
San Francisco Bay Regional Water Quality Control Board

March 25, 2013

To: Municipal Regional Stormwater NPDES Permit (Order No. R2-2009-0074) Permittees

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From: Thomas Mumley
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**Subject: Review of Municipal Regional Stormwater NPDES Permit (MRP) Provision C.10
Trash Load Reduction Sections of FY 2011-12 Annual Reports**

This letter presents the results of our review of the Provision C.10 Trash Reduction sections of 2011-12 MRP Annual Reports submitted by a subset of sixteen Permittees¹. Our review compared submitted information to the permit reporting requirements, and the reporting directed by our attached July 13, 2012 letter (July 13 Letter), which conditioned acceptance of the C.10 Annual Report Format proposed by the Permittees. We also present directions for the C.10 Trash Reduction element of the 2012-13 Annual Report.

The MRP Provision C.10 reporting language states in part that each Permittee must provide a summary of its trash load reduction actions including the types of actions and levels of implementation. In the July 13 Letter, we specified that descriptions of actions implemented should distinguish between actions that are continued from pre-Permit adoption and actions that are new or enhanced since Permit adoption. We also specified the type and level of detail expected for the reported descriptions for each categorical action (e.g., On-land Trash Cleanups). Our review of the sixteen Annual Reports found that, with some positive exceptions, many Permittees did not report information at the level called for in our July 13 Letter. We assume

¹ Concord, Daly City, Dublin, Fremont, Milpitas, Oakland, Pacifica, Richmond, San Jose, San Leandro, San Mateo (city), San Pablo, Saratoga, South San Francisco, and Sunnyvale, and Walnut Creek.

some of the report shortcomings were due to the timing of our July 13 Letter relative to the preparation of Annual Reports by some Permittees, and consequently, some of the information was not readily available. However, it appears many of the report shortcomings were due to overreliance on the proposed Short Term Trash Reduction Tracking Method (Tracking Method), dated February 1, 2011, submitted by Permittees.

In our letter to Permittees on June 7, 2011, we identified significant inadequacies in the Tracking Method. In particular, the proposed Tracking Method assigned significant trash reduction value or credit to actions that were already in place before MRP adoption. It also assigned trash reduction values or credits for new actions without any verification or adequate accountability. We remind Permittees that the Water Board and its staff have not approved any of the proposed trash reduction credits. Permittees may use them for planning purposes if they so choose, but they cannot use them for compliance purposes. A key purpose of our July 13 Letter was to provide directions for better Annual Reports in light of the shortcomings in the Tracking Method. However, there was little or no accounting and assessment verification of new trash reduction actions in the Annual Reports.

In the following section of this letter, we provide a summary of our review findings within each categorical action area. However, rather than belabor the adequacy of the past reports, we prefer to focus attention on improved and adequate reporting in the 2012-13 Annual Report and do not ask for revisions of past reports. Accordingly, in the last section of this letter, we present directions for this year's Annual Report based in part on our review of the past reports.

Review of Annual Report Action Category Components

Single-use Carryout Plastic Bag Ordinances ***Polystyrene Foam Food Service Ware Ordinances*** ***Single-use Food and Beverage Ware Ordinances***

Our July 13 Letter called for description of implementation actions, including outreach, inspection or other compliance determination, and informal and formal enforcement.

Our review findings include the following:

- The two Permittees reviewed (San Jose and Sunnyvale) that had single use bag restrictions in place reported detailed information on outreach and enforcement of their ordinances. The data presented describe robust programs with inspection and enforcement.
- All other reviewed Permittees reported progress towards development of single use bag restrictions.
- Some Permittees reviewed had restrictions on use of foam foodware, either for many classes of retail establishments, on city property or just for city sponsored functions. However, little or no outreach or enforcement information was reported. Oakland maintains a hotline for reports of foam foodware use violations, and included a standard enforcement letter example.

Public Education and Outreach Programs

Our July 13 Letter called for description of education and public outreach actions specific to trash reduction, including numbers and dates of events, frequencies, or other implementation metrics. It also called for description of any effectiveness measurements, including surveys or other means to demonstrate the benefit of the education or outreach effort.

Our review findings include the following:

- All Permittees reviewed included reference to one or more outreach events or public information campaigns, and reported numbers and dates of events and other implementation metrics.

Activities to Reduce Trash from Uncovered Loads Anti-Littering and Illegal Dumping Enforcement Activities Improved Trash Bin/Container Management

Our July 13 Letter called for description of enforcement efforts, including the numbers of instances of informal and formal enforcement. It also stated redirection of existing resources from low trash generation areas to higher trash generation areas, or the reworking of existing efforts to increase focus or efficiency can be considered new actions with adequate description.

Our review findings include the following:

- All reviewed Permittees referred to some existing controls on uncovered trash loads. However, little or no specifics on increased enforcement were reported. Sunnyvale worked with the local solid waste transfer station to require covers and provide them to haulers. San Leandro also has a transfer station, and worked with the California Highway Patrol on enforcement, but no details were described.
- Richmond reported cameras were rotated into hot spot dumping areas but provided no summary details on level of implementation. Saratoga mentions working with PG&E to fence off a problem dumping area.
- Milpitas stated new trash bin and illegal dumping actions include site checks based on nuisance complaints but provided no summary details on level of implementation and enforcement actions.
- No Permittees mentioned using their existing Industrial/ Commercial inspection activities to check trash bin and dumpster areas. Although, San Jose described the development of a downtown business improvement district which develops funding for public trash bin maintenance and on land cleanup on a frequent schedule.

On-land Trash Cleanups (Volunteer and/or Municipal)

Our July 13 Letter called for description of the type(s) of enhanced versus baseline actions implemented, distinguishing Permittee-staff from volunteer actions.

Our review findings include the following:

- Most Permittees reviewed reported some new volunteer cleanup events, including gallons of trash removed. However, it is unclear if these events will be ongoing, in all cases.
- Walnut Creek reported new homeless encampments and dumping site cleanups by staff.

Enhanced Street Sweeping

Our July 13 Letter called for a summary of increased street sweeping frequency by land use or area of a Permittee's jurisdiction and a summary description of areas or streets subject to enhanced parking enforcement. It also stated redirection of sweeping resources from low trash generation areas to higher trash generation areas, or the implementation of actions to increase the effectiveness of existing sweeping, such as measures to get to the curb or slow down the sweeper speed, can all be considered new actions.

Our review findings include the following:

- All Permittees reviewed, except for Concord and Fremont, claimed new or enhanced street sweeping. However, most did not describe the new or enhanced sweeping. Based on our further review of Short-Term Trash Load Reduction Plans, most claims of new and enhanced sweeping are for sweeping that was occurring before MRP adoption.
- Oakland reported that it is conducting a street sweeping efficiency study to examine re-deploying sweeping effort.
- Walnut Creek reports specific sweeping events without stating whether these are new actions.

Partial-Capture Treatment Devices

Full Capture Treatment Devices

Our July 13 Letter called for a summary description of each device and description of the level of maintenance per device or groups of devices.

Our review findings include the following:

- All Permittees reviewed reported types of devices installed or plans for such installations in the near future but provided very few details associated with these installations, such as mapped location or land use associated with the installed devices.
- Only some Permittees reviewed provided the acreage of capture area of devices.
- No Permittees reviewed reported maintenance information.

Enhanced Storm Drain Inlet Maintenance

Our July 13 Letter called for a description of the applicable targeted drainage area(s), including the number of inlets, and the increased frequency of maintenance in the area(s).

Our review findings include the following:

- Only one Permittee reviewed, Oakland, reported enhanced inlet maintenance. The City reported approximately 50 percent of its inlets were cleaned twice rather than the baseline of once per year.

Creek/Channel/Shoreline Cleanups (Volunteer and/or Municipal)

Our July 13 Letter called for a description of the type(s) of cleanup actions implemented, including location.

Our review findings include the following:

- All of the Permittees reviewed reported creek hot spot cleanups at least once per year for the required number of hot spots and the amount of trash collected, at least in total.
- Some of the Permittees reported details of location and type of trash removed, and amount of trash per cleanup.

Directions for 2012-13 Annual Report

We are providing these directions as a means of resolving shortcomings in the 2011-12 Annual Report and to ensure improved and adequate reporting in the 2012-13 Annual Report. These are in addition to the directions contained in our July 13 Letter, and we continue to emphasize that the Annual Reports must adequately describe actions that are new or enhanced since Permit adoption. In addition to reporting progress towards meeting the 40 percent trash load reduction requirement in the 2012-13 Annual Report, Permittees should also report progress on development of the Long Term Trash Reduction Plans that must be submitted by February 1, 2014. The directions herein provide a means of addressing both.

We expect Permittees to collaboratively develop and submit a revised annual report format for reporting trash load reduction information that is consistent with these directions. However, we recognize development of a revised format will require additional work and cannot be completed in time to be part of the revised overall Annual Report Form that Permittees will be submitting by April 1. Therefore, submittal of the trash load reduction element of the Annual Report Form by May 1 is acceptable.

In ongoing discussions with a work group of Permittees, we have emphasized focusing trash reduction actions and reporting on solving trash problems. To that end, we have further emphasized focusing actions on high trash generation areas. Also, until we resolve current technical challenges and constraints to quantifying trash loads directly, Permittees must demonstrate load reduction progress by adequately documenting implementation of new or enhanced actions along with some assessment measure. Implementation documentation includes types of actions, how they were conducted adequately, and where they were implemented. Assessments can be conducted in receiving waters, next to receiving waters, or at strategic on-land locations.

Our discussions with the work group of Permittees have been productive and have identified working principles that will provide the basis of Long Term Trash Reduction Plans. They should also result in improvements in short-term trash load reduction actions. These principles are described in the following:

- Permittees will develop a map of prioritized trash management areas in their jurisdictions, divided into high, medium and low trash generation areas, by using local knowledge and field observations to validate or revise the land use based trash generation maps created to develop the Baseline Trash Loads;
- Permittees will define the set of trash reduction tools (actions), including implementation performance measures, and determine combinations of the tools that may be equivalent in effectiveness to full trash capture devices;

- Permittees will focus implementation on their high and medium trash generation areas first, and will assess tool-combinations in representative areas to verify the “full capture equivalence”; and
- Permittees will conduct assessment or accountability measurements to demonstrate and verify progress towards and attainment of required trash load reduction levels. Assessment tools include visual and trash counting assessments on land in each or representative trash management areas at locations that represent trash generation and reduction, measurement of trends at creek and Bay shoreline trash hot spots downstream of trash management areas, and direct measurement of trash flux to or in receiving waters using full trash capture devices or temporary devices, such as nets or strainers.

Following these principles, our directions for the 2012-13 Annual Report for C.10 Trash Load Reduction include the following:

1. *Map and Verify High, Medium and Low Trash Generation Areas* - Provide a map of high, medium and low trash generation areas, including non-jurisdictional areas such as Caltrans, schools and State University land. Also include verified non-storm drain system trash sources, such as areas of homeless encampments, creek-side dumping, and wind-blown trash sources. Indicate which of these areas have been verified and divide the high and medium trash generation areas into functional blocks that will be managed as a unit. This map may be provided in GIS format, readable with standard GIS software.

Most Permittees should be able to verify their high trash generation areas. If verification is not complete, particularly by Permittees that have a large jurisdictional area or large number or proportion of high trash generation areas, provide a schedule for verification of these areas. Also, Permittees whose jurisdictions contain a large number of high and medium trash generation areas may propose a preliminary prioritization plan for their delineated management areas.

2. *New and Enhanced Actions Implemented Since MRP Adoption to Reduce Trash in High Trash Generation Areas* - Describe, with specific reference to delineated high and medium trash generation management areas, new and enhanced trash reduction actions that are being or are planned to be implemented. For planned actions, specify the date of implementation.
3. *Full Trash Capture Devices* - Describe type of devices and catchment area of each device and map the devices and catchment areas overlaid on delineated trash generation management areas. This map may be provided in GIS format, readable with standard GIS software. Provide a summary of maintenance actions for each device or groups of devices. The Trash Tracker developed by the San Francisco Estuary Partnership Bay Area-wide Trash Capture Demonstration Project may be used.
4. *Assessment and Verification Methods* - Describe method(s) being or planned to be implemented to determine the effectiveness of trash reduction actions in delineated management areas. Include information to reference which method will be used and the location of the assessment. If planning is not complete, particularly by Permittees that have a large jurisdictional area or large number or proportion of high trash generation areas, provide a schedule for reporting proposed methods.