

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

ORDER No. R2-2025-00XX

CEASE AND DESIST ORDER for:

COUNTY OF ALAMEDA

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter the Water Board, finds that:

1. The Water Board adopted the Municipal Regional NPDES Stormwater Permit, Order No. R2-2022-0018 on May 11, 2022, and amended the permit with Order No. R2-2023-0019 on October 11, 2023, issuing waste discharge requirements as NPDES Permit No. CAS612008 (Permit). The Permit contains prohibitions, limitations, and provisions regulating the stormwater and non-stormwater discharges from the permittees' municipal separate storm sewer systems (MS4).
2. The County of Alameda (Permittee) is subject to the Permit's requirements, including Provision C.10, which requires the Permittee to achieve 100 percent trash reduction or no adverse impacts from trash to receiving waters by June 30, 2025.
 - a. Permit Provision C.10 states: "Permittees shall demonstrate compliance with Discharge Prohibition A.1, for trash discharges, Discharge Prohibition A.2, and trash-related Receiving Water Limitations through the timely implementation of control measures and other actions to reduce trash loads from municipal separate storm sewer systems in accordance with the requirements of this provision." Discharge Prohibition A.1 states, in part: "The Permittees shall, within their respective jurisdictions, effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses."
 - b. Discharge Prohibition A.2 states: "It shall be prohibited to discharge rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas."
 - c. Receiving Water Limitation B.1 states: "The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
 - B.1.a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
 - B.1.b. Bottom deposits or aquatic growths;
 - B.1.c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - B.1.d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
 - B.1.e. Substances present in concentrations or quantities that would cause deleterious effects on aquatic biota, wildlife, or waterfowl, or that render any of these unfit for human consumption."
3. Permit Provision C.10.a.i states: "Permittees shall reduce trash discharges from 2009 levels,

described below, to receiving waters in accordance with the following schedule:

- a. 90 percent by June 30, 2023; and
 - b. 100 percent by June 30, 2025.”
4. Trash reduction requirements have been included in the Permit since its initial adoption on October 14, 2009, as Order No. R2-2009-0074.
5. The Permittee is in violation of the Permit because it did not meet the 100 percent trash load reduction requirement by June 30, 2025, relative to 2009 baseline conditions, as required by Permit Provision C.10.a.i.
6. Because the 100 percent trash load reduction requirement was not met, there remains a threat of discharge of trash in violation of Discharge Prohibitions A.1 and A.2.
7. On June 30, 2025, the Permittee submitted a Notice of Non-compliance and an updated stormwater Trash Load Reduction Plan (Plan) which documented the Permittee’s progress in complying with Permit Provision C.10 requirements and additional planned control measures for achieving 100 percent trash reduction.
8. As of June 30, 2025, the Permittee has treated approximately 2,570 acres of moderate, high, or very high trash generation area and has achieved a cumulative trash reduction of approximately 80 percent via full trash capture and equivalent measures. The remaining uncontrolled area is approximately 500 acres and consists primarily of moderate trash generation area.
9. In the spring of 2024, the Permittee entered into a Cooperative Implementation Agreement (CIA) with Caltrans for the purchase of 5 large full trash capture devices that will treat both the Permittee’s and Caltrans’ right-of-way. One of these devices was installed in the summer of 2025 and is currently online. The remaining 4 devices are in the design phase and are scheduled to be operational by December of 2026 and 2027 respectively. Collectively, these 5 large full trash capture devices are anticipated to treat approximately 571 acres of Permittee and Caltrans right-of-way and will contribute an additional 9 percent to the Permittee’s overall area treated to a low trash generation level.
10. During the summer of 2025, the Permittee began the installation of approximately 240 small, inlet based full trash capture devices and will complete the installation of these devices (54 devices remaining) by spring 2026. These devices are anticipated to treat approximately 199 acres of trash generation area.
11. The Permittee has also inspected all 91 of its active Private Land Drainage Areas (PLDAs) and has currently achieved a 7 percent trash load reduction. Many of the County’s PLDAs are located within the drainage areas for the additional high-flow capacity full trash capture devices and small full trash capture devices that will be installed in the near future. The number of PLDAs that will continue to be included in the PLDA trash inspection program in the future is contingent upon the installation of these full trash capture devices. If a PLDA will be fully treated by an installed device or devices, then the PLDA will be removed from the trash inspection program.
12. While working toward completing the trash control projects outlined in the Findings above, the Permittee will continue to implement creek and shoreline cleanup measures and/or control directly discharged trash sufficient to offset the remaining percent of uncontrolled trash

generation area. The cumulative offset credit claimed will be calculated using the equation in Permit Provision C.10.f. The Permittee may exceed the 10 percent offset limit in this sub-provision. This Cease and Desist Order (Order) requires the Permittee to offset its remaining uncontrolled trash generation while working towards achieving 100 trash reduction. Since June 2025, the Permittee has installed an additional 186 small inlet based full trash capture devices that have contributed an additional 7 percent trash reduction. An additional 4 percent trash reduction benefit was also achieved with the PLDA area. At the time of this Order's adoption, the remaining uncontrolled area is approximately 9 percent.

A. Purpose of this Order

1. This Order sets deadlines for implementation of trash controls that will bring the Permittee into compliance with the 100 percent trash load reduction by December 31, 2027, relative to 2009 baseline conditions, as required by Permit Provision C.10.a.i.

B. Cease and Desist Order Authority

1. When the Water Board finds a discharge of waste is taking place or threatening to take place that violates requirements prescribed by the Board, California Water Code (Water Code) section 13301 authorizes the Water Board to issue a Cease and Desist Order directing those persons not complying with the requirements or with discharge prohibitions to comply with them in accordance with deadlines set by the Board.
2. Because the Permittee's violation is ongoing, this Order is necessary to ensure that the Permittee returns to compliance by describing actions required to meet the Permit requirements and by tracking progress toward compliance.
3. Reports required under this Order are monitoring and reporting requirements pursuant to Water Code section 13383.

C. Provisions

IT IS HEREBY ORDERED in accordance with Water Code section 13301 that the Permittee shall cease and desist from discharging and threatening to discharge trash in violation of the Permit by complying with the following provisions:

1. **Trash Reduction Implementation Actions.** The Permittee shall implement trash load reduction control actions within all significant trash generating areas within their jurisdiction and prohibit trash discharge in a timely manner sufficient to reach 100 percent trash load reduction relative to the 2009 baseline condition by December 31, 2027, as specified in Permit Provision C.10.a.i.b.
2. **Trash Reduction Offset Actions.** On an ongoing basis, the Permittee shall implement trash load offset actions, consisting of creek and shoreline cleanups and cleanups of directly discharged trash that could discharge into receiving waters, sufficient to offset the uncontrolled amount of trash between 100 percent trash load reduction and the reduction it has achieved, until it has reached 100 percent trash load reduction.
3. **Track and Report on Trash Control Actions.** The Permittee shall submit a brief narrative Supplemental Report that describes the Permittee's progress toward meeting the 100 percent trash load reduction requirements and the Permittee's offset work sufficient to offset the Permittee's delayed compliance. The Supplemental Report shall be submitted with

the Permittee's Annual Report by September 30 each year until the Permittee achieves the 100 percent trash reduction. The Supplemental Reports shall include the following:

- a. For the proposed full trash capture device installations:
 - A status update on the installation of the remaining four large full trash capture devices funded through the CIA agreement with Caltrans;
 - A status update on the installation of the seven large full trash capture devices that will treat the Permittee's right-of-way.
- b. Progress toward meeting the 100 percent trash load reduction requirement by December 31, 2027, including the resulting offsets from the implementation of creek and shoreline cleanup measures and/or control of directly discharged trash; and
- c. If needed, a description of additional trash load reduction control actions, beyond those identified in this Order, and a schedule for their implementation, sufficient to achieve the required 100 percent reduction by December 31, 2027.

4. **Force Majeure.**¹ If the Permittee is delayed, interrupted, or prevented from meeting the provisions and deadlines of this Order due to a force majeure, the Permittee shall notify the Executive Officer in writing within ten days of the date the Permittee first knows of the force majeure. The Permittee shall demonstrate that timely compliance with the Order or any affected deadlines will be actually and necessarily delayed, and that it has taken measures to avoid or mitigate the delay by exercising all reasonable precautions and efforts, whether before or after the occurrence of the force majeure.

5. **Consequences of Non-Compliance and Executive Officer Authority.** The Executive Officer is hereby authorized to take enforcement action or to request the Attorney General to take appropriate actions against the Permittee in accordance with Water Code sections 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Water Board consideration. The Water Board reserves the right to take any enforcement action authorized by law.

6. **Administrative Review.** Any person aggrieved by this action may petition the State Water Resources Control Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 PM on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 PM on the next business day. Copies of the law and regulations applicable to filing petitions are available on the internet (at the address below) and will be provided upon request.

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

7. **Other Regulatory Considerations.** The issuance of this Order constitutes an enforcement action, which is categorically exempt from procedural requirements of the

¹ A "force majeure" is an event that could not have been anticipated by and is beyond the control of the Discharger, including an act of God; earthquake, flood, or other natural disaster; civil disturbance or strike; fire or explosion; declared war within the United States; embargo; or other event of similar import and character. "Force majeure" does not include delays caused by funding, contractor performance, equipment delivery and quality, weather, permitting, other construction-related issues, CEQA challenges, initiative litigation, adverse legislation, or legal matters (with the exception of an injunction issued by a court of law specifically preventing construction from occurring).

California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), in accordance with the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15321.).

8. **Notice and Hearing.** The Permittee and interested persons were notified of the Water Board's intent to issue this Order and were provided an opportunity to submit their written views and recommendations at a public hearing. At a public meeting, the Water Board heard and considered all comments pertaining to the discharge regulated under this Order.
9. **Effective Date.** This Order shall be effective on December 10, 2025.

I, Eileen M. White, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 10, 2025.

Eileen M. White, P.E.
Executive Officer