

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL
BOARD SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Dale Bowyer)
MEETING DATE: February 13, 2019

ITEM: 7.B

SUBJECT: CITY OF EAST PALO ALTO, SAN MATEO COUNTY,
ORDER NO. R2-2018-0034 FOR VIOLATION OF TRASH
REQUIREMENTS OF MUNICIPAL REGIONAL
STORMWATER NPDES PERMIT - Rescission of Cease and
Desist Order

CHRONOLOGY: December 2015 –Permit issued with trash reduction requirements
June 2018 – Cease and Desist Order adopted

DISCUSSION: This Tentative Order, Appendix A, would rescind Cease and Desist Order (CDO) No. R2-2018-0034 for the City of East Palo Alto. The Board adopted the CDO in response to the City’s violation of the requirement in the Municipal Regional Stormwater NPDES Permit to achieve a 70 percent trash load reduction, from its 2009 baseline, by July 1, 2017.

The City completed installation, in November 2018, of a large full trash capture device at the O’Connor Pump Station. The device captures trash discharged through the Pump Station before it can reach San Francisquito Creek and the Bay. Since a significant area of the City drains to the Pump Station, the device achieves a City trash load reduction of over 90 percent. Therefore, the City is now in compliance with the 70 percent trash load reduction, as well as the Permit requirement to achieve an 80 percent trash load reduction by July 2019.

**RECOMMEN-
DATION:** Adopt the Tentative Order

FILE NUMBER: CIWQS Place ID 223276

APPENDIX: A. Tentative Order

APPENDIX A

TENTATIVE ORDER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE ORDER

**RESCISSION OF ORDER No. R2-2018-0034
CEASE AND DESIST ORDER FOR:
CITY OF EAST PALO ALTO, SAN MATEO COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

- 1. Purpose of Order:** The purpose of this Order is to rescind Cease and Desist Order No. R2-2018-034, adopted June 13, 2018, for the City of East Palo Alto, San Mateo County (City).
- 2. Background:** The Water Board adopted the Municipal Regional NPDES Stormwater Permit, Order No. R2-2015-0049 (Permit) on November 19, 2015. Permit Provision C.10.a.i required permittees to achieve a 70 percent trash load reduction, from a 2009 baseline, by July 1, 2017. Additionally, the provision requires permittees to achieve an 80 percent trash load reduction by July 1, 2019. In its Annual Report for fiscal year 2016-17, the City reported a percent trash load reduction of 60 percent. Since this did not meet the required 70 percent reduction, the City was in violation of the Permit.

On June 13, 2018, the Board adopted Order No. R2-2018-0034, a Cease and Desist Order requiring the City to achieve the required 80 percent trash load reduction by July 1, 2019.

- 3. Basis for Rescission:** With the construction of a large full trash capture device, completed on November 27, 2018, the City has reduced trash loads by 91.5 percent from the 2009 baseline.
- 4. CEQA:** This action rescinds a Water Board order. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment (California Code of Regulations, title 14 sections 15378 and 15061, subdivision (b)(3)).
- 5. Notification:** The Water Board has notified the City and interested agencies and persons of its intent to rescind the cease and desist order and has provided them with an opportunity to submit their written comments.
- 6. Public Hearing:** The Water Board, at a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Order No. R2-2018-0034 is rescinded, except for purposes of enforcement for violations of the Order's requirements.

I, Thomas Mumley, Interim Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 13, 2019.

Thomas Mumley
Interim Executive Officer

Water Board Case File Reference: CIWQS and ECM Place Number 223276