

Long-Term Trash Load Reduction Plan and Assessment Strategy

Submitted by:

County of Santa Clara

70 West Hedding Street
San Jose, California 95110



In compliance with Provisions C.10.c of Order R2-2009-0074

February 1, 2014

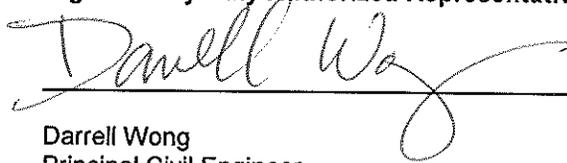
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County of Santa Clara
LONG-TERM TRASH LOAD REDUCTION PLAN AND
ASSESSMENT STRATEGY

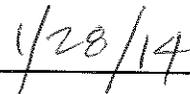
CERTIFICATION STATEMENT

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature by Duly Authorized Representative:



Darrell Wong
Principal Civil Engineer



Date

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ABBREVIATIONS

BASMAA	Bay Area Stormwater Management Agencies Association
BID	Business Improvement District
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CASQA	California Stormwater Quality Association
CDS	Continuous Deflection Separator
CEQA	California Environmental Quality Act
CY	Cubic Yards
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
GIS	Geographic Information System
LEA	Local Enforcement Agency
MRP	Municipal Regional Stormwater NPDES Permit
MS4	Municipal Separate Storm Sewer System
NGO	Non-Governmental Organization
NPDES	National Pollutant Discharge Elimination System
Q	Flow
SFRWQCB	San Francisco Regional Water Quality Control Board
SWRCB	State Water Resource Control Board
TMDL	Total Maximum Daily Load
USEPA	United States Environmental Protection Agency
Water Board	San Francisco Regional Water Quality Control Board
WDR	Waste Discharge Requirements

PREFACE

This Long-Term Trash Load Reduction Plan and Assessment Strategy (Long-Term Plan) is submitted in compliance with provision C.10.c of the Municipal Regional Stormwater NPDES Permit (MRP) for Phase I communities in the San Francisco Bay (Order R2-2009-0074). The Long-Term Plan was developed using a regionally consistent outline and guidance developed by the Bay Area Stormwater Management Agencies Association (BASMAA) and reviewed by San Francisco Bay Regional Water Quality Control Board staff. The Long-Term Plan is consistent with the Long-Term Trash Load Reduction Framework developed in collaboration with Water Board staff. Its content is based on the County of Santa Clara's current understanding of trash problems within its jurisdiction and the effectiveness of control measures designed to reduce trash impacts associated with Municipal Separate Storm Sewer (MS4) discharges. This Long-Term Plan is intended to be iterative and may be modified in the future based on information gained through the implementation of trash control measures. The County of Santa Clara (County) therefore reserves the right to revise or amend this Long-Term Plan at its discretion. If significant revisions or amendments are made by the County, a revised Long-Term Plan will be submitted to the Water Board through the County's annual reporting process.

1.0 INTRODUCTION

1.1 Purpose of Long-Term Trash Reduction Plan

The Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for Phase I communities in the San Francisco Bay (Order R2-2009-0074), also known as the Municipal Regional Permit (MRP), became effective on December 1, 2009. The MRP applies to 76 large, medium and small municipalities (cities, towns and counties) and flood control agencies in the San Francisco Bay Region, collectively referred to as Permittees. Provision C.10.c of the MRP requires Permittees to submit a *Long-Term Trash Load Reduction Plan* (Long-Term Plan) by February 1, 2014. Long-Term Plans must describe control measures that are currently being implemented, including the level of implementation, and additional control measures that will be implemented and/or increased level of implementation designed to attain a 70% trash load reduction by July 1, 2017, and 100% (i.e., “No Visual Impact”) by July 1, 2022.

This Long-Term Plan is submitted by the County of Santa Clara in compliance with MRP provision C.10.c. Consistent with provision C.10 requirements, the goal of the Long-Term Plan is to solve trash problems in receiving waters by reducing the impacts associated with trash in discharges from the County of Santa Clara’s municipal separate storm sewer system (MS4) that are regulated by NPDES Permit requirements. The Long-Term Plan includes:

1. Descriptions of the current level of implementation of trash control measures, and the type and extent to which new or enhanced control measures will be implemented to achieve a target of 100% (i.e. full) trash reduction from MS4s by July 1, 2022, with an interim milestone of 70% reduction by July 1, 2017;
2. A description of the *Trash Assessment Strategy* that will be used assess progress towards trash reduction targets achieved as a result of control measure implementation; and,
3. Time schedules for implementing control measures and the assessment strategy.

The Long-Term Plan was developed using a regionally consistent outline and guidance developed by the Bay Area Stormwater Management Agencies Association (BASMAA) and reviewed by the San Francisco Bay Regional Water Quality Control Board (Water Board) staff. The Long-Term Plan is consistent with the Long-Term Trash Load Reduction Framework (see section 1.2.1) developed in collaboration with Water Board staff. Its content is based on the County of Santa Clara’s current understanding of trash problems within its jurisdiction and the effectiveness of control measures designed to reduce trash impacts associated with Municipal Separate Storm Sewer (MS4) discharges. The Long-Term Plan builds upon trash control measures implemented by the County prior to the adoption of the MRP and during the implementation of the Short-Term Trash Load Reduction Plan submitted to the Water Board on February 1, 2012.

The Long-Term Plan was reviewed and approved for submittal by the County of Santa Clara’s Board of Supervisors on January 28, 2014. The County of Santa’s Staff Report is attached as Appendix A.

1.2 Background

1.2.1 Long-Term Trash Load Reduction Plan Framework

A workgroup of MRP Permittee, Bay Area countywide stormwater program staff and Water Board staff met between October 2012 and March 2013 to better define the process for developing and implementing Long-Term Plans, methods for assessing progress toward reduction goals, and tracking and reporting requirements associated with provision C.10. Through these discussions, an eight-step framework for developing and implementing Long-Term Plans was created by the workgroup (Figure 1).

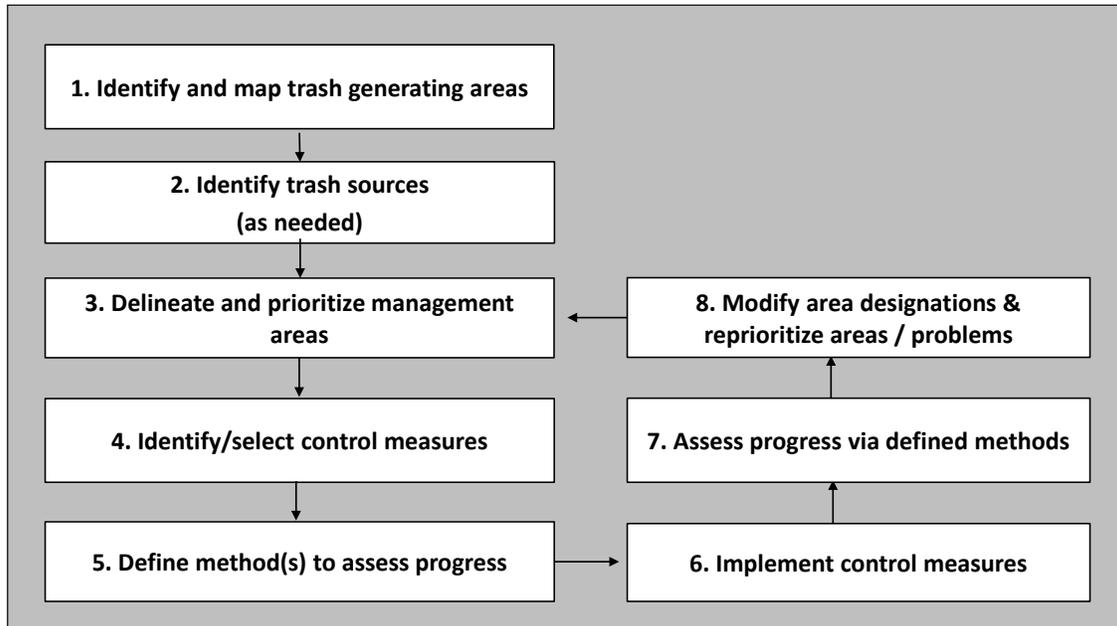


Figure 1. Eight-step framework for developing, implementing and refining Long-Term Trash Reduction Plans.

The workgroup agreed that as the first step in the framework, Permittees would identify very high, high, moderate, and low trash generating areas in their jurisdictional areas. Trash generation rates developed through the *BASMAA Baseline Trash Generation Rates Project* (as discussed below) were used as a starting point for differentiating and delineating land areas with varying levels of trash generation. Permittees would then use local knowledge and field and/or desktop assessments to confirm or refine the level of trash generation for specific areas within their jurisdiction. Each Permittee would then develop a map depicting trash generation categories within their jurisdiction.

As a next step, Permittees would then delineate and prioritize Trash Management Areas (TMAs) where specific control measures exist or are planned for implementation. TMAs delineated by Permittees are intended to serve as reporting units in the future. Reporting at the management area level provides the level of detail necessary to demonstrate implementation and progress towards trash reduction targets.

Once control measures are selected and implemented, Permittees will evaluate progress toward trash reduction targets using outcome-based assessment methods. As the results of the

progress assessments are available, Permittees may choose to reprioritize trash management areas and associated control measures designed to improve trash reduction within their jurisdictions.

1.2.2 BASMAA Generation Rates Project

Through approval of a BASMAA regional project in 2010, Permittees agreed to work collaboratively to develop a regionally consistent method to establish trash generation rates within their jurisdictions. The project, also known as the *BASMAA Trash Generation Rates Project* (Generation Rates Project) assisted Permittees in establishing the rates of trash generation and identifying very high, high, moderate and low trash generating areas.

The term “trash generation” refers to the rate at which trash is produced or generated onto the surface of the watershed and is potentially available for transport via MS4s to receiving waters. Generation rates do not explicitly take into account existing control measures that intercept trash prior to transport. Generation rates are expressed as trash volume/acre/year and were established via the Generation Rates Project.

In contrast to trash generation, the term “trash loading” refers to the rate at which trash from MS4s enters receiving waters. Trash loading rates are also expressed as trash volume/acre/year and are equal to or less than trash generation rates because they account for the effects of control measures that intercept trash generated in an area before it is discharged to a receiving water. Trash loading rates are specific to particular areas because they are dependent upon the effectiveness of control measures implemented within an area. Figure 2 illustrates the difference between trash generation and loading.

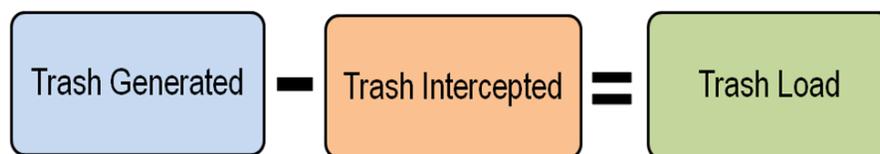


Figure 2. Conceptual model of trash generation, interception and load.

Trash generation rates were estimated based on factors that significantly affect trash generation (i.e., land use and income). The method used to establish trash generation rates for each Permittee builds off “lessons learned” from previous trash loading studies conducted in urban areas (Allison and Chiew 1995; Allison et al. 1998; Armitage et al. 1998; Armitage and Rooseboom 2000; Lippner et al. 2001; Armitage 2003; Kim et al. 2004; County of Los Angeles 2002, 2004a, 2004b; Armitage 2007). The method is based on a conceptual model developed as an outgrowth of these studies (BASMAA 2011b).

Trash generation rates were developed through the quantification and characterization of trash captured in Water Board-recognized full-capture treatment devices installed in the San Francisco Bay area. Trash generation rates estimated from this study are listed for each land use type in **Table 1**. Methods used to develop trash generation rates are more fully described in BASMAA (2011b, 2011c, and 2012).

Table 1. San Francisco Bay Area trash generation rates by land use (gallons/acre/year).

Land Use	Low ^b	Best ^b	High ^b
Commercial & Services	0.7	6.2	17.3
Industrial	2.8	8.4	17.8
Residential ^a	0.3 - 30.2	0.5 - 87.1	1.0 - 257.0
Retail ^a	0.7 - 109.7	1.8 - 150.0	4.6 - 389.1
K-12 Schools	3	6.2	11.5
Urban Parks	0.5	5.0	11.4

^a For residential and retail land uses, trash generation rates are provided as a range that takes into account the correlation between rates and household median income.

^b For residential and retail land uses: Low = 5% confidence interval; Best = best fit regression line between generation rates and household median income; and, High = 95% confidence interval. For all other land use categories: High = 90th percentile; Best = mean generation rate; and, Low = 10th percentile.

1.2.3 Short-Term Trash Load Reduction Plan

In February 2012, the County of Santa Clara developed a Short-Term Plan that described the current level of control measures implementation and identified the type and extent to which new or enhanced control measures would be implemented to attain a 40% trash load reduction from its MS4 by July 1, 2014. Since that time, the County Of Santa Clara has begun to implement its short-term plan. Control measures implemented to date via the short-term trash reduction plan are:

- Control Measure #1: Single-use Carryout Plastic Bag Policy

The County adopted a Single-Use Carryout Bag Ban, which went into effect on January 1, 2012. The Ordinance prohibits the free distribution of paper and plastic single-use carryout bags at retail establishments within unincorporated Santa Clara County, where a retail establishment is defined as an “establishment that is open to the public and devoted to the retail sale of a commodity or commodities and provides single-use carryout bags to its customers as a result of the sale of a product.” Public eating establishments are excluded from this definition.

- Control Measure #2: Public Education and Outreach Programs

The County participates in SCVURPPP and financially supports the Public Education and Outreach Program with SCVURPPP. The public education and outreach control measures were implement prior to the effective date of the MRP and have continued to participate and support these measures since MRP adoption.

- Control Measure #3: Anti-Littering and Illegal Enforcement Activities

The County has a Solid Waste Program and a Garbage and Refuse Ordinance. The Solid Waste Program consists of the following activities: permitting solid waste disposal, composting and transfer facilities; inspecting landfills, transfer stations, composting facilities, and refuse collection vehicles and yards; monitoring disposal facilities to exclude hazardous wastes, medical wastes or liquid wastes; providing information to the public and industry regarding the proper disposal of solid wastes (including asbestos); and investigating

complaints and mitigating problems associated with illegal dumping, disposal, or storage of solid wastes.

The Solid Waste Program investigates all complaints on illegal dumping in unincorporated areas of the County. During investigation/clean up staff collect evidence to identify the offender and when possible take appropriate enforcement actions. The property owners are required to clean up the refuse.

- Control Measure #4: Improved Trash Bin/Container Management

The County has Garbage and Refuse Ordinance that gives the Solid Waste Program the authority to enforce against insufficient containers and garbage collection service issues. The Ordinance contains refuse container requirements, which requires containers to be adequately sized for receiving and holding all refuse and must be constructed so as to be durable, leak proof, cleanable and have close-fitting lids. This section also prohibits refuse producers from filling a refuse container that causes the refuse to fall out of or overflow from the container, or to preclude proper closure of the lid.

The Solid Waste Program investigates any complaints about refuse containers and coordinates with the permitted garbage collector to address garbage producers that have insufficient trash collection.

- Control Measure #5: Enhanced On-Land Trash Cleanups (Volunteers and/or Municipal)

The County Parks Department holds numerous events throughout the year where volunteers assist staff with the collection of on-land litter as a part of the event. Added emphasis toward reducing the amount of on-land trash is stressed at these events.

- Control Measure #6: Enhanced Street Sweeping

The County enhanced our street sweeping programs on expressways. Pre-MRP, the County sweep the curb and gutters on the expressways once per month. Post- MRP, the County sweeps the medians, curbs and gutters, and on/off ramps twice a week. The County began the enhanced street sweeping on May 1, 2013.

- Control Measure #7: Full Capture Devices

The County had two Contech full capture trash separators installed on Central Expressway before the MRP was adopted. Post MRP, the County has installed 26 small full capture devices in the unincorporated neighborhood known as Burbank.

- Control Measure #8: Creek/Channel/Shoreline Cleanups

The County participates each year in the National River Cleanup Day and the Coastal Cleanup Day. The County hosts and sponsors multiple clean-up sites for both of these events.

Control measures described in this Long-Term Plan build upon actions taken to-date via County of Santa Clara's Short-Term Plan. A full description of control measures implemented via short and long-term plans is included in section 3.2. Outcomes associated with short-term plan implementation will be reported in the County of Santa Clara's Fiscal Year 2013-14 Annual Report, scheduled for submittal to the Water Board by September 15, 2014.

1.3 Organization of Long-Term Plan

This Long-Term Plan is organized into the following sections:

- 1.0 Introduction;
- 2.0 Scope of the Trash Problem;
- 3.0 Trash Management Areas and Control Measures;
- 4.0 Progress Assessment Strategies; and
- 5.0 References

Section 2.0 is intended to provide a description of the extent and magnitude of the trash problem in the unincorporated area of Santa Clara County. Control measures that will be implemented by County of Santa Clara as a result of this Long-Term Plan are described in section 3.0. Section 4.0 describes the methods that will be used to assess progress toward trash reduction targets.

2.0 SCOPE OF THE TRASH PROBLEM

2.1 Permittee Characteristics

Founded in 1850, the County of Santa Clara has a jurisdictional area of 604,177 acres on unincorporated lands, 382,116 of those acres located in geographical areas which drain to the San Francisco Bay. The County of Santa Clara has jurisdiction of the unincorporated areas of the Santa Clara County including the unincorporated census-designated communities known as: Alum Rock, Burbank, Cambrian Park, East Foothill, Fruitdale, Lexington Hills, Loyola, San Martin, and Stanford.

According to the 2010 Census, it has a population of 89,960, with a population density of 97 people per square mile and average household size of 3.4. Of the 89,960 residents who call County of Santa Clara home, 22% are under the age of 18, 16% are between 18 and 24, 25% are between 25 and 44, 26% are between 45 and 64, and 11% are 65 or older. The median household income was \$64,033 in 2009. The unincorporated area of the County of Santa Clara is primarily home to agriculture, residences, and Stanford University with a mix of smaller retail establishments.

Land uses within County of Santa Clara depicted in ABAG (2005) are provided in Table 2. The County of Santa Clara is primary comprised of land uses classes not typically identified by ABAG. The most significant area identified by ABAG is residential areas. Other areas primarily include agricultural and university areas.

Table 2. Percentages of the *County of Santa Clara's* jurisdictional area¹ within land use classes identified by ABAG (2005)

Land Use Category	Jurisdictional Area (acres)	% of Jurisdictional Area
Commercial and Services	395.9	0.1%
Industrial	356.7	0.1%
Residential	8,923.7	2.3%
Retail	52.0	0.0%
K-12 Schools	55.1	0.0%
Urban Parks	476.9	0.1%
Other ²	371,855.4	97.3%

¹ A Permittee's jurisdictional area is defined as the urban land area within a Permittee's boundary that is not subject to stormwater NPDES Permit requirements for traditional and non-traditional small MS4s (i.e. Phase II MS4s) or the California Department of Transportation, or owned and maintained by the State of California, the U.S. federal government or other municipal agency or special district (e.g., flood control district).

² The Santa Clara County jurisdictional areas which do not fall into the major land use classes identified by ABAG include areas in the County that are County roads and expressways, university land, open space, rural areas, and vacant land.

2.2 Trash Sources and Pathways

Trash in San Francisco Bay Area creeks and shorelines originates from a variety of sources and is transported to receiving waters by a number of pathways (Figure 3). Of the four source categories, pedestrian litter includes trash sources from high traffic areas near businesses and schools, transitional areas where food/drinks are not permitted (e.g. bus stops), and from public or private special events with high volumes of people. Trash from vehicles occurs due to littering from automobiles and uncovered loads. Inadequate waste container management includes sources such as overflowing or uncovered containers and dumpsters as well as the dispersion of household and business-related trash and recycling materials before, during, and after collection. On-land illegal dumping of trash is the final source category.

Trash is transported to receiving waters through three main pathways: 1) Stormwater Conveyances; 2) Wind; and, 3) Direct Dumping. Stormwater or urban runoff conveyance systems (e.g., MS4s) consist of curbs/gutters, and pipes and channels that discharge to urban creeks and the San Francisco Bay shorelines. Wind can also blow trash directly into creeks or the Bay. Lastly, trash in receiving waters can also originate from direct dumping into urban creeks and shorelines.

This Long-term Plan and associated trash control measures described in Section 3.0 are focused on reducing trash from one of the transport pathways illustrated in Figure 3—**Stormwater Conveyances**. Specifically, the Long-term Plan is focused on reducing the impacts of discharges from MS4s to San Francisco Area receiving waters and the protection of associated beneficial uses.

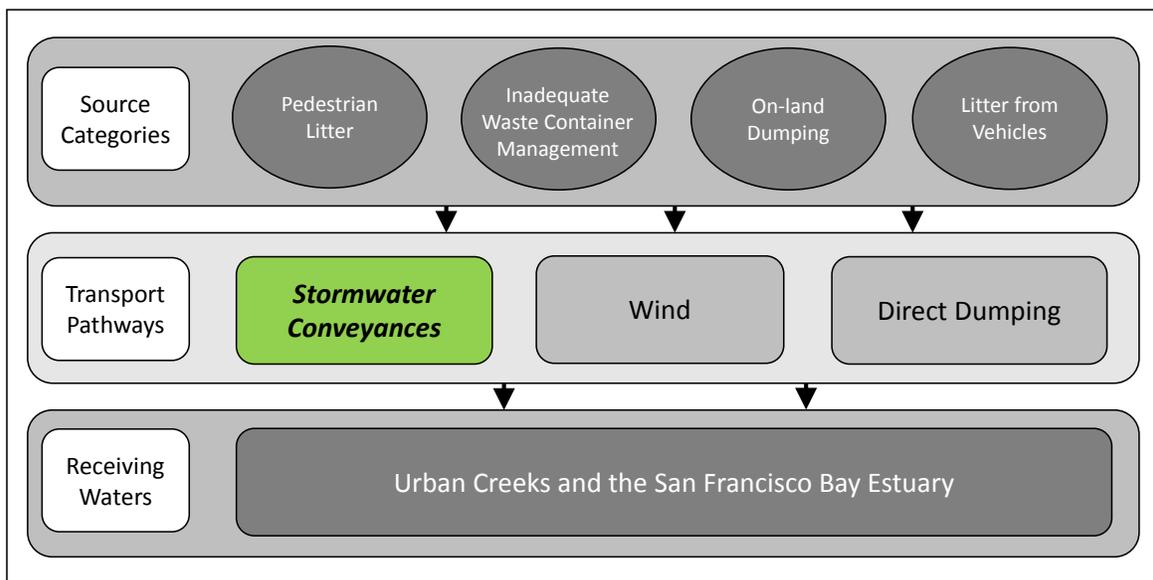


Figure 3. Trash sources categories and transport pathways to urban creeks.

The County of Santa Clara has and will continue to implement actions to address wind and direct dumping transport pathways by address impacts from homeless encampments, direct dumping into receiving waters and addressing other trash sources.

The County of Santa Clara's Office of Housing and Homeless Support Services develops policies and coordinates services benefiting the homeless population. The Department of Parks and Recreations works with the Office of Housing and Homeless Support Services to identify homeless encampments, initiate contact with the individuals to provide information on help available and tries to prevent future encampments. The Department of Parks and Recreation either contracts with vendors or uses staff and/or volunteers to clean up encampments.

County owned and operated parks are mostly located in rural areas in the hill sides and illegal dumping can be a major issue. The Department of Parks and Recreation signs and monitors areas that are prone to illegal dumping. When an illegal dumping occurs the department tries to identify those responsible and cleans up the site.

The Department of Parks and Recreation is currently in the process of replacing garbage cans in County owned and operated Parks with covered dumpsters or self-closing lid garbage cans, where practical, to prevent trash from blowing out of trash cans in County parks.

The County of Santa Clara enforces the California Vehicle Code which requires that all loads being transported must be covered in order to reduce the amount of wind-blown trash which originates from vehicles ending up on the streets and eventually in the storm drain system. The County of Santa Clara's Roads and Airports Department posts signage in areas known for illegal dumping. When illegal dumping is discovered, County of Santa Clara Roads and Airports Department staff immediately remove the trash to keep the wind from transporting it to the waterways and storm drains. If there are larger items which can't be transported by wind and can't be collected upon first discovery of the trash, staff will return within a week to collect the oversized items for disposal.

2.3 Trash Generating Areas

2.3.1 Generation Categories and Designation of Areas

The process and methods used to identify the level of trash generation within the County of Santa Clara are described in this section and illustrated in Figure 4.

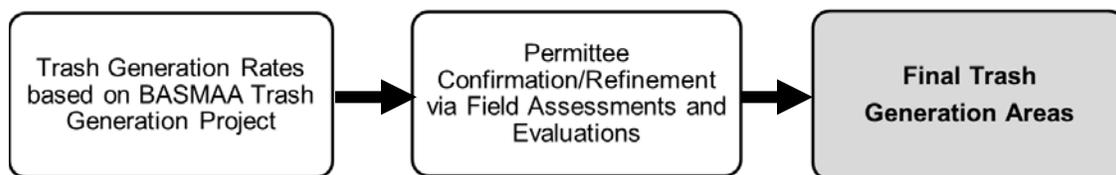


Figure 4. Trash sources categories and transport pathways to urban creeks.

As a first step, trash generation rates developed through *the BASMAA Trash Generation Rates Project* were applied to parcels within the unincorporated areas of Santa Clara County based on current land uses and 2010 household median incomes. A Draft Trash Generation Map was created as a result of this application. The draft map served as a starting point for the County of Santa Clara to identify trash generating levels. Levels of trash generation are depicted on the map using four trash generation rate (gallons/acre/year) categories that are symbolized by four different colors illustrated in Table 3.

Table 3. Trash generation categories and associated generation rates (gallons/acre/year).

Category	Very High	High	Moderate	Low
Generation Rate (gallons/acre/year)	> 50	10-50	5-10	< 5

The County of Santa Clara then reviewed and refined the draft trash generation map to ensure that trash generation categories were correctly assigned to parcels or groups of parcels. County staff refined maps using the following process:

1. Based upon our knowledge of trash generation and problem areas within the County, staff identified areas on the draft map that potentially had incorrect trash generation category designations.
2. Trash generation category designations initially assigned to areas identified in step #1 were then assessed and confirmed/refined by the County using the methods listed below.

a. On-Land Visual Assessments

To assist Permittees with developing their trash generation maps, BASMAA developed a *Draft On-land Visual Trash Assessment Protocol (Draft Protocol)*. The Draft Protocol entails walking a street segment and visually observing the level of trash present on the roadway, curb and gutter, sidewalk, and other areas adjacent to the street that could potentially contribute trash to the MS4. Based on the level of trash observed, each segment (i.e., assessment area) was placed into one of four on-land assessment condition categories that are summarized in Table 4. Using the Draft Protocol the County assessed a total of 11 areas to assist in conducting/refining trash generating area designations.

On-land visual assessments were conducted in Alum Rock, Burbank, and Cambrian neighborhoods.

b. Viewing Areas via Goggle Maps – Street View

The trash loads generated by County roads and expressway were assessed by utilizing Goggle Maps-Street View. Those Expressways included Central, Foothill, Lawrence, Almaden, Oregon-Page Mill, and Montague Expressways.

c. No Assessment Required

The rural, open space, and vacant areas of the County were determined not to need an assessment because of the very low density of population located in these areas. With the sparse population located in such areas, the trash generated would be considered low.

Table 4. Definitions of on-land trash assessment condition categories.

On-land Assessment Condition Category	Summary Definition
A (Low)	Effectively no trash is observed in the assessment area.
B (Moderate)	Predominantly free of trash except for a few pieces that are easily observed.
C (High)	Trash is widely/evenly distributed and/or small accumulations are visible on the street, sidewalks, or inlets.
D (Very High)	Trash is continuously seen throughout the assessment area, with large piles and a strong impression of lack of concern for litter in the area.

- Based on assessments conducted to confirm/refine trash generation category designations, the County created a final trash generation map that depicts the most current understanding of trash generation within the unincorporated areas of Santa Clara County. The County documented this process by tracking the information collected through the assessments and subsequent refinements to the Draft Trash Generation Map. The County of Santa Clara’s Final Trash Generation Map is included as Figures 5a and 5b.

2.3.2 Summary of Trash Generating Areas and Sources

Summary statistics for land use and trash generation categories generated through the mapping and assessment process are presented in Table 5.

Table 5. Percentage of jurisdictional area within the County of Santa Clara assigned to each trash generation category.

Trash Generation Category	Jurisdictional Area (Acres)	Commerc. and Services	Indust.	Residen.	Retail	K-12 Schools	Urban Parks	Other³
Very High	0.0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
High	1,123.1	0.0%	0.0%	0.0%	3.6%	0.0%	0.0%	96.4%
Medium	677.6	19.1%	0.5%	79.1%	0.0%	1.3%	0.0%	0.0%
Low	380,315.9	0.1%	0.1%	2.2%	0.0%	0.0%	0.1%	97.5%

³ The Santa Clara County jurisdictional areas which do not fall into the major land use classes identified by ABAG include areas in the County that are County roads and expressways, university land, open space, rural areas, and vacant land.

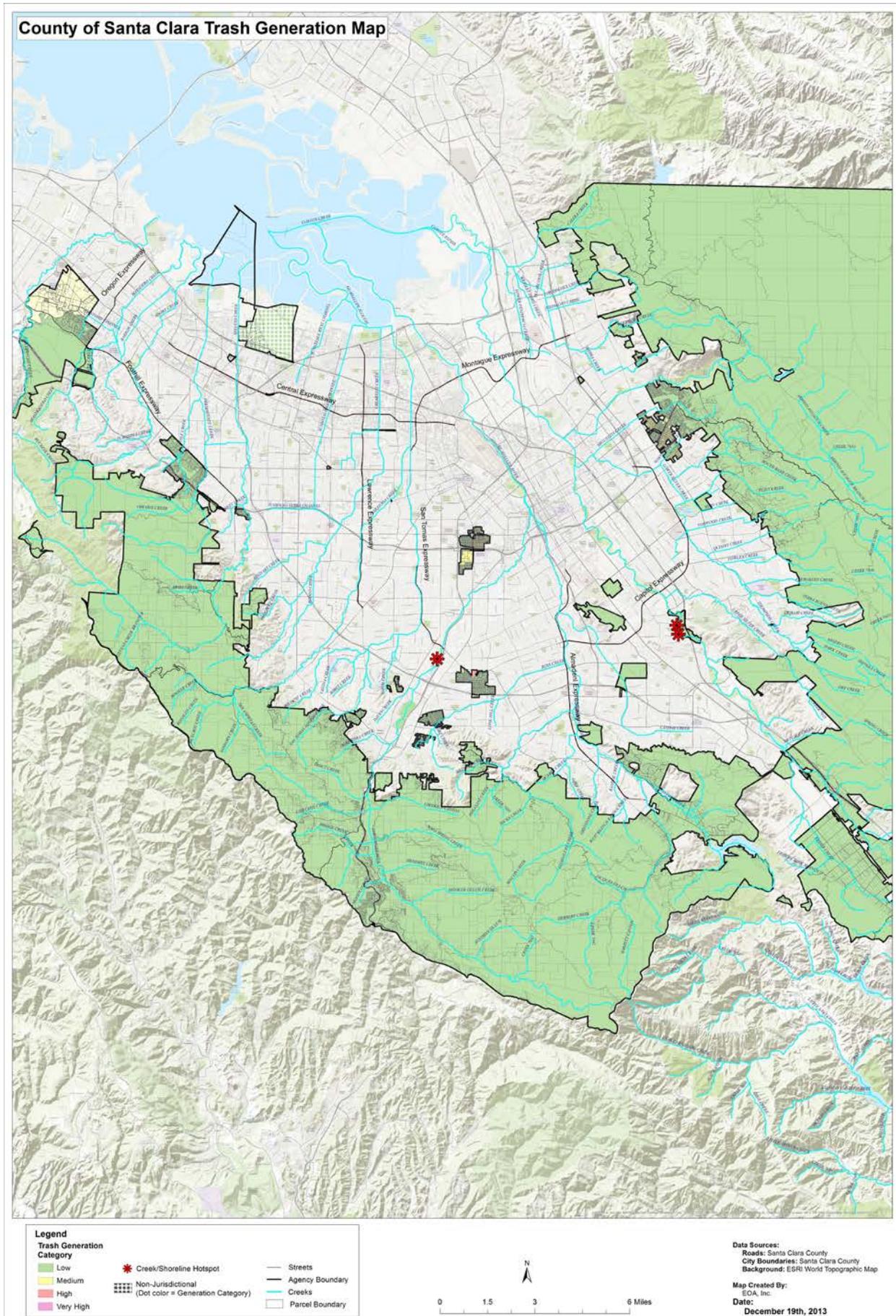


Figure 5. Final Trash Generation Map for the entire County of Santa Clara

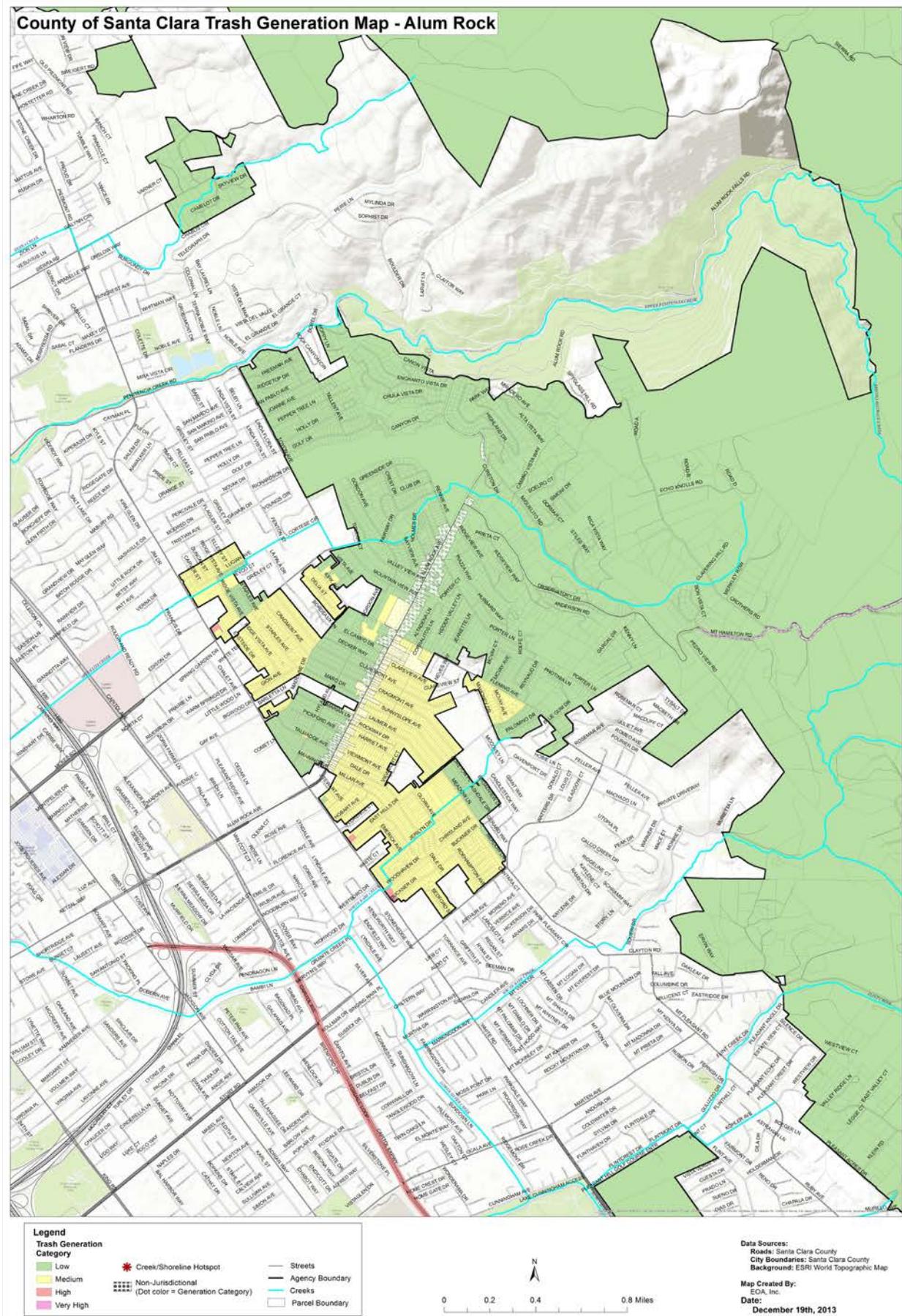


Figure 5a. Final Trash Generation Map for the County of Santa Clara – Alum Rock Area



Figure 5b. Final Trash Generation Map for the County of Santa Clara – Cambrian & Burbank Areas

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3.0 TRASH MANAGEMENT AREAS AND CONTROL MEASURES

This section describes the control measures that the County of Santa Clara has or plans to implement to solve trash problems and achieve a target of 100% (i.e. full) trash reduction from their MS4 by July 1, 2022. The selection of control measures described in this section is based on the County of Santa Clara's current understanding of trash problems within its jurisdiction and the effectiveness of control measures designed to reduce trash impacts associated with MS4 discharges. Information on the effectiveness of some trash control measures is currently lacking and therefore in the absence of this information, the County based its selection of control measures on existing effectiveness information, their experience in implementing trash controls and knowledge of trash problems, and costs of implementation. As knowledge is gained through the implementation of these control measures, the County may choose to refine their trash control strategy described in this section. If significant revisions or amendments are made, a revised Long-Term Plan will be submitted to the Water Board through the County of Santa Clara's annual reporting process.

3.1 Management Area Delineation and Prioritization

Consistent with the long-term plan framework, the County of Santa Clara delineated and prioritized trash management areas (TMAs) based on the geographical distribution of trash generating areas, types of trash sources, and current or planned control measure locations. TMAs are intended to form the management units by which trash control measure implementation can be tracked and assessed for progress towards trash reduction targets. Once delineated, TMAs were also prioritized for control measure implementation. The County of Santa Clara's primary management areas were selected based on the spatial distribution of trash generating areas and the location of specific existing or planned management actions within County's jurisdiction. County staff used the following procedure to designate TMAs:

1. Identified areas that had the highest trash generation rate.
2. Identified areas that trash problems are known
3. Identified areas that the County could easily implement full trash capture devices.
4. Identified areas that do not have a structural storm drain system, are larger parcels or are in rural areas.

Maps depicting the County's TMAs are included as 6, 6a, and 6b. All jurisdictional areas within the county are included within a TMA. The amount of jurisdictional land area and associated trash condition categories for each TMA are included in Table 6.

The County of Santa Clara's jurisdiction includes the unincorporated areas of the County, which consists primarily of the rural and residential areas around the base and into the hillsides of Diablo Mountain Range and the Santa Cruz Mountains, as well as a few unincorporated urban neighborhoods and the County Expressway system. The rural and residential areas generally located in the foothills and hillsides were given a single trash management area and are prioritized as low trash generating areas since these areas are generally very sparsely populated with any trash generated primarily originating from the very low volume of passing traffic. The storm drain systems in these areas generally consist of road side ditches and swales where full capture devices are not practical. Each County owned/operated expressway was assigned a separate trash management area since each expressway is unique in

characteristic. Some expressways drain to storm drains where full capture devices can be utilized while other expressways drain to open channels and road side swales. Some expressways run through retail and commercial areas, while others pass through residential areas.

Table 6. Jurisdictional area and percentage of each Trash Management Area (TMA) comprised of trash generation categories

TMA	Jurisdictional Area (Acres)	Trash Generation Rate			
		Very High	High	Medium	Low
1	183.3	0.0%	100.0%	0.0%	0.0%
2	167.8	0.0%	100.0%	0.0%	0.0%
3	282.8	0.0%	100.0%	0.0%	0.0%
4	212.2	0.0%	100.0%	0.0%	0.0%
5	168.1	0.0%	100.0%	0.0%	0.0%
6	68.8	0.0%	100.0%	0.0%	0.0%
7	551.1	0.0%	0.4%	75.3%	24.3%
8	426.5	0.0%	3.9%	58.9%	37.2%
9	382.7	0.0%	5.5%	3.0%	91.5%
10	124.6	0.0%	0.0%	0.0%	100.0%
11	379,548.7	0.0%	0.0%	0.0%	100.0%

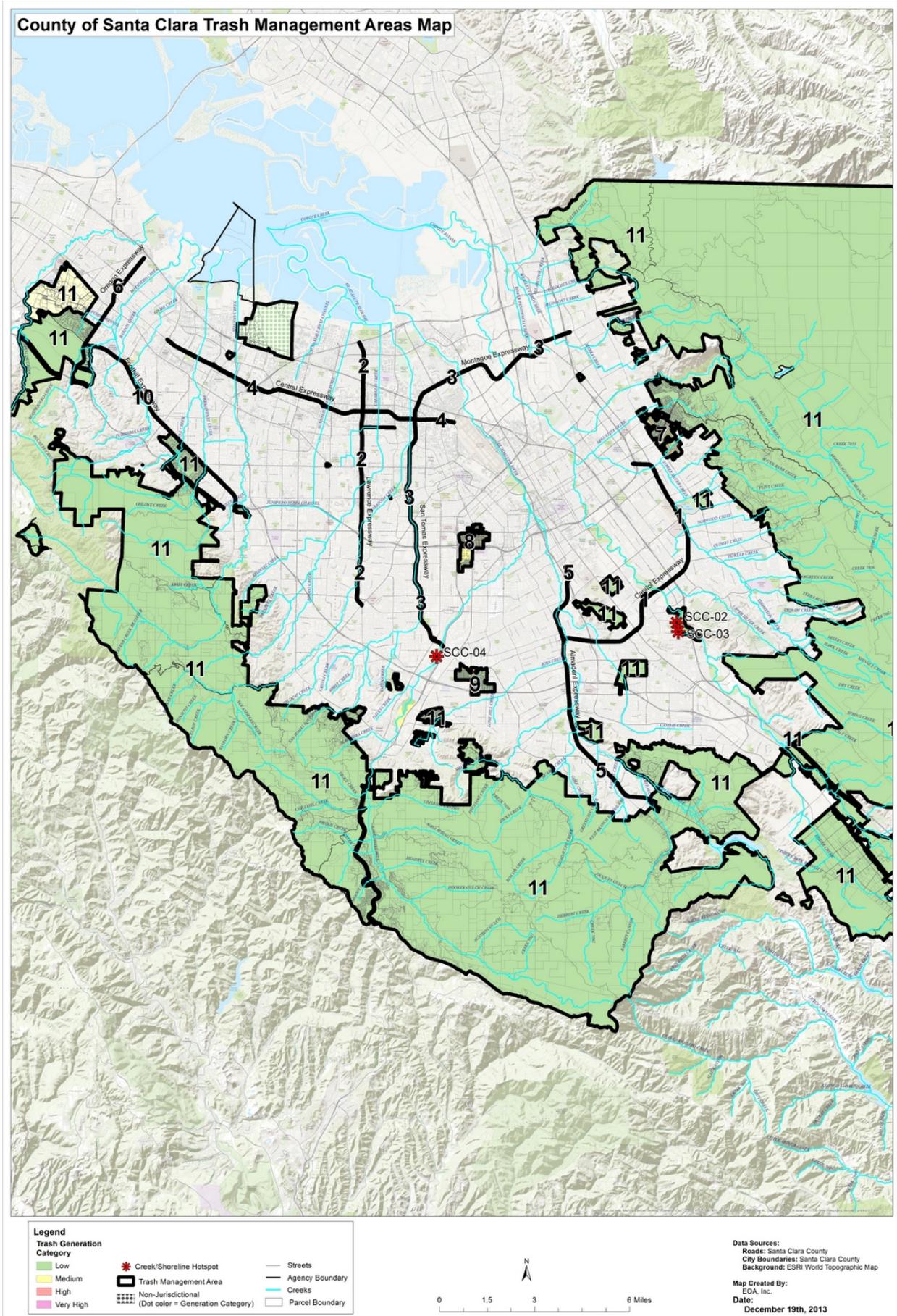


Figure 6. Trash Management Area Map for the entire County of Santa Clara.

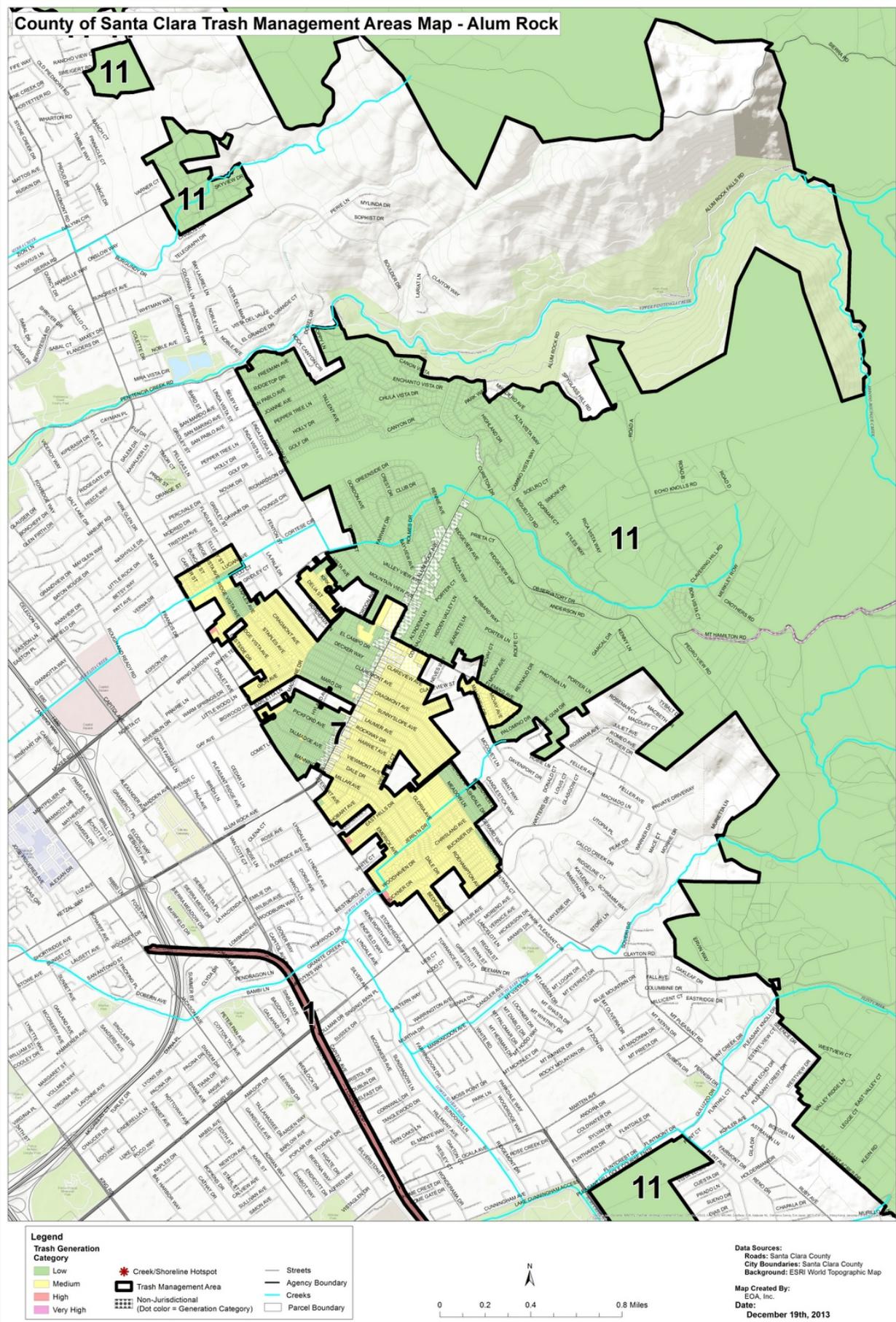


Figure 6a. Trash Management Area Map for the County of Santa Clara – Alum Rock area.

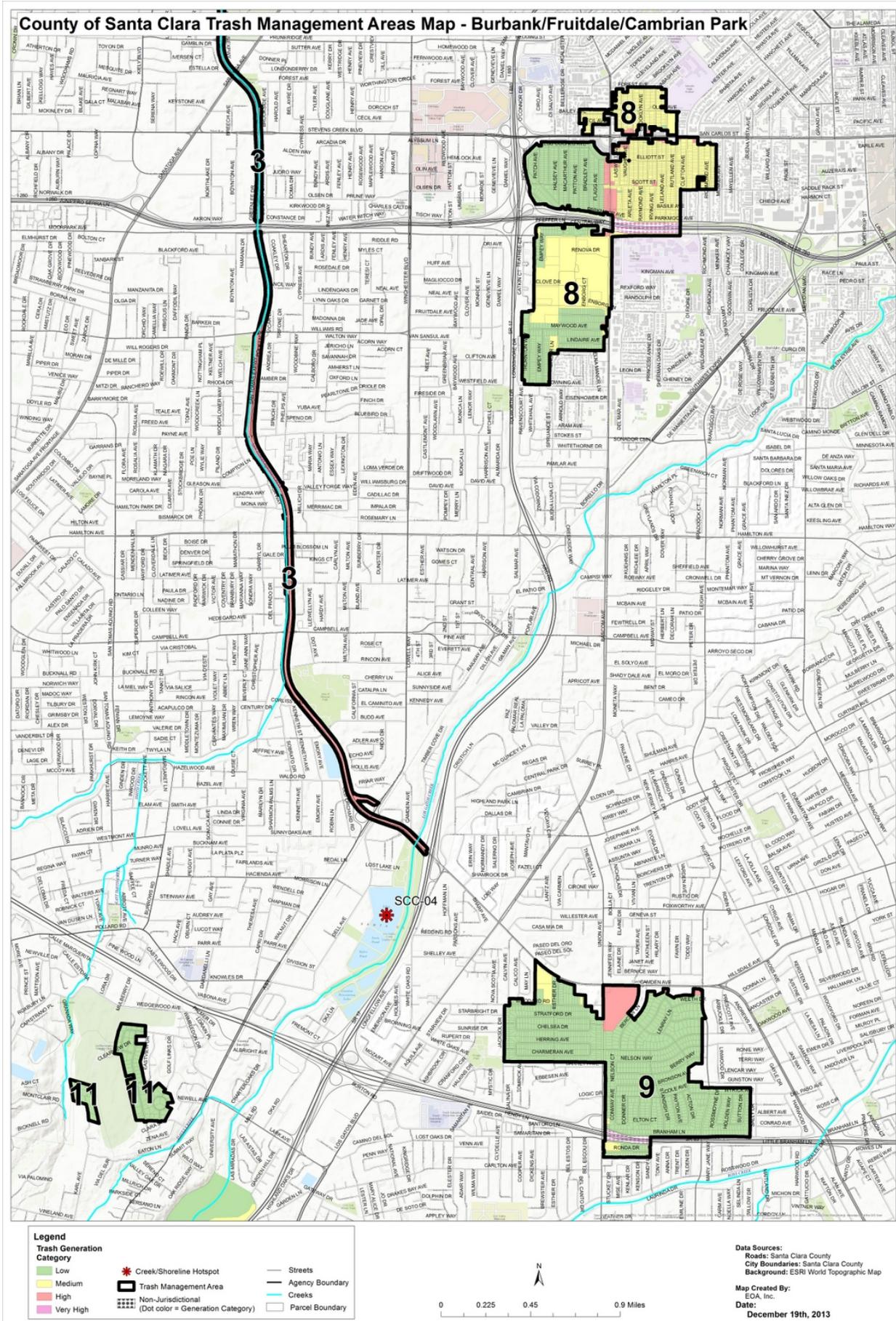


Figure 6b. Trash Management Area Map for the County of Santa Clara – Cambrian and Burbank areas.

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3.2 Current and Planned Trash Control Measures

The County of Santa Clara's jurisdiction is in the unincorporated areas of the County, which are primarily consist of large parcels located in the rural perimeter areas of the County which do not have structural storm drain systems. The County plans to focus trash control efforts on our County owned/operated expressways and the unincorporated pockets in the valley floor.

The County currently has ordinances for illegal dumping, trash containers, and products ban (single use bags and poly styrene). The County plans to continue creek cleans ups, public education and outreach and continue our solid waste program. The County is in the process of replacing uncovered waste disposal containers located in County Parks with new containers and dumpsters with covers and lids.

The County also recently increased street sweeping areas and frequencies on our expressways and installed full capture devices as a part of the Short Term Plan. Two large full capture trash separators have also been installed by the County. The locations of areas which are treated by full capture devices are shown in Figures 7a and 7b. The County will continue to add small full capture devices in critical areas as budgets allow throughout the Long Term Plan. Enhanced street sweeping will continue as a part of the Long Term Plan

3.2.1 Trash Management Area #1

Capitol Expressway

Capitol Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority. The County's approach to address the trash issue on Capitol Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month as well as adding in full capture devices.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County's intention to install full capture devices on the highest priority locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara's street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

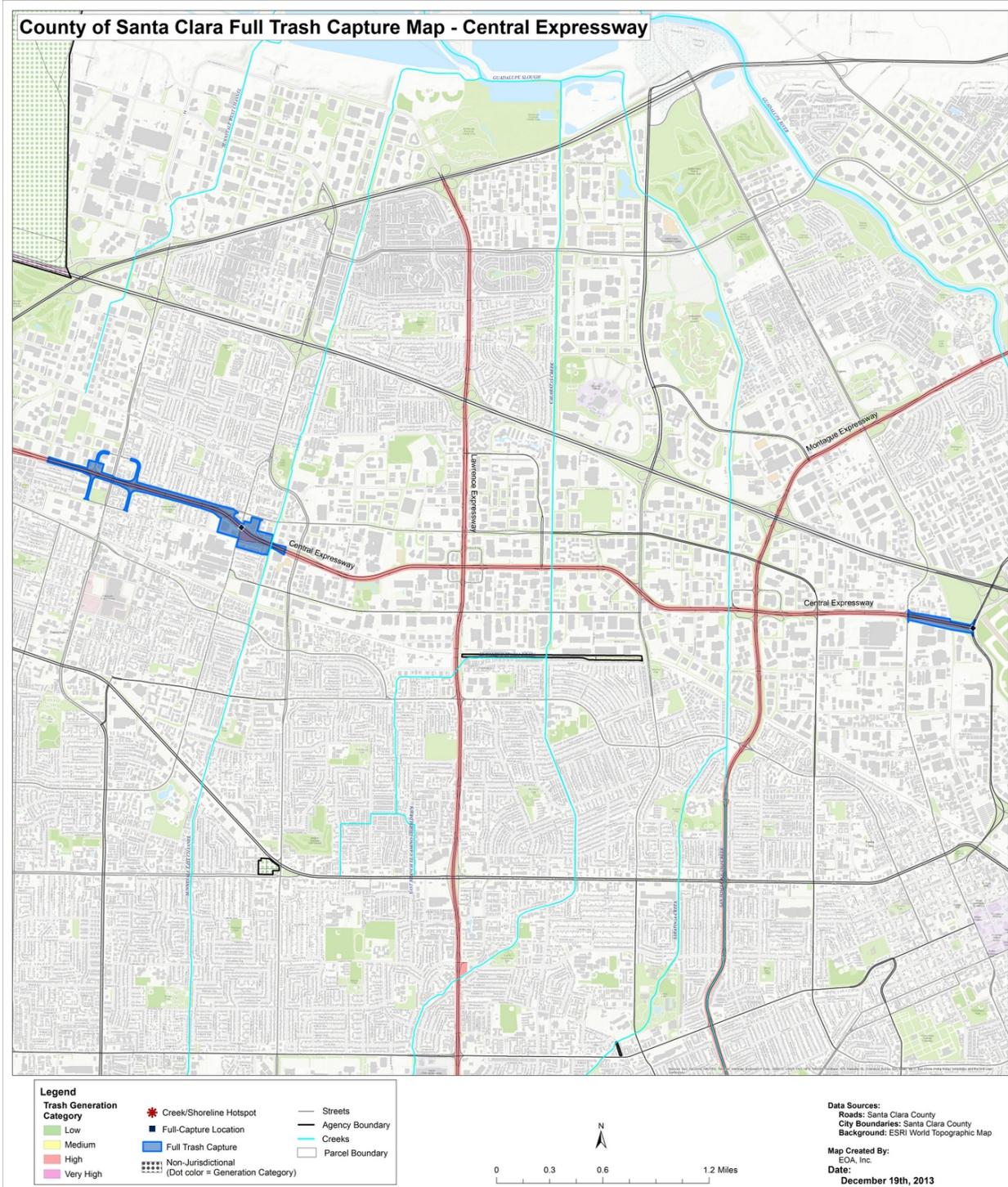


Figure 7a. Trash Full Capture Device Map for the County of Santa Clara – Central Expressway Area.

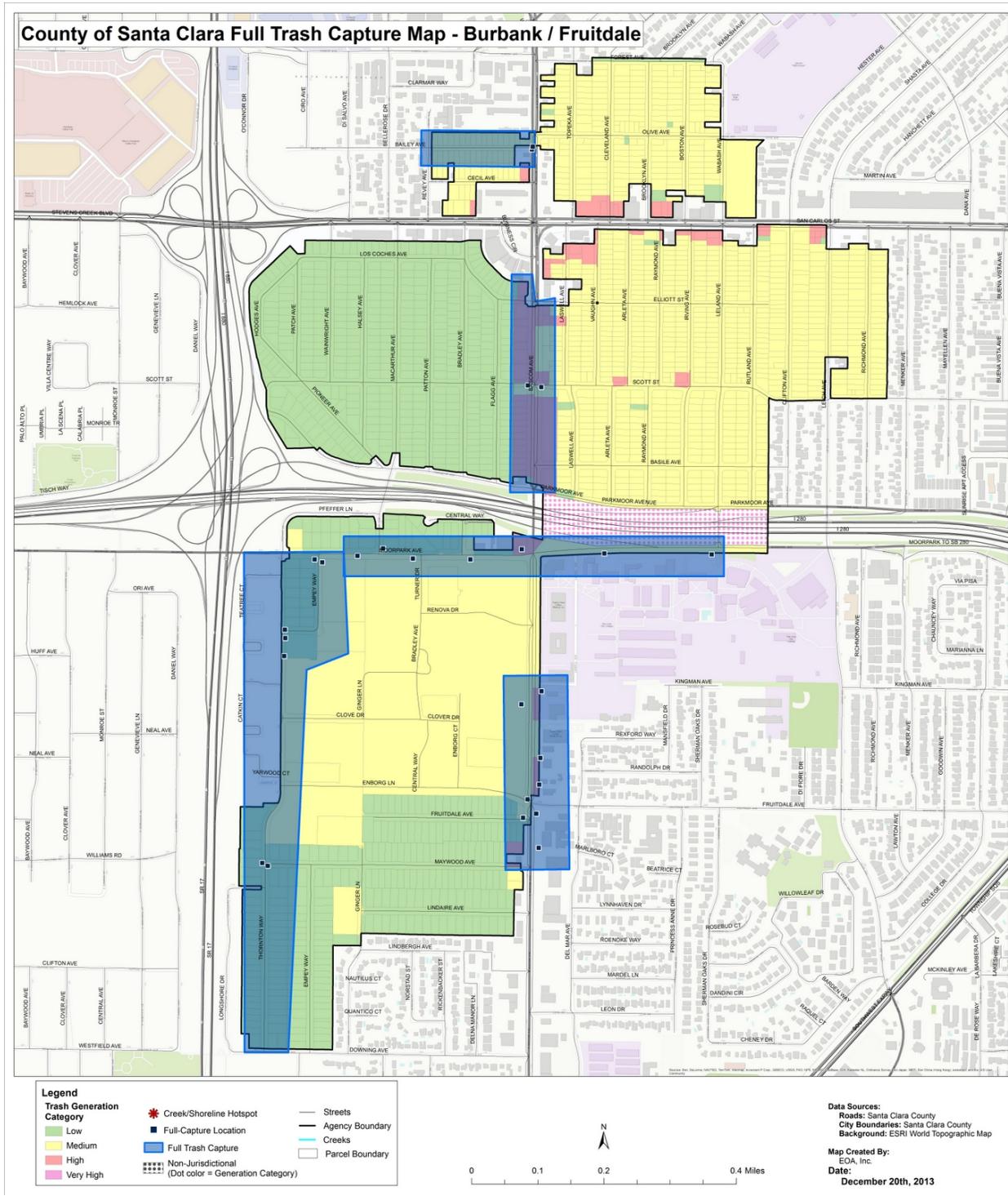


Figure 7b. Trash Full Capture Device Map for the County of Santa Clara – Burbank-Fruitdale Area.

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3.2.2 Trash Management Area #2

Lawrence Expressway

Lawrence Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County's approach to address the trash issue on Lawrence Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County's intention to install full capture devices on the highest priority locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara's street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.3 Trash Management Area #3

Montague Expressway

Montague Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County's approach to address the trash issue on Montague Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash

within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County's intention to install full capture devices on the highest priority locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara's street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.4 Trash Management Area #4

Central Expressway

Central Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County's approach to address the trash issue on Central Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

In addition, the County of Santa Clara installed two Contech full capture trash separators on Central Expressway prior to the adoption of the MRP. These trash separators are annually cleaned each year prior to the start of the rainy season.

Full Capture Devices

The County of Santa Clara installed two large Contech full capture trash separators in 2005. The location of the device and area of treatment are shown in Figure 7a. There have been no problems or issues with this device. It is cleaned out of captured trash as necessary and it is serviced if it is no longer capturing trash.

The County of Santa Clara intends on installing small full capture devices on all remaining inlets in this area not already treated by the Contech units to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County's intention to install full capture devices on the highest priority

locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara’s street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.5 Trash Management Area #5

Almaden Expressway

Almaden Expressway’s trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County’s approach to address the trash issue on Almaden Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County’s intention to install full capture devices on the highest priority locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara’s street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.6 Trash Management Area #6

Oregon-Page Mill Expressway

Oregon-Page Mill Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County's approach to address the trash issue on Oregon-Page Mill Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow. It is unknown at this time exactly when each full capture device will be installed and which inlets will have full capture devices installed first, but it is the County's intention to install full capture devices on the highest priority locations first and complete the installation of full capture devices on all inlets by the end of 2022.

Street Sweeping

The County of Santa Clara's street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.7 Trash Management Area #7

East San Jose- Alum Rock Area

The Alum Rock area is an unincorporated neighborhood in East San Jose. Alum Rock includes primarily residential areas with commercial business along major thoroughfares and schools located just adjacent to the Unincorporated County in the neighboring jurisdiction. Trash sources in this neighborhood associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops. These trash loads are primarily concentrated along the commercial areas and major thoroughfares.

The County suspects that the majority of the area currently designated as a high or moderate trash generation rate may be higher than actual. Further on-land visual assessments will be required to more effectively determine the trash generation rate which is expected to be low in most locations within the area and moderate in just a minimal amount of area.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on an as needed basis.

3.2.8 Trash Management Area #8

Burbank- Valley Medical Center Area

Burbank is an unincorporated neighborhood located in West San Jose. Burbank includes some commercial businesses, a County Hospital and residential areas. San Jose City College, Valley Fair Mall, and other commercial establishments which are all located in adjacent jurisdictions attract a high volume of pedestrian and vehicular traffic to and through the neighborhood. The Santa Clara Valley Medical Center is not only a hospital, but also a high volume medical center providing multiple medical services to a wide range of clients. This attracts a high volume of both pedestrian and vehicular traffic to and through the area. Trash sources in this neighborhood associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

The County suspects that some of the area currently designated as a high or moderate trash generation rate may be higher than actual. Further on-land visual assessments will be required to more effectively determine the trash generation rate which is expected to be low in most locations within the area and moderate in just a minimal amount of area. The visual assessments will especially be required in the residential areas currently designated as moderate trash generation.

Full Capture Devices

The County of Santa Clara installed 26 full-capture treatment devices as a part of the Bay Area Wide Trash Capture Demonstration Project. The trash devices are cleaned out once per year but most of the trash captured was located curbside in a location where street sweepers captured the trash on a regular basis. The location of the device and area of treatment are shown in Figure 7b. There have been no problems or issues with these devices and their maintenance has not yet been determined to be an issue since they have only recently been installed

Street Sweeping

The County of Santa Clara’s street sweeping program, prior to the adoption of the MRP, did not include this area. The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping of this area at the frequency to twice per month on average as a part of the enhanced program. The County plans to continue sweeping this area as a part of the Long Term Plan.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on an as needed basis.

On-land Trash Cleanups

The County of Santa Clara currently performs regular on-land trash cleanup of their Valley Medical Center Campus. County maintenance staff collect what trash is found on campus daily preventing the majority of any trash from reaching the surrounding storm drain system.

3.2.9 Trash Management Area #9

Cambrian Shopping Center at Camden and Union Avenues- San Jose

The Cambrian Shopping Center is located near the intersection of Camden and Union Avenues in West San Jose. The area includes commercial retail establishments grouped in a strip mall as well as residential areas. This area's trash problems are minimal and are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara increased storm drain inlet maintenance in this area and performs inlet maintenance on an as needed basis.

3.2.10 Trash Management Area #10

Foothill Expressway

Foothill Expressway's trash problems are associated with but not limited to moving vehicles, parked cars, uncovered loads and pedestrian and litter from local restaurants, convenience stores, liquor stores, and bus stops.

Expressways are high priority and the County's approach to address the trash issue on Foot Hill Expressway is to increase sweeping of the curb and gutters once a month to sweeping the medians, curbs and gutters, and on/off ramps to twice a month.

Full Capture Devices

The County of Santa Clara intends on installing small full capture devices on all inlets in this area to capture trash as a part of the Long Term Trash Plan. This should capture all of the trash within this area where runoff flows to inlets. The devices will be installed incrementally as budgets allow.

Street Sweeping

The County of Santa Clara's street sweeping program, prior to the adoption of the MRP, included sweeping the outside curb on County Expressways at a frequency of once per month on average. Parking enforcement signs are not posted but parking is not permitted on expressway per the California Street and Highways Code.

The County of Santa Clara enhanced its street sweeping program on May 1, 2013 to also include sweeping the medians and on/off ramps and increased the frequency to twice per month on average.

Enhanced Storm Drain Inlet Maintenance

The County of Santa Clara performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

3.2.11 Trash Management Area #11

Low Trash Generating areas

The Unincorporated areas of Santa Clara County which are located within the Santa Cruz Mountains to the Southwest of Palo Alto, Los Altos, Cupertino, Saratoga, Los Gatos, and San Jose, the East Foothills of San Jose, and the southern portion of Almaden Valley in San Jose generate extremely low rates of trash. There are a small number of commercial facilities such as wineries, wedding facilities, and nurseries located within these areas and a small amount of agricultural operations located within these areas. Other Unincorporated areas of Los Altos, Los Altos Hills, Monte Sereno, Saratoga, Cupertino, and Los Gatos are primarily single family residential areas on large lots. The Santa Clara County Parks are also included in these low trash generating areas. The sources of trash in these areas are minimal and primarily associated with but not limited to uncovered vehicle loads and moving vehicles.

Improved Trash Bins/Container Management

The County of Santa Clara Parks and Recreation Department will be replacing the 32 gallon trash cans with covered dumpsters in parks located in these areas whenever possible. Uncovered 20 yard Trash bins will be replaced with smaller 6 yard covered dumpsters wherever possible.

On-land Trash Cleanups

Santa Clara County Parks and Recreation Department has conducted numerous volunteer park cleanup events throughout the year. The County of Santa Clara plans to continue to hold volunteer events to address trash in the park areas, all of which are located within the low trash generating areas.

3.2.12 Jurisdiction-wide Control Measures

The County has instituted several County wide measures in an attempt to reduce trash generation and subsequent impacts to storm drains and water bodies.

Single-Use Carryout Bag Ban

The County of Santa Clara has adopted a Single-Use Carryout Bag Ban, which became effective on January 1, 2012. The Ordinance prohibits the free distribution of paper and plastic single-use carryout bags at retail establishments within unincorporated Santa Clara County, where a retail establishment is defined as an “establishment that is open to the public and devoted to the retail sale of a commodity or commodities and provides single-use carryout bags to its customers as a result of the sale of a product.” Public eating establishments are excluded from this definition. A copy of the ordinance is available in Appendix B.

Expanded Polystyrene Restriction Ordinance

The County of Santa Clara has adopted an Expanded Polystyrene Restriction, which became effective on February 1, 2013. A copy of the ordinance is available in Appendix C. The Ordinance prohibits all food vendors from providing prepared food in disposable food service ware made from expanded polystyrene foam. In addition, all disposable food service ware used by food vendors are required to be recyclable. The ordinance excludes the following items from this prohibition:

1. Foods prepackaged outside unincorporated Santa Clara County;
2. Coolers and ice chests that are intended for reuse;
3. Trays used to hold fresh meat, poultry, fish, produce and eggs that require additional preparation prior to consumption, or are not intended for immediate consumption.

Public Education and Outreach Programs

The County implemented the following public education and outreach control measures prior to the effective date of the MRP and has continued to implement these measures since MRP adoption.

1. Watershed Watch Campaign (Countywide)-In addition to the BASMAA Campaign, the County will continue to implement the countywide Watershed Watch Campaign through active participation and funding of the SCVURPPP. This Campaign conducts media advertising that includes anti-litter messages. Anti-litter advertisements for television, print, transit and radio have been developed and are used each year and will continue in the future. A telephone survey is conducted every five years to measure the effectiveness of outreach and increase in awareness about litter and stormwater related messaging. The FY 12-13 Watershed Watch media advertising included 312 anti-littering advertisements on TV, radio and online media. The Campaign also conducted outreach at a community event to promote the BASMAA "Be the Street" anti-littering campaign.
2. Outreach to School-Age Children of Youth- Through participation and funding of the SCVURPPP countywide ZunZun Program, the County is continuing to implement litter reduction outreach to elementary school-age children. Up to 50 ZunZun assemblies at elementary schools are conducted in the Santa Clara Valley each year. These bilingual musical assemblies educate elementary school students and their teachers on watersheds and urban runoff pollution prevention, including litter. ZunZun performances use physical comedy, audience participation and musical instruments to educate teachers and children.

Handouts, including teacher and student activity sheets, are distributed following the assembly.

The SCVURPPP Schools and Youth Education and Outreach Work Group provide a list of schools for ZunZun to contact. In addition to schools with high Hispanic populations, the list includes schools with high Asian/Pacific Islander populations.

ZunZun assemblies are evaluated using postage-paid evaluation cards that are distributed to all teachers present at the performances. Teachers mail the completed evaluation cards to SCVURPPP, and results are compiled by SCVURPPP staff. Based on the teacher feedback, changes are made to future assemblies and/or handouts. During FY 12-13, ZunZun conducted 49 assemblies at 27 elementary schools in ten cities. In addition, two assemblies were conducted at the Pumpkins in the Park event, and one at the Water Wizards event for the general public. The assemblies reached approximately 15,632 students and their teachers in grades K-6.

3. Media Relations- BASMAA Regional Media Relations Project - Through participation and funding of the BASMAA Regional Media Relations Project, the County is continuing to implement a media relations project partially designed to reduce littering from target audiences in the Bay Area. The goal of the BASMAA Media Relations Project is to generate media coverage that encourages individuals to adopt behavior changes to prevent water pollution, including littering. At least two press releases or PSAs focus on litter issues each year (e.g., creek clean-up activities, preventing litter by using reusable containers, etc.). In FY 12-13, the Media Relations project developed a press release new and recent bag bans in cities around the region. The pitch included information on the litter caused by plastic bags. Information ran on KBAY, KCBS and on eight Bay Area Patch.com sites.

New/Enhanced Post-MRP Actions Initiated/Planned:

In addition to the control measures continued post-MRP adoption, the County is currently implementing or planning to implement the following public education and outreach control measures that were initiated after the MRP was adopted.

4. Litter Reduction Advertising Campaign(s) – BASMAA Youth Outreach Campaign Through participation and funding of the regional BASMAA Youth Outreach Campaign, the County is implementing an outreach campaign designed to reduce littering from the target audience in the Bay Area. The Youth Outreach Campaign was launched in September 2011 and aims to increase the awareness of Bay Area Youth (ages 16-24) on litter and stormwater pollution issues, and eventually change their littering behaviors. Combining the ideas of Community Based Social Marketing with traditional advertising, the Youth Campaign aims to engage youth to enable the peer-to-peer distribution of Campaign messages. The Campaign will at least run through FY 13-14. A brief description of the Campaign activities is provided below:

- Raising Awareness: The Campaign is raising awareness of the target audience on litter and stormwater pollution issues. Partnerships with youth commissions, high schools, and other youth focused organizations have been developed to reach the target audience. Messages targeted to youth have been created and distributed via paid advertising, email marketing, Campaign website and social networking sites (e.g., Facebook and Twitter).
- Engage the Youth: The advertisements encourage the audience to participate in the Youth Campaign by joining a Facebook page, entering a contest, taking an online quiz, etc., and providing their contact information. At the beginning of FY 12-13, a video contest was launched to get Bay Area youth further involved in the Campaign. An online voting system was used to select the winning entry. Media advertising was conducted to promote the winning entry.
- Change Behaviors: To move the audience along the behavior change continuum, the Campaign is using electronic platforms such as email marketing and social networking sites to encourage participants to

engage in increasingly more difficult behavior changes, such as participating in a clean-up, organizing a clean-up, etc.

- Maintain Engagement: The Campaign continues to interact with the target audience through email marketing and social media websites.

The Youth Campaign includes a pre and post campaign survey to evaluate the effectiveness of outreach. The pre-campaign survey was conducted in FY 11-12 and the post campaign survey will begin in FY 13-14. Other evaluation mechanisms, such as website hits, number of youth engaged in the Campaign's social networking website, etc. are also being used to evaluate its effectiveness in increasing awareness and changing behavior.

Activities in FY 12-13 included maintaining the website www.BetheStreet.org, Facebook page, and Instagram account. A video contest asking participants to submit their best anti-litter video was also conducted. The Be the Street campaign received 52 entries in response to the contest. The winning video was promoted on television, Pandora (online music site), YouTube, Google, and Facebook. The Watershed Watch Campaign promoted the winning video on KNTV. Highlights of FY 12-13 Be the Street activities are below:

- The website received 15,431 total visits and 10,040 unique visitors.
- The Facebook page received 1,062 new fans, resulting in a total of 1,468 fans. There were a total of 2,048 total interactions (includes likes, comments, shares and responses to poll questions).
- The contest resulted in 52 video entries. The online voting resulted in a total of 4,844 votes being cast.
- Media advertising results - Using the winning video, Be the Street launched a regional ad buy on Pandora, Facebook, and KTVU, resulting in approximately 6.5 million impressions from target demographic of 14-24 year olds in the Bay Area. Media advertising results are summarized below:
 - Television advertising - The winning video ran 12 times in June and July 2013 on KTV Fox. The video also ran on KTVU online 273 times.
 - Facebook advertising - Advertisements promoting the Be the Street Facebook page were placed in August 2012, September 2012, March 2013, May 2013, and June 2013. Overall, the advertisements received 5,733,573 impressions and 2,173 "click-throughs". The advertisements also resulted in 917 additional likes on the Be the Street Facebook page.
 - Pandora - The placement of the winning video on Pandora resulted in 371,919 impressions and 13,143 "click-throughs". The 3.82% click through rate on the Pandora advertisement is significantly above the industry standard of 1.2%.

Activities to Reduce Trash from Uncovered Loads

Santa Clara County Department of Environmental Health’s Solid Waste Division has increased enforcement at waste disposal facilities where vehicles arrive with loads of trash and garbage for disposal. All vehicles arriving at transfer stations in the County, with the exception of the City of San Jose, are inspected, and load covering requirements are enforced.

3.2.13 Creek and Shoreline Hot Spot Cleanups

The County of Santa Clara has three hot spots cleanups per year. Two hot spots are located in Hellyer Park along coyote creek and the third hot spot is located at the percolation ponds on Los Gatos Creek. The Department of Parks and Recreation Volunteer program organizes the cleanups, is an active member of the Creek Connections Action Group, and is actively recruiting volunteer groups to adopt trails along the creeks that are heavy polluted. The Department of Parks and Recreation sponsors two major cleanups each year; the National River Cleanup Day, which is held on the third Saturday in May and the Coastal Cleanup Day which is held on third Saturday in September. The Department of Parks and Recreation typically hosts cleanups the following park locations: Los Gatos Creek, Stevens Creek, Anderson Lake, Coyote Lake, Calero, Mount Madonna, Uvas, Almaden Quicksilver, Hellyer, Lexington and Vasona for California Coastal Cleanup day. For National River Cleanup Day, the Department of Parks and Recreation hosts clean ups at the following County Parks: Los Gatos Creek, Hellyer, Steven Creek, Vasona, Chesbro Reservoir, and Anderson Reservoir. In addition, the Department also hosts cleanups for Shoreline Cleanup Day.

3.3 Control Measure Implementation Schedule

The implementation schedule for the wide variety of measures which the County has and will be implementing through the Plan duration until 2022 is shown below in Table 7. There are various measures which have already been implemented by the County and others which will be implemented

Table 7. County of Santa Clara trash control measure implementation schedule.

Trash Management Area and Control Measures	Pre-MRP	Short-Term					Long-Term							
		FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014 ^a	FY 2014-2015	FY 2015-2016	FY 2016-2017 ^b	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022 ^c
TMA #1														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #2														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #3														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #4														
Full-Capture Treatment Devices	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #5														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														

Trash Management Area and Control Measures	Pre-MRP	Short-Term					Long-Term							
		FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014 ^a	FY 2014-2015	FY 2015-2016	FY 2016-2017 ^b	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022 ^c
TMA #6														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping				X	X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #7														
Enhanced Storm Drain Inlet Maintenance														
TMA #8														
Full-Capture Treatment Devices					X	X	X	X	X	X	X	X	X	X
Street Sweeping					X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
On-Land Trash Clean Ups	X	X	X	X	X	X	X	X	X	X	X	X	X	X
TMA #9														
Enhanced Storm Drain Inlet Maintenance														
TMA #10														
Full-Capture Treatment Devices										X	X	X	X	X
Street Sweeping				X	X	X	X	X	X	X	X	X	X	X
Enhanced Storm Drain Inlet Maintenance														
TMA #11														
On-Land Trash Clean Ups	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Improved Trash Bin/Container Management	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Trash Management Area and Control Measures	Pre-MRP	Short-Term					Long-Term							
		FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014 ^a	FY 2014-2015	FY 2015-2016	FY 2016-2017 ^b	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	FY 2021-2022 ^c
Jurisdiction-wide Control Measures														
Single-use Carryout Bag Ban Ordinance					X	X	X	X	X	X	X	X	X	X
Expanded Polystyrene Restriction Ordinance				X	X	X	X	X	X	X	X	X	X	X
Improved Trash Bin/Container Management	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Activities to Reduce Trash From Uncovered Loads			X	X	X	X	X	X	X	X	X	X	X	X
Creek and Shoreline Hot Spot Cleanups														
Parks Clean Volunteer Cleanups			X	X	X	X	X	X	X	X	X	X	X	X

^aJuly 1, 2014 40% trash reduction target

^bJuly 1, 2014 70% trash reduction target

^cJuly 1, 2022 100% trash reduction target

4.0 PROGRESS ASSESSMENT STRATEGY

Provision C.10.a.ii of the MRP requires Permittees to develop and implement a trash load reduction tracking method that will be used to account for trash load reduction actions and to demonstrate progress and attainment of trash load reduction targets. Early into the MRP, Permittees decided to work collaboratively to develop a trash load reduction tracking method through the Bay Area Stormwater Management Agencies Association (BASMAA). Permittees, Water Board staff and other stakeholders assisted in developing Version 1.0 of the tracking method. On behalf of all MRP Permittees, the Bay Area Stormwater Management Agencies Association (BASMAA) submitted Version 1.0 to the Water Board on February 1, 2012.

The Trash Assessment Strategy (Strategy) described in this section is intended to serve as Version 2.0 of the trash tracking method and replace version 1.0 previously submitted to the Water Board. The Strategy is specific to Permittees participating in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), including the County of Santa Clara. The County intends to implement the Strategy in phases and at multiple geographical scales (i.e., jurisdiction-wide and trash management area) in collaboration with SCVURPPP. Pilot implementation is scheduled for the near-term and as assessment methods are tested and refined, the Strategy will be adapted into a longer-term approach. The Strategy selected by the County is described in the following sections.

4.1 SCVURPPP Pilot Assessment Strategy

The following SCVURPPP Pilot Trash Assessment Strategy (SCVURPPP Pilot Strategy) was developed by SCVURPPP on behalf of the County and other Santa Clara Valley Permittees. The SCVURPPP Pilot Strategy will be implemented at a pilot scale on a countywide basis and includes measurements and observations in the County of *Santa Clara*.

4.1.1 Management Questions

The SCVURPPP Pilot Strategy is intended to answer the following core management questions over time as trash control measures outlined in section 3.0 are implemented and refined:

- Are the MS4 trash load reduction targets (i.e., 40%, 70%, and No Adverse Impacts) being achieved?
- Are there trash problems in receiving waters (e.g., creeks and rivers)?
- If trash problems in receiving waters exist, what are the important sources and transport pathways?

The SCVURPPP Pilot Strategy, including indicators and methods, is summarized in this section and fully described in the SCVURPPP Pilot Trash Assessment Strategy, a compendium document submitted to the Water Board on February 1, 2014 on behalf of all SCVURPPP Permittees (SCVURPPP 2014).

4.1.2 Indicators of Progress and Success

The management questions listed in the previous section will be addressed by tracking information and collecting data needed to report on a set of key environmental indicators. Environmental indicators are simple measures that communicate what is happening in the environment. Since trash in the environment is very complex, indicators provide a more practical

and economical way to track the state of the environment than if we attempted to record every possible variable.

With regard to municipal stormwater trash management, indicators are intended to detect progress towards trash load reduction targets and solving trash problems. Ideally, indicators should be robust and able to detect progress that is attributable to multiple types of trash control measure implementation scenarios. Assessment results should also provide Permittees with an adequate level of confidence that trash load reductions from MS4s have occurred, while also assessing whether trash problems in receiving waters have been resolved. Indicators must also be cost effective, relatively easy to generate, and understandable to stakeholders.

Primary and secondary indicators that SCVURPPP Permittees will use to answer core management questions include:

Primary Indicators:

- 1-A Reduction in the level of trash present on-land and available to MS4s
- 1-B Effective full capture device operation and maintenance

Secondary Indicators:

- 2-A Successful levels of trash control measures implementation
- 2-B Reductions in the amount of trash in receiving waters

In selecting the indicators above, the County of Santa Clara in collaboration with SCVURPPP and other SCVURPPP Permittees recognize that no one environmental indicator will provide the information necessary to effectively determine progress made in reducing trash discharged from MS4s and improvements in the level of trash in receiving waters. Multiple indicators were therefore selected.

The ultimate goal of municipal stormwater trash reduction strategies is to reduce the impacts of trash associated with MS4s on receiving waters. Indicators selected to assess progress towards this goal should ideally measure outcomes (e.g., reductions in trash discharged). The primary indicators selected by SCVURPPP are outcome-based and include those that are directly related to MS4 discharges. Secondary indicators are outcome or output-based and are intended to provide additional perspective on and evidence of, successful trash control measure implementation and improvements in receiving water condition with regard to trash.

As described in Section 2.2, trash is transported to receiving waters from pathways other than MS4s, which may confound our ability to observe MS4-associated reductions in creeks and shorelines. Due to this challenge of linking MS4 control measure implementation to receiving water conditions, the receiving water based indicator is currently considered a secondary indicator. Evaluations of data on the amount of trash in receiving waters that are conducted over time through the Pilot Assessment Strategy will assist the County in further determinations of the important sources and pathways causing problems in local creeks, rivers and shorelines.

4.1.3 Pilot Assessment Methods

This section briefly summarizes the preliminary assessment methods that the County of Santa Clara will implement through the SCVURPPP Pilot Strategy to generate indicator information described in the previous section. Additional information on each method can be found in the

SCVURPPP Pilot Trash Assessment Strategy submitted to the Water Board by SCVURPPP on behalf of the County.

1-A. On-land Visual Assessments

As part of the Trash Generation Map assessment and refinement process (see Section 2.3.1), a draft on-land visual assessment method was developed to assist Permittees in confirming and refining trash generating area designations (i.e., very high, high, moderate and low trash generating categories). The draft on-land visual assessment method is intended to be a cost-effective tool and provide Permittees with a viable alternative to quantifying the level of trash discharged from MS4s. As part of BASMAA's *Tracking California's Trash* grant received from the State Water Resources Control Board (see Section 4.2), quantitative relationships between trash loading from MS4s and on-land visual assessment condition categories will be established. Condition categories defined in the draft on-land assessment protocol are listed in Table 8

Table 8. Trash condition categories used in the draft on-land visual assessment protocol.

Trash Condition Category	Summary Definition
A (Low)	Effectively no trash is observed in the assessment area.
B (Moderate)	Predominantly free of trash except for a few pieces that are easily observed.
C (High)	Trash is widely/evenly distributed and/or small accumulations are visible on the street, sidewalks, or inlets.
D (Very High)	Trash is continuously seen throughout the assessment area, with large piles and a strong impression of lack of concern for litter in the area.

On-land visual assessments will be conducted in trash management areas within the County of Santa Clara as part of the SCVURPPP Pilot Trash Assessment Strategy. On-land assessments are intended to establish initial conditions and detect improvements in the level of trash available to MS4s over time. More specifically, on-land visual assessment methods will be conducted in areas not treated by trash full capture devices in an attempt to evaluate reductions associated with other types of control measures. Assessment methods for areas treated by full capture devices are described in this next section.

Given that the on-land assessment method and associated protocol have not been fully tested and refined, initial assessments will occur at a pilot scale in the County and in parallel to the *Tracking California's Trash* project. The frequency of assessments and number of sites where assessments will occur during the pilot stage are more fully described in the SCVURPPP Pilot Trash Assessment Strategy (SCVURPPP 2014).

1-B. Full Capture Operation and Maintenance Verification

Consistent with the MRP, adequate inspection and maintenance of trash full capture devices is required to maintain full capture designation by the Water Board. The County of Santa Clara is currently developing an operation and maintenance verification program (Trash O&M Verification Program), via SCVURPPP, to ensure that devices are inspected and maintained at a level that maintains this designation.

The SCVURPPP Trash O&M Verification Program will be modeled on the current O&M verification program for stormwater treatment controls implemented consistent with the Permit new and redevelopment requirements. Additional details regarding the Trash O&M Verification Program can be found in the SCVURPPP Pilot Trash Assessment Strategy (SCVURPPP 2014).

2-A. Control Measure Effectiveness Evaluations

In addition to on-land trash assessments and full capture operation and maintenance verification, the County will also conduct assessments of trash control measures implemented within their jurisdictional area. Assessment methods will be selected based on trash sources and the type of control measure being implemented. Control measure effectiveness evaluations are more fully described in the SCVURPPP Pilot Trash Assessment Strategy. The following are example assessment methods that may be used to demonstrate successful control measure implementation and progress towards trash reduction targets:

- Product-related Ordinances – Descriptions of outreach efforts, tracking and reporting business compliance rates, or other metrics of control measure performance.
- Street Sweeping- Identification sweeping frequency and the ability to sweep to the curb by primary TMA, including any enhancements that have been implemented; and any other metrics demonstrating the enhanced performance of street sweeping.
- Public/Private Trash Container Management - Descriptions of control measures implemented to prevent overflowing trash containers or promoting the more effective use of public/private bins, including any new or enhancements to existing actions; and any other metrics demonstrating the performance of the control measure.
- Public Outreach and Education – Descriptions of outreach and education actions specific to trash deduction, including the number of events conducted within the municipality; descriptions of effectiveness measurements, including the results of pre- and post-implementation surveys or other metrics.
- On-land Cleanups and Enforcement – Descriptions of on-land cleanup actions, including any enhancements that have been implemented; identification of whether on-land cleanup are Permittee or volunteer-led; or other metrics of control measure performance.
- Storm Drain Inlet Maintenance – Descriptions of the level of maintenance, including any enhancement to maintenance frequency; the numbers of inlets where enhanced maintenance is being implemented; and any other metrics demonstrating the performance of inlet maintenance.

- Anti-littering and Illegal Dumping Prevention/Enforcement - Descriptions of control measures implemented to prevent littering and illegal dumping, including any new or enhancements to existing actions; descriptions and results of enhanced enforcement actions; and any other metrics demonstrating the performance of the control measure.
- Prevention of Uncovered Loads - Descriptions of control measures implemented to prevent trash dispersion from uncovered loads, including any new or enhancements to existing actions; descriptions and results of enhanced enforcement actions; and any other metrics demonstrating the performance of the control measure.
- Partial Capture Devices – Descriptions, numbers and types of devices implemented; maintenance frequencies by device or groups of devices; and any other metrics demonstrating the partial capture device performance.
- Other Control Measures - Descriptions of control measures implemented to prevent or intercept trash before discharge to receiving waters, and any other metrics demonstrating the performance of the control measure.

2-C. Receiving Water Condition Assessments

The ultimate goal of stormwater trash management in the Bay Area is to significantly reduce the amount of trash found in receiving waters. In the last decade, Santa Clara Valley Permittees and volunteers have collected data on the amounts of trash removed during cleanup events. More recently, Permittees have conducted trash assessments in creek and shoreline hotspots using standardized assessment methods. In an effort to answer the core management question *Have trash problems in receiving waters been resolved?*, the County of Santa Clara plans to continue conducting receiving water condition assessments at trash hot spots a minimum of one time per year. Assessment will be conducted consistent with Permit hot spot cleanup and assessment requirements. Additional information on receiving water assessment methods can be found in the SCVURPPP Pilot Trash Assessment Strategy (SCVURPPP 2014).

4.2 BASMAA “Tracking California’s Trash” Project

The SCVURPPP Pilot Assessment Strategy described in the previous section recognizes that outcome-based trash assessment methods needed to assess progress toward trash reduction targets are not well established by the scientific community. In an effort to address these information gaps associated with trash assessment methods, the Bay Area Stormwater Management Agencies Association (BASMAA), in collaboration with SCVURPPP, the 5 Gyres Institute, San Francisco Estuary Partnership, the City of Los Angeles, and other stormwater programs in the Bay Area, developed the *Tracking California’s Trash* Project. The Project is funded through a Proposition 84 grant awarded to BASMAA by the State Water Resources Control Board (SWRCB) who recognized the need for standardized trash assessment methods that are robust and cost-effective.

The Project is intended to assist BASMAA member agencies in testing trash assessment and monitoring methods needed to evaluate trash levels in receiving waters, establish control measures that have an equivalent performance to trash full capture devices, and assess progress in trash reduction over time. The following sections provide brief descriptions of tasks that BASMAA will conduct via the three-year Project. Full descriptions of project scopes,

deliverables, and outcomes will be developed as part of the task-specific Sampling and Analysis Plans required by the SWRCB during the beginning of the Project. The Project is currently underway and will continue through 2016.

4.2.1 Testing of Trash Monitoring Methods

BASMAA and the 5 Gyres Institute will evaluate the following two types of assessment methods as part of the Project:

- **Trash Flux Monitoring** – Trash flux monitoring is intended quantify the amount of trash flowing in receiving waters under varying hydrological conditions. Flux monitoring will be tested in up to four receiving water bodies in San Francisco Bay and/or the Los Angeles areas. Methods selected for evaluation and monitoring will be based on a literature review conducted during this task and through input from technical advisors and stakeholders. Monitoring is scheduled to begin in 2014 and will be completed in 2016.
- **On-land Visual Assessments** – As part of the Project, BASMAA will also conduct an evaluation of on-land visual assessment methods that are included in the SCVURPPP Pilot Assessment Strategy. The methods are designed to determine the level of trash on streets and public right-of-ways that may be transported to receiving waters via MS4s. BASMAA plans to conduct field work associated with the evaluation of on-land visual assessment at a number of sites throughout the region. To the extent practical, sites where the on-land methods evaluations take place will be coordinated with trash flux monitoring in receiving waters. On-land assessments will occur in areas that drain to trash full capture devices, and all sites will be assessed during wet and dry weather seasons in order to evaluate on-land methods during varying hydrologic conditions. Monitoring is scheduled to begin in 2014 and will be completed in 2016.

4.2.2 Full Capture Equivalent Studies

Through the implementation of BASMAA's *Tracking California's Trash* grant-funded project, a small set of "Full Capture Equivalent" projects will also be conducted in an attempt to demonstrate that specific combinations of control measures will reduce trash to a level equivalent to full capture devices. Initial BMP combinations include high-frequency street sweeping, and enhanced street sweeping with auto-retractable curb inlet screens. Other combinations will also be considered. Studies are scheduled to begin in 2014 and will be completed in 2016.

4.3 Additional Progress Assessments

The County plans to conduct further visual inspections in neighborhoods currently shown on the maps as a medium generator of trash. The County expects that there will be areas currently considered to be a medium generator of trash which should have been categorized as a low generator of trash.

4.4 Long-Term Assessment Strategy

The County of Santa Clara is committed to implementing standardized assessment methods post-2016 based on the lessons learned from pilot assessments and studies that will occur between 2014 and 2016. Assessment activities described in the previous sections will evaluate the utility of different assessment methods to demonstrate progress towards trash reduction targets and provide recommended approaches for long-term implementation. Lessons learned will be submitted to the Water Board with the FY 2015-2016 Annual Report and a revised Strategy will be developed and submitted, if necessary. The revised Strategy will include agreed upon assessment methods that will be used to demonstrate progress during the remaining term

of trash reduction requirements. Reporting using the new/revised methods will begin with the FY 2016-17 Annual Report.

4.5 Implementation Schedule

The implementation schedule for the SCVURPPP Pilot Implementation Strategy, BASMAA’s Tracking California’s Trash project, and the Long-Term Assessment Strategy are included in Table 9. Load reduction reporting milestones are also denoted in the table. The schedule is consistent with the need for near-term pilot assessment results to demonstrate progress toward short-term targets, while acknowledging the need for testing and evaluation of assessment methods and protocols prior to long-term implementation. For more detailed information on implementation timelines, refer to the SCVURPPP Pilot Trash Assessment Strategy (SCVURPPP 2014) and monitoring plans developed as part of BASMAA’s Tracking California’s Trash project.

Table 9. County of Santa Clara trash progress assessment implementation schedule.

Trash Assessment Programs and Methods	Prior to FY 2013-14	Fiscal Year								
		2013-14 ^a	2014-15	2015-16	2016-17 ^b	2017-18	2018-19	2019-20	2020-21	2021-22 ^c
Pilot Trash Assessment Strategy (SCVURPPP)										
On-land Visual Assessments										
Initial (Baseline) Assessments	X									
Pilot Progress Assessments		X	X	X	X					
Full Capture Operation and Maintenance Verification			X	X	X					
Control Measure Effectiveness Evaluations	X	X	X	X	X					
Receiving Water Condition Assessments	X	X	X	X	X					
Tracking California’s Trash Project (BASMAA)										
Testing of Trash Monitoring Methods										
Trash Flux Monitoring Protocol Testing			X	X	X					
On-land Visual Assessment Evaluations			X	X	X					
Full Capture Equivalent Studies			X	X	X					
Long-Term Trash Assessment Strategy (SCVURPPP)						X	X	X	X	X

^aJuly 1, 2014 40% trash reduction target

^bJuly 1, 2014 70% trash reduction target

^cJuly 1, 2022 100% trash reduction target

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Appendix A
Staff Report to Board of Supervisors



70200

DATE: January 28, 2014

TO: Board of Supervisors

FROM: Ignacio Gonzalez, Director, Department of Planning and Development

SUBJECT: Long-term Trash Load Reduction Plan as required under the NPDES Storm Water Permit (MRP)

RECOMMENDED ACTION

Consider recommendations relating to the Municipal Regional National Pollutant Discharge Elimination System (NPDES) Storm Water Permit (MRP) for North Santa Clara County and the Long-term Trash Load Reduction Plan.

Possible action:

- a. Accept determination that the Long-term Trash Load Reduction Plan is exempt from California Environmental Quality Act (CEQA) pursuant to 15061 (b) (3) of the CEQA Guidelines.
- b. Approve the Long-term Trash Load Reduction Plan (Plan).
- c. Approve delegation of authority to Director, Department of Planning and Development (Director), or designee, to submit the Plan to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB), and to negotiate, execute, amend, terminate, and/or take any and all necessary or advisable actions relating to subsequent revisions to plan, submission to the SFBRWQCB and implementation, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2016.

FISCAL IMPLICATIONS

There will be no future fiscal implications resulting from this action for the Department of Planning and Development. The Departments of Environmental Health, Facilities and Fleet, Valley Medical Center, and Agriculture and Environmental Management will be able to absorb the costs for the continued implementation of the Plan in to their existing budgets moving forward since the required actions are part of their existing programs, and any fiscal impacts for any department for FY14 will be absorbed into their existing budget. The Plan references programs which each Department is already implementing and will continue to implement for the Plan's duration through 2022. The only significant additional costs would

be related to the enhancement of existing programs, such as increasing street sweeping, enhanced storm drain inlet maintenance, and the installation of additional trash capture devices over the duration of the plan by the Department of Roads and Airports. The Department of Roads and Airports expects that these additional measures will be implemented beginning in FY17. The Department of Roads and Airports is hopeful that by spreading out the implementation of the programs over fiscal years spanning from FY17 to FY22, the additional costs may be fully covered by the Roads fund. Should the Roads fund not be sufficient to cover all costs of implementation, the Department of Roads and Airports will need to request the necessary General Fund budget in the appropriate years. The Parks and Recreation Department may have fiscal impacts as a result of the enhancement of their program which will impact the Parks Fund but will not impact the General Fund. Each Department will be responsible for attaining any necessary budget in future fiscal years to implement portions of the plan it has agreed to administer.

CONTRACT HISTORY

Not Applicable.

REASONS FOR RECOMMENDATION

The County is required by the Clean Water Act to obtain and implement a NPDES Municipal Stormwater Permit from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). The NPDES Permit requires that the County approve the Plan and submit the Plan to the SFBRWQCB by February 1, 2014.

CHILD IMPACT

The recommended action will have a beneficial impact on children by reducing the amount of trash entering the creeks, rivers, lakes and the San Francisco Bay. This will allow children to enjoy the creeks, rivers, lakes and the bay, both visually and recreationally.

SENIOR IMPACT

The recommended action will have a beneficial impact on seniors by reducing the amount of trash entering the creeks, rivers, lakes and the San Francisco Bay. This will allow seniors to enjoy the creeks, rivers, lakes and the bay, both visually and recreationally.

SUSTAINABILITY IMPLICATIONS

The recommended action will have a beneficial impact on the environment by reducing the amount of trash entering the creeks, rivers, lakes, and the San Francisco Bay.

BACKGROUND

In 1972, Congress enacted the Clean Water Act (CWA) to protect water quality. In 1987 Congress enacted the Water Quality Act to amend the CWA, which required the County of Santa Clara to obtain a NPDES Municipal Stormwater Phase I Permit (“Permit”). The County was issued its first Permit in 1991. To help implement the Permit, the County works cooperatively with the Santa Clara Valley Water District and 13 cities/town within Santa Clara County subject to the Permit and is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (“SCVURPPP”). The County also participates in the Bay Area

Stormwater Management Agency Association (BASMAA), which completes watershed-wide efforts to implement the Permit.

Since 1991, the County and the other members of SCVURPPP have been subject to several Permit revisions. The most recent Permit revision was adopted by the San Francisco Bay Regional Water Quality Control Board (“SFBRWQCB”) on October 14, 2009 and is known as the Municipal Regional NPDES Stormwater Permit (“MRP”). The MRP is the first permit for San Francisco Bay to be a watershed-wide permit (76 permittees) instead of a region-wide permit (15 permittees) and included additional requirements and provisions compared with the prior permits. The watershed-wide permit is one permit that is issued to each permittee which is required to obtain a Permit in the San Francisco Bay watershed. Region-wide permits are issued individually to a region-wide program, such as SCVURPPP, in the Counties of Santa Clara, San Mateo, Alameda, Contra Costa, Fairfield-Suisun and Vallejo.

Provision C.10 of the MRP requires the County to implement control measures and other actions to reduce trash loads from municipal separate storm sewer systems by 40% by 2014, 70% by 2017, and 100% by 2022. The County submitted a short-term trash load reduction plan in 2012 and is required to submit a Long-term Trash Load Reduction Plan to the Water Board by February 1, 2014.

The County is only responsible for reducing the trash load in the unincorporated areas of the County located in the San Francisco Bay Watershed. A map showing the boundary between the two watersheds is attached. The County is not responsible for reducing trash loads originating from the following areas:

- those which are subject to the stormwater NPDES Permit requirements for traditional and non-traditional small Municipal Separate Storm Sewer Systems (MS4s);
- California Department of Transportation areas;
- lands owned and maintained by the State of California, the U.S. federal government or other municipal agency or special district (e.g., flood control district).

The Plan was developed with assistance from SCVURPPP by using a regionally consistent outline and guidance. The Plan’s content is based on the County of Santa Clara’s current understanding of trash problems within its jurisdiction and the effectiveness of control measures designed to reduce trash impacts associated with Municipal Separate Storm Sewer (MS4) discharges. The Plan builds upon trash control measures implemented by the County prior to the adoption of the MRP and during the implementation of the Short-Term Trash Load Reduction Plan submitted to the Water Board on February 1, 2012.

In order for the County to reach the 70% and 100% reductions thresholds it will take a collaborative effort between the Departments of Environmental Health, Facilities and Fleet, Valley Medical Center, Agriculture and Environmental Management, Parks and Recreation, and Roads and Airports to implement measures including the anti-littering and illegal dumping enforcement activities, trash bin/container management activities, on-land, creek, channel, and shoreline trash cleanups, enhanced street sweeping, and the installation of

mechanical treatment devices. Additional visual assessments may also be required of the Clean Water Program.

Consistent with the Plan framework, the County delineated and prioritized trash management areas based on the geographical distribution of trash generating areas, types of trash sources, and current or planned control measure locations. The details of how the maps were developed are outlined in the attached Plan. In areas where trash generation was observed, the areas were mapped and the plan details how to address those areas to reduce trash load on the storm systems and waterways. The Departments have or are planning to implement the following treatment measures:

Treatment Devices

The Department of Roads and Airports has installed multiple mechanical treatment devices along the County expressways and road systems. Additional mechanical treatment devices will be installed as funding allows along the County expressway corridors and roads.

Enhanced Storm Drain Inlet Maintenance

The Department of Roads and Airports performs inlet maintenance on all inlets once per year. The inlet cleaning program will be expanded as additional full capture devices are installed.

On-land Trash Cleanups

The County Parks and Recreation Department will continue to hold volunteer events to address trash on the ground in park areas and clean up homeless encampments. The Valley Medical Center will continue to have staff clean the trash found on its campus daily. The Departments of Environmental Health and Parks and Recreation will continue to clean up illegal dumpsites.

Improved Trash Bins/Container Management

The County Parks and Recreation Department will be replacing uncovered trash cans and dumpsters to containers which have covers and eliminate wind blown trash.

Increased Enforcement of Uncovered Loads

The Department of Environmental Health's Solid Waste Division has increased enforcement at waste disposal facilities where vehicles arrive with loads of trash and garbage for disposal.

Jurisdiction-wide Control Measures

The County will continue to enforce both the Single-Use Carryout Bag Ban and the Expanded Polystyrene Restriction Ordinance.

CONSEQUENCES OF NEGATIVE ACTION

If the Board does not adopt the Plan then the County will not be in conformance with the MRP requirements.

STEPS FOLLOWING APPROVAL

Based on the direction from the Board, staff will submit the Long-term Trash Load Reduction Plan to the SFBRWQCB and begin implementation of the Plan in order to achieve the 70% reduction by 2014 and 100% reduction by 2022.

ATTACHMENTS:

- Attachment 1 -Statement of CEQA Exemption (PDF)
- Attachment 2-Long-Term Trash Load Reduction Plan (DOCX)
- Attachment 3 - San Francisco Bay & Monterey Bay Watershed Map (PDF)

Appendix B
Single-Use Carryout Bag Ban

Santa Clara County, California, Code of Ordinances >> TITLE B - REGULATIONS >> **Division B11 - ENVIRONMENTAL HEALTH >> CHAPTER XVII. SINGLE-USE CARRYOUT BAG BAN >>**

CHAPTER XVII. SINGLE-USE CARRYOUT BAG BAN

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[Sec. B11-509. Definitions.](#)

[Sec. B11-510. Restrictions on single-use carryout bags at retail establishments.](#)

[Sec. B11-511. Compliance date.](#)

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[Sec. B11-513. Severability.](#)

[Sec. B11-514. Compliance monitoring.](#)

[Sec. B11-515. Recordkeeping and verification.](#)

[Sec. B11-516. Penalties for a violation by a retail establishment.](#)

[Sec. B11-517. Appeals.](#)

[Sec. B11-518. Enforcement.](#)

[Sec. B11-519. Effective date.](#)

Sec. B11-508. Findings and intent.

The Board of Supervisors of the County of Santa Clara does hereby find the following:

- (a) The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.
- (b) The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- (c) Single-use carryout bags contribute to environmental problems, including litter on roadways and in aquatic environments.
- (d) Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

This chapter is adopted (1) to require retail establishments to discontinue the subsidy of single-use carryout bags to consumers and (2) to encourage retail establishments to educate their staff to promote reusable bags as the best option for checkout bags and (3) to encourage consumers to make informed decisions regarding single-use carryout bag reduction and reuse options.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-509. Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

- (a) *Administrator* means the Director of the Department of Agriculture and Environmental Management and his or her designee.
- (b)

Public eating establishment means a restaurant, take-out food establishment, or any other business that receives 90 percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

- (c) *Recycled paper bag* means a paper bag provided at the point of sale, for the purpose of transporting food or merchandise out of the retail establishment that contains no old growth fiber and a minimum of 40 percent post-consumer recycled content; is 100 percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "reusable" and "recyclable," the name and location (country) of the manufacturer, and the percentage of post-consumer recycled content.
- (d) *Retail establishment* means an establishment that is open to the public and devoted to the retail sale of a commodity or commodities and provides single-use carryout bags to its customers as a result of the sale of a product. Public eating establishments are excluded from this definition.
- (e) *Reusable bag* means the following:
- (1) Until December 31, 2012 a reusable bag shall be:
 - (i) Made of cloth or other machine-washable fabric that has handles, or a durable plastic bag that is at least 2.25 mil thick with handles and is specifically designed and manufactured for multiple reuse.
 - (ii) No reusable bag shall contain lead, cadmium, or any other heavy metal in toxic amounts. This requirement shall not affect any authority of the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20 of the Health and Safety Code and notwithstanding subdivision (c) of Section 25257.1 of the Health and Safety Code.
 - (2) Beginning January 1, 2013, a reusable bag shall be:
 - (i) Designed and manufactured to withstand a minimum of 100 uses. For purposes of this paragraph, "uses" means the capability of carrying a minimum of 22 pounds 100 times over a distance of at least 175 feet.
 - (ii) Made from a material that can be cleaned and disinfected.
 - (iii) Have printed on the bag, or on a tag attached to the bag that is not intended to be removed and in a manner visible to the consumer the following information:
 - a. The name of the manufacturer.
 - b. The location (country) where the bag was manufactured.
 - c. A recycling symbol or end-of-life management instructions.
 - d. The percentage of postconsumer recycled material, if any.
 - (iv) Not contain lead, cadmium, or any other heavy metal in toxic amounts. This requirement shall not affect any authority of the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20 of the Health and Safety Code and notwithstanding subdivision (c) of Section 25257.1 of the Health and Safety Code.
- (f) *Single-use carryout bag* means a bag other than a reusable bag provided at the point of sale for the purpose of transporting food or merchandise out of the retail establishment. Single-use carryout bags do not include bags without handles provided to the customer intended (1) to transport produce, bulk food or meat from a produce, bulk food or meat department within a retail establishment; (2) to hold prescription

medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag or as exempted in Section B11-512.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-510. Restrictions on single-use carryout bags at retail establishments.

- (a) Retail establishments are prohibited from providing single-use carryout bags to customers at point of sale except as exempted in Section B11-512.
- (b) Retail establishments may provide only reusable bags and/or recycled paper bags to customers at point of sale.
- (c) Nothing in this chapter shall preclude retail establishments from making reusable bags available to customers free of charge until December 31, 2012. Beginning January 1, 2013, reusable bags may only be provided free of charge as part of a time-limited store promotion.
- (d) Nothing in this chapter shall preclude retail establishments from making recycled paper bags available for sale at the retail establishment's cost but no less than \$0.15 to be retained by the retail establishment. Retail establishments are prohibited from providing free recycled paper bags to customers except as exempted in Section B11-512.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-511. Compliance date.

All retail establishments shall comply with this chapter by January 1, 2012.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-512. Exemptions.

This chapter does not apply to:

- (a) Plastic or paper bags used by public eating establishments, nonprofit organizations and social organizations;
- (b) Bags used to protect delivered newspapers;
- (c) Notwithstanding any other law, on and after January 1, 2012, a retail establishment may provide customers participating in the California Special Supplemental Food Program for Women, Infants, and Children (WIC) and customers participating in the Supplemental Nutrition Assistance Program (SNAP - formerly food stamps) with reusable bags or recycled paper bags at no cost at point of sale until December 31, 2014.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-513. Severability.

If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of the chapter, and clauses of this chapter are declared to be severable.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-514. Compliance monitoring.

- (a)

Compliance with this chapter shall be monitored by the Administrator. The Administrator may designate any number of additional persons to monitor and facilitate compliance with this chapter.

- (b) The Administrator or other person designated to enforce the provisions of this chapter shall periodically check each retail establishment to determine if the retail establishment is complying with all sections of this chapter. Nothing in this paragraph shall create a right of action in any retail establishment or other person against the County or its agents.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-515. Recordkeeping and verification.

Every retail establishment shall keep complete and accurate records or documents of the purchase of any recycled paper bag by the retail establishment, for a minimum period of three years from the date of purchase, which record shall be available for inspection at no cost to the County during regular business hours by any County employee authorized to enforce this chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information to the County, including incomplete records, shall be a violation of this section.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-516. Penalties for a violation by a retail establishment.

- (a) In addition to any other penalty authorized by law, an administrative fine shall be imposed if any court of competent jurisdiction determines, or the Administrator finds based on a preponderance of the evidence, after the retail establishment is afforded notice and an opportunity to be heard, that the retail establishment, or any of the retail establishment's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter, has pled guilty, "no contest" or its equivalent to such a violation, or has admitted to such a violation.
- (b) *Amount of fine.* Each such violation shall be subject to an administrative fine as follows:
 - 1. A fine not to exceed \$100.00 for a first violation within one year;
 - 2. A fine not to exceed \$200.00 for a second violation within one year; and
 - 3. A fine not to exceed \$500.00 for each additional violation within one year.
- (c) *Waiver of penalties for first violation.* The Administrator may waive any penalties for a retail establishment's first violation of any requirement, condition or prohibition of this chapter, if the retail establishment admits the violation in writing and agrees to forego a hearing on the allegations. Regardless of the Administrator's waiver of penalties for a first violation, the violation will be considered in determining the penalties for any future violation.
- (d) *Corrections period.* The Administrator shall have discretion to allow a retail establishment a period of time to correct any violation of any requirement, condition or prohibition of this chapter. If a retail establishment's violation is corrected within the time allowed for correction, no penalty shall be imposed under this section.
- (e) *Appeals.* Any penalties imposed under this section may be appealed pursuant to Section B11 -517 of this chapter.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-517. Appeals.

- (a) A decision to impose penalties for a violation of this chapter can be appealed to a hearing officer, subject to the following requirements and procedures. The hearing officer shall be the Administrator, his or her designee, or another individual selected by the County.
- (b) All appeals must be in writing, state the grounds asserted for relief and the relief sought, and be filed with the Administrator or his or her designee within ten calendar days of receipt of notice of the appealed action. If such an appeal is made, it shall stay enforcement of the appealed action.
- (c) No later than 15 calendar days after receipt of the appeal, the hearing officer shall set an appeal hearing at the earliest practicable time and shall give notice of the hearing to the parties at least ten calendar days before the date of the hearing.
- (d) Neither the provisions of the Administration Procedure Act (Government Code Section 11500 et seq.) nor the formal rules of evidence in civil or criminal judicial proceedings shall apply to such hearing. At the hearing, the hearing officer may admit any evidence, including witnesses, relevant to the determination of the matter. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
- (e) The hearing officer may continue the hearing from time to time, in his or her sole discretion, to allow for orderly completion of the hearing.
- (f) After the conclusion of the hearing, the hearing officer shall issue a written decision, which shall be supported by substantial evidence. Notice of the written decision, including findings of facts, conclusions of law, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6, shall be served upon all parties no later than 20 calendar days following the date on which the hearing closed. Any decision rendered by the hearing officer shall be a final administrative decision.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-518. Enforcement.

- (a) Any violation of this chapter is hereby declared to be a public nuisance.
- (b) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (c) Violations of this chapter may be remedied by a civil action brought by the County, including but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. For the purposes of the civil remedies provided in this chapter, each day on which a violation of this chapter occurs, shall constitute a separate violation of this chapter.
- (d) The District Attorney shall have discretion to prosecute violations of this chapter as infractions or misdemeanors.
- (e) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

(Ord. No. NS-517.77, 5-10-11)

Sec. B11-519. Effective date.

This chapter shall become operable 30 days after this Ordinance No. NS-517.77 receives final approval from the Board of Supervisors.

(Ord. No. NS-517.77, 5-10-11)

Appendix C
Expanded Polystyrene Restriction

Santa Clara County, California, Code of Ordinances >> TITLE B - REGULATIONS >> **Division B11 - ENVIRONMENTAL HEALTH >> CHAPTER XIX. EXPANDED POLYSTYRENE RESTRICTION >>**

CHAPTER XIX. EXPANDED POLYSTYRENE RESTRICTION

[Sec. B11-525. Findings and intent.](#)

[Sec. B11-526. Definitions.](#)

[Sec. B11-527. Prohibited use of expanded polystyrene foam disposable food service ware.](#)

[Sec. B11-528. Disposable food service ware and food vendor exceptions.](#)

[Sec. B11-529. Administrative rules and regulations.](#)

[Sec. B11-530. Compliance monitoring.](#)

[Sec. B11-531. Penalties for a violation by a food vendor.](#)

[Sec. B11-532. Payment of administrative fines.](#)

[Sec. B11-533. Late payment charges.](#)

[Sec. B11-534. Appeals.](#)

[Sec. B11-535. Right to judicial review.](#)

[Sec. B11-536. Enforcement.](#)

[Sec. B11-537. Construction and preemption.](#)

[Sec. B11-538. Effective date.](#)

Sec. B11-525. Findings and intent.

The Board of Supervisors of the County of Santa Clara does hereby find the following:

- (a) Expanded polystyrene food and beverage containers contribute to environmental problems, including litter on roadways and in aquatic environments.
- (b) Expanded polystyrene food and beverage containers provided by restaurants, markets and convenience stores impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.
- (c) The use and distribution of expanded polystyrene food and beverage containers at restaurants, markets and convenience stores is detrimental to the environment, public health and welfare.
- (d) Restricting the distribution of EPS food and beverage containers will reduce environmental impacts particularly on roadways and in aquatic environments.

This chapter is adopted to require restaurants, markets and convenience stores to discontinue the use and distribution of expanded polystyrene food and beverage containers.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-526. Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

- (a) *Administrator* means the Director of the County of Santa Clara's Department of Agriculture and Environmental Management or his or her designee.
- (b)

Disposable food service ware means a product used by a food vendor for serving or transporting prepared food which is commonly disposed of after a single use. Disposable food service ware includes, but is not limited to, plates, cups, bowls, trays and hinged or lidded containers.

- (c) *Expanded polystyrene foam* means a thermoplastic petrochemical material utilizing the styrene monomer, marked with recycling symbol No. 6, processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene), sometimes referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation. In food service, expanded polystyrene is generally used to make cups, bowls, plates, trays, and clamshell containers.
- (d) *Food vendor* means any establishment located within unincorporated Santa Clara County, that sells prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, cafeteria, caterer, catering truck or other mobile vendor, sidewalk or other vendor or snack bars. Food vendor does not include social and service organizations, board and care homes, skilled nursing facilities, hospitals, child care centers, fraternity/sorority houses or establishments where food service is included as part of a room and board agreement.
- (e) *Prepared food* means any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique by a food vendor. Prepared food does not include uncooked meat, fish, poultry, produce, or eggs unless provided for consumption without further food preparation, such as sushi. Prepared food may be eaten either on the premises, also known as "eat-in food," or off the premises, also known as "take-out food."
- (f) *Recyclable* means any material that is accepted by the unincorporated Santa Clara County recycling program.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-527. Prohibited use of expanded polystyrene foam disposable food service ware.

- (a) Except as provided by Section B11-528, all food vendors are prohibited from providing prepared food in disposable food service ware made from expanded polystyrene foam.
- (b) All disposable food service ware used by food vendors shall be recyclable.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-528. Disposable food service ware and food vendor exceptions.

- (a) The following items are excluded from the provisions of Section B11-527:
 - (1) Foods prepackaged outside unincorporated Santa Clara County;
 - (2) Coolers and ice chests that are intended for reuse;
 - (3) Trays used to hold fresh meat, poultry, fish, produce and eggs that require additional preparation prior to consumption, or are not intended for immediate consumption.
- (b) Administrator may exempt a food vendor from the requirements set forth in Section B11-527 for a period of time to be determined by the Administrator on a case-by-case basis for undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor

not generally applicable to other persons in similar circumstances. Food Vendors seeking an exemption from the requirements set forth in Section B11-527 shall include all information on an application for exemption to allow the Administrator to make a decision, including but not limited to, documentation showing factual support for the claimed exemption. The Administrator shall confirm the decision to grant or deny each exemption in writing and may approve an exemption request in whole or in part. The decision of the Administrator shall be final.

- (c) Food vendors shall be exempt from the requirements set forth in Section B11-527 in a situation deemed by the Administrator to be an emergency for the immediate preservation of the public peace, health or safety.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-529. Administrative rules and regulations.

Administrator may make such rules and regulations, consistent with the provisions of this chapter, as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-530. Compliance monitoring.

- (a) Compliance with this chapter shall be monitored by the Administrator. The Administrator may designate any number of additional persons to monitor and facilitate compliance with this chapter.
- (b) The Administrator or other person designated to enforce the provisions of this chapter shall periodically visit each food vendor to determine compliance with all sections of this chapter. Nothing in this paragraph shall create a right of action in any food vendor or other person against the County or its agents.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-531. Penalties for a violation by a food vendor.

- (a) In addition to any other penalty authorized by law, an administrative fine shall be imposed if the Administrator finds based on a preponderance of the evidence, after the food vendor is afforded notice and an opportunity to be heard, that the food vendor, or any of the food vendor's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter, or has admitted to such a violation.
- (b) Amount of fine. Each such violation shall be subject to an administrative fine as follows:
 - A fine not to exceed \$100.00 for a first violation;
 - A fine not to exceed \$200.00 for a second violation within one year of the time of the first violation; and
 - A fine not to exceed \$500.00 for each additional violation within one year of the time of the first violation.
- (c) Waiver of penalties for first violation. The Administrator may waive any penalties for a food vendor's first violation of any requirement, condition or prohibition of this chapter, if the food vendor admits the violation in writing and agrees to forego a hearing on the allegations. Regardless of the Administrator's waiver of penalties for a first violation, the violation will be considered in determining the penalties for any future violation.

- (d) Corrections period. The Administrator shall have discretion to allow a food vendor a period of time to correct any violation of any requirement, condition or prohibition of this chapter. If a food vendor's violation is corrected within the time allowed for correction, the penalty may be waived by the Administrator under this section. Regardless of a food vendor's correction of a violation within the time period allowed by the Administrator, the violation will be considered in determining the penalties for any future violation.
- (e) Granting a period of time to correct any violation of any requirement, condition or prohibition of this chapter shall not be construed or interpreted to set precedent, or to act as a continuing waiver, for either the subject food vendor or any other food vendor charged with a violation of this chapter.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-532. Payment of administrative fines.

- (a) When an administrative fine is ordered, the fine shall be paid to the County within 30 days unless the person charged with the administrative fine submits a request for an appeal as set forth in Section B11-534 below.
- (b) Payment of a fine pursuant to this chapter shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative fine.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-533. Late payment charges.

- (a) Unless otherwise provided in this Code, any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this chapter, on or before the date that fine is due, shall also be liable for the payment of a late payment charge of ten percent of the amount of the delinquent fine.
- (b) Any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this chapter, on or before 30 days after its due date shall also pay a second penalty of ten percent of the delinquent amount.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-534. Appeals.

- (a) A decision to impose penalties pursuant to Section B11-531 for a violation of this chapter can be appealed to a hearing officer, subject to the following requirements and procedures. The hearing officer shall be the Administrator, his or her designee, the Office of the County Hearing Officer or another individual selected by the County.
- (b) All appeals must be in writing, state the grounds asserted for relief and the relief sought, and be delivered via Certified United States Mail to the Administrator or his or her designee within ten calendar days of receipt of notice of the appealable action. If such an appeal is made, it shall stay enforcement of the appealable action.
- (c) No later than 15 calendar days after receipt of the appeal, the hearing officer shall set an appeal hearing at the earliest practicable time and shall give notice to the appealing party via First Class United States Mail of the date, time and location of the hearing at least ten calendar days before the date of the hearing.
- (d) Neither the provisions of the Administration Procedure Act (Government Code Section 11500 et seq.) nor the formal rules of evidence in civil or criminal judicial proceedings shall apply to such hearing. At the hearing, the hearing officer may admit any evidence, including

witnesses, relevant to the determination of the matter. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

- (e) The hearing officer may continue the hearing from time to time, in his or her sole discretion, to allow for orderly completion of the hearing.
- (f) After the conclusion of the hearing, the hearing officer shall issue a written decision, which shall be supported by findings of fact. Notice of the written decision, including findings of facts, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6, shall be served via First Class United States Mail upon all parties no later than 20 calendar days following the date on which the hearing closed. Any decision rendered by the hearing officer shall be a final administrative decision.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-535. Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative fine may obtain review of the administrative decision by filing a petition for review with the Superior Court in accordance with the timelines and provisions set forth in California Government Code § 53069.4.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-536. Enforcement.

- (a) Any violation of this chapter is hereby declared to be a public nuisance.
- (b) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (c) Violations of this chapter may be remedied by a civil action brought by the County, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. For purposes of the civil remedies provided in this chapter, each day on which a violation of this chapter occurs shall constitute a separate violation of this chapter.
- (d) The district attorney shall have discretion to prosecute violations of this chapter as infractions or misdemeanors.
- (e) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-537. Construction and preemption.

This chapter and any of its provisions shall be null and void upon the adoption of any state or federal law or regulation imposing the same, or essentially the same, limits on the use of prohibited products as set forth in this chapter. This chapter is intended to be a proper exercise of the County's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its unincorporated boundaries, and not to regulate inter-city or interstate commerce. It shall be construed with that intent.

(Ord. No. NS-517.80, 6-5-12)

Sec. B11-538. Effective date.

This chapter shall become operable February 1, 2013.

(Ord. No. NS-517.80, 6-5-12)