

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

STAFF SUMMARY REPORT (Dale Bowyer)
MEETING DATE: March 8, 2017

ITEM: 7

SUBJECT: **Implementation of the Trash Load Reduction Requirements, Provision C.10, of the Municipal Regional Stormwater NPDES Permit** – Information Item

CHRONOLOGY: November 19, 2015 – MRP reissued
September 30, 2016 – 2015-16 Annual Reports received

DISCUSSION: This item reviews the progress of the Permittees covered under the Municipal Regional Stormwater NPDES Permit (MRP) with respect to meeting the MRP's requirements to reduce discharges of trash through the storm drain to receiving waters, including creeks and the Bay. The requirements are set forth in Provision C.10, Trash Load Reduction, and affect 76 municipalities and local agencies in Alameda, Contra Costa, Santa Clara, and San Mateo counties, and the cities of Fairfield, Suisun City, and Vallejo in Solano County (Permittees). The Permittees reported on their progress through July 1, 2016, in their 2015-16 annual reports.

The MRP set forth a performance guideline that the Permittees should achieve 60 percent trash load reduction, from a 2009 baseline, by July 1, 2016. This guideline was intended to help identify Permittee progress toward meeting the MRP's mandatory requirement to reduce trash load by 70 percent by July 1, 2017. Permittees that did not attain the 60 percent reduction were required to submit a plan and schedule of additional trash load reduction control actions they would implement to attain the 70 percent reduction by the July 1, 2017, deadline.

We reviewed all Permittee annual reports regarding attainment of the 60 percent trash load reduction guideline or the adequacy of the required action plan by those that did not meet the guideline. Appendix A contains a list of Permittees by category based on our review. The majority of the Permittees reported that they met the 60 percent trash load reduction guideline (43 Permittees). One Permittee reported 60 percent reduction but did not present the information necessary to support the reduction—consisting of visual assessments to identify the trash reduction benefits of actions other than full trash capture. Eighteen Permittees reported less than 60 percent trash reduction but have submitted plans with actions sufficient to meet the mandatory 70 percent trash load reduction by July 1, 2017. Eight Permittees submitted plans that were insufficient, with no evidence of a commitment to dedicated funding being the main shortcoming in most of them. We have reached out to all of the Permittees with insufficient plans or insufficient supporting information to address those issues.

Note that six of the Permittees are flood control districts and are not included in the above categories because, while they must complete certain actions, they are not subject to the MRP percentage-based trash reduction requirements.

Trash reduction is achieved primarily through two methods. The most direct means is the installation and maintenance of full trash capture devices. These devices render their catchment areas fully controlled for trash. Examples include storm drain inlet screens, which control trash discharging to a single inlet, and in-ground hydrodynamic separators, which are typically installed on large storm drains and can remove trash from a larger contributing area. The other approach is to implement cleanup actions, such as street sweeping, installing and maintaining trash receptacles, and regularly sending crews to pick up litter. The effect of these actions must be documented by conducting visual assessments to confirm that trash is reduced on the urban landscape and is not available to wash off with stormwater. The Permittees have worked with us to establish minimum protocols for conducting visual assessments on a representative subset of street miles within each trash management area where this assessment is applicable.

In addition to these two methods to achieve and demonstrate trash reduction, the MRP allows offsets for Permittees. These offsets allow a Permittee to meet a portion of the required trash reduction by demonstrating it has completed specified actions. Offsets are allowed for: implementing source control measures, completing creek and shoreline cleanups beyond those required under the MRP, and implementing a comprehensive direct discharge cleanup program.

Permittees who demonstrate that they have adopted and implemented source control measures, such as single use bag limitations and limitations on the use of plastic foam foodware, may obtain an offset of up to 10 percent trash reduction if they provide substantive and credible evidence that these actions reduce trash by the claimed value. Fifty-five Permittees claimed some credit for this offset, with a minority claiming the full 10 percent.

Permittees who demonstrate that they have accomplished additional creek and shoreline cleanups, beyond the annual required minimum, may obtain an offset of up to 10 percent trash reduction credit. This is calculated based on the volume of trash collected by these efforts. Thirty-four Permittees claimed this offset, with the majority claiming far below the maximum.

Finally, Permittees may propose a comprehensive plan to clean up direct discharges of trash to receiving waters for acceptance by the Executive Officer. The plan must identify trash sources (e.g., discharges associated with homelessness and dumping), map impacted areas, identify a robust program to control the direct discharges, and provide for assessment of the results. A Permittee may obtain up to a 15 percent offset for implementing an accepted plan, based on the volume of trash removed. To date, one Permittee, the City of San Jose, has proposed a plan. It is focused on mapping and removing homeless encampments and preventing re-encampment in the affected creek reaches. This is a major commitment of resources requiring a sustained effort. An additional small handful of Permittees have stated their intention to submit such a plan.

APPENDIX A

REPORTED PERMITTEE TRASH REDUCTIONS

Permittees achieving the 60 percent reduction performance guideline
(listed alphabetically by county)

| County | Permittee | Reported Percent Reduction |
|--------------|----------------------------|----------------------------------|
| Alameda | Dublin | 67 |
| | Emeryville | 69 |
| | Fremont | 69 |
| | Hayward | 79 |
| | Piedmont | 100 |
| | Pleasanton | 100 |
| | Union City | 81 |
| Contra Costa | Clayton | 100 |
| | Concord | 75 |
| | Danville | 96 |
| | El Cerrito | 80 |
| | Lafayette | 77 |
| | Orinda | 66 |
| | Pleasant Hill | 89 |
| | San Pablo | 61 |
| | San Ramon | 100 |
| | Walnut Creek | 94 |
| San Mateo | Atherton | 75 |
| | Belmont | 89 |
| | Brisbane | 65 |
| | Colma | 91 |
| | Foster City | 84 |
| | Half Moon Bay | 91 |
| | Hillsborough | 100 |
| | Millbrae | 69 |
| | Pacifica | 62 |
| | Portola Valley | 73 |
| | Redwood City | 62 |
| | San Mateo | 60 |
| | Unincorp. San Mateo County | 74 |
| Woodside | 100 | |
| Santa Clara | Campbell | 81 |
| | Cupertino | 78 |
| | Los Altos | 81 |
| | Los Altos Hills | 100 |
| | Los Gatos | 76 |
| | Monte Sereno | 100 |
| | Palo Alto | 84 |
| | Santa Clara | 68 |

REPORTED PERMITTEE TRASH REDUCTIONS

Permittees achieving the 60 percent reduction performance guideline (continued)

| County | Permittee | Reported Percent Reduction |
|----------------------------|------------------------------|----------------------------|
| Santa Clara County (cont.) | Saratoga | 85 |
| | Sunnyvale | 62 |
| | Unincorp. Santa Clara County | 68 |
| Solano County | Fairfield | 98 |

Permittees that did not achieve the 60 percent reduction performance guideline (due to inadequate supporting information)

| County | Permittee | Reported Percent Reduction |
|---------|-----------------|----------------------------|
| Alameda | City of Alameda | 60 |

Permittees that did not achieve the 60 percent reduction performance guideline but submitted an acceptable plan to attain the mandatory 70 percent reduction by July 1, 2017

| County | Permittee | Reported Percent Reduction |
|--------------|-------------------------------|----------------------------|
| Alameda | Berkeley | 38 |
| | Newark | 37 |
| | Oakland | 45 |
| | San Leandro | 31 |
| | Unincorp. Alameda County | 12 |
| Contra Costa | Hercules | 15 |
| | Martinez | 48 |
| | Moraga | 21 |
| | Pinole | 21 |
| | Pittsburg | 54 |
| | Unincorp. Contra Costa County | 44 |
| San Mateo | Burlingame | 44 |
| | Daly City | 38 |
| | Menlo Park | 53 |
| | San Bruno | 50 |
| | San Carlos | 35 |
| Santa Clara | Mountain View | 48 |
| | San Jose | 53 |

REPORTED PERMITTEE TRASH REDUCTIONS

Permittees that did not achieve the 60 percent reduction performance guideline and submitted a plan to attain the mandatory 70 percent reduction by July 1, 2017, but the plan did not include all elements necessary to ensure the reduction would be achieved (no commitment to dedicated funding was the most common missing element)

| County | Permittee | Reported Percent Reduction |
|---------------|---------------------|-----------------------------------|
| | | |
| Alameda | Albany | 44 |
| | Livermore | 22 |
| | | |
| Contra Costa | Richmond | 27 |
| | | |
| San Mateo | East Palo Alto | 29 |
| | South San Francisco | 42 |
| | | |
| Santa Clara | Milpitas | 43 |
| | | |
| Solano | Suisun City | 41 |
| | Vallejo | 34 |

Permittees that are flood control districts are not subject to the MRP percentage-based trash reduction requirements

| County | Permittee |
|---------------|--|
| | |
| Alameda | Alameda County Flood Control and Water Conservation District |
| | Zone 7 of the Alameda County Flood Control and Water Conservation District |
| | |
| Contra Costa | Contra Costa County Flood Control and Water Conservation District |
| | |
| San Mateo | San Mateo County Flood Control District |
| | |
| Santa Clara | Santa Clara Valley Water District |
| | |
| Solano | Vallejo Sanitation and Flood Control District |