responsible for specific tasks.		
E.8.ii.b		Consider development of a citizen advisory group (either a stand-alone group or utilize an existing group or process). The advisory group may consist of a balanced representation of affected parties, including residents, business owners, and environmental organizations in the MS4 service area and/or affected watershed. The Permittee may invite the citizen advisory group to participate in the development and implementation of all parts of the community's stormwater program.		
E.8.ii.c	2-1.d Annual Workshop or Public Event	Choose topic annually based on the year's public education goals and educate the public about selected topic. May hold workshop or public event or partner with others to support workshop or event that addresses selected topic	Select topic	
E.8.ii.c	2-2.a Financial Support to the Coastal Cleanup Day	Contribute financial support to the Coastal Clean Up Day event.	\$\$\$ contributed	\$1,000.00
E.8.ii.c	2-2.c Stenciling Outreach to public	Provide supplies, recruit volunteers, and stencil and complete minimum of 300 inlets per year.	300 inlets	78
E.8.ii.c	2-2.d Snap Shot Day Ads	Contribution for print ads from PE/PO		
E.8.ii.c	2-2.d Public Participation Programs	Promote public participation in community projects related to stormwater pollution prevention, LID education.		
E.8.ii.c	2-2.d Public Participation (Volunteer) Programs	Promote public participation in volunteer monitoring programs.		<input checked="" type="checkbox"/>
E.8.ii.c	2-2.d Public Participation Programs	Encourage public participation through social media outlets, community partners, and radio to encourage public participation.		820 impressions Coastal Clean up
E.8.ii.c	2-2.d First Flush Print Ads	Contribution toward print ads to recruit volunteers.		<input checked="" type="checkbox"/>
E.8.ii.d		Ensure the public can easily find information about the Permittee's stormwater program.		
E.8.ii.e		Actively engage in the Permittee's IRWMP or other watershed-level planning effort.		

Attachment 8

Monterey Regional Stormwater Management Program (MRSWMP) Committee Informational Memo

TO: MRSWMP Committee Members

FROM: Michelle Bumgardner & Erica Parker, MRSWMP Program Administrator Support Staff

DATE: April 16, 2025

SUBJECT: Stormwater-Relevant US Supreme Court Rulings

Background

Local stormwater discharges are regulated under the Federal Clean Water Act (CWA) through National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits. In conjunction with states, the Federal Environmental Protection Agency (EPA) determines what stormwater discharges contribute to pollutants in surface waters or to violations of water quality standards. The Supreme Court of the United States (SCOTUS), in the last two years, issued rulings that may impact and alter significantly the enforcement and administration of regulations set by the federal government.

Discussion

Two cases heard and decided in 2024 and 2025 by the SCOTUS pertain to how federal regulations are applied and enforced, overturning processes that have been in use for decades. A brief review of these two rulings is provided below.

[Loper Bright Enterprises et al. v Raimondo et al.](#)

June 28, 2024

In the 1984 *Chevron v. Natural Resources Defense Council* case, the SCOTUS held that when there is confusion around the intent of a statute passed by Congress, the court system should allow administrative agencies to interpret statutes, as long as their interpretations do not obviously contradict the language in the law. Part of the majority opinion in this case explained that, to engage in informed rulemaking, an agency must consider varying interpretations and the wisdom of its policy on a continuing basis. This became known as the "Chevron deference," or the "Chevron doctrine", and has dictated judicial deference to a regulating agency's reasonable interpretation of statutes.

The *Loper Bright* decision in June 2024 overturned the Chevron doctrine - deference to regulatory agencies was deemed inconsistent with the statute that provides that a reviewing court shall decide all relevant questions of law. Therefore, if a discrepancy or ambiguity exists in federal legislative regulations, the matter will be decided by the federal court system.

Analyses of potential impacts of the *Loper Bright* ruling include the assertion that it will push Congress to enact specific, unambiguous regulations. However, amending complex legislation like the CWA is a major undertaking in Congress and may result in regulations being unable to adapt and incorporate changing conditions and new scientific understanding. California's water regulations are governed mainly by state law, so local stormwater permits and requirements may not see consequences from this change.

The Water Pollution Control Act (WPCA) initially contained a provision that allowed direct enforcement against a polluter if the quality of the water into which the polluter discharges failed to meet water quality standards. When the WPCA was overhauled in 1972, this provision was omitted. However, receiving water limitations are standard in practically all NPDES permits issued by the CA State Water Resources Control Board.

The City and County of San Francisco brought forth a challenge to the EPA's authority to impose such limitations and to levy fines for exceedance of water quality standards. Plaintiffs argued against the legitimacy of "end-result" requirements – permit provisions that do not spell out what a permittee must do or refrain from doing – and that generic prohibitions offer no solution to allocate responsibility fairly among multiple dischargers contributing to water quality violations in a single body of water.

In March 2025, the SCOTUS declared that receiving water limitations now are considered "backward-looking limitations" and that such limits are not authorized by the CWA. Justices in the majority agreed the EPA's "end-result" provisions provide no mechanism to address responsibility among multiple dischargers and that the EPA must identify specific limits to which discharges must conform. They ruled that the CWA imposes "direct restrictions" on polluters rather than working backward from pollution to assign responsibility.

Vaguely prohibited activities (i.e. "polluting") cannot be included in NPDES permits, according to this ruling. "Determining what steps a permittee must take to ensure that water quality standards are met is the EPA's responsibility, and Congress has given it the tools needed to make that determination."¹

The California Stormwater Quality Association (CASQA) points out that the impact of receiving water limitations in MS4 permits has been the subject of numerous lawsuits in state and federal courts, though this is the first opinion issued by SCOTUS. CASQA will host a legal discussion for members, develop options to address how best to modify permits for compliance, and conduct additional outreach to state regulators and stakeholders. Another analysis asserts that end-result requirements negate the CWA's "permit shield" protecting compliant permittees from liability, and this ruling protects permittees from liability for receiving water quality.

The impact of requiring the EPA to develop explicit compliance measures for NPDES permit requirements has the potential to significantly delay the issuance of permits. California, like some other states, has independent discharge permitting authority and may continue to include "end-result" discharge permit conditions.

Conclusion

Program Administrator Support Staff will continue to monitor judicial rulings and legal opinions that may impact stormwater regulations, providing updates as necessary and connecting Management Committee Members with advocacy resources. It is recommended that jurisdictions contact their individual legal counsel with concerns, as this memo is not intended to serve as legal advice.

¹ https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf