



PUBLIC WORKS DEPARTMENT
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Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Proposed Amendments to Statewide Water Quality Control Plans to Control Trash

The City of Cupertino appreciates the opportunity to comment on the proposed amendments to the statewide Water Quality Control Plans to control trash. The City of Cupertino is a member of SCVURPPP, an association of 13 cities and towns, the Santa Clara Valley Water District, and the unincorporated areas in Santa Clara County that are subject to requirements in the regional Phase I municipal stormwater NPDES permit for the San Francisco Bay Area region (MRP). Trash is an important issue in the South San Francisco Bay Area. The City of Cupertino and the member agencies of SCVURPPP have been steadily reducing the impacts associated with trash on local water bodies and Lower South San Francisco Bay consistent with the trash reduction provisions in the MRP and the framework for trash reduction developed by Phase I MS4 permittees and San Francisco Bay Regional Water Quality Control Board (SF Bay Water Board) staff.

We appreciate the State Board's consideration and incorporation of previous recommendations provided by SCVURPPP and its member agencies during the stakeholder meetings conducted over the course of the last two years. In particular, we appreciate the inclusion of the "Track 2" compliance option, "equivalent alternative land use" concepts, and the importance of regulatory source controls in the proposed amendments. That said, we have some concerns with the proposed amendments. As drafted, they would potentially require Bay Area municipalities to inefficiently redirect limited public resources away from activities currently aligned with trash reduction provisions in the MRP. The City of Cupertino supports the recommendations proposed in the comment letter submitted by the Bay Area Stormwater Agencies Association (BASMAA) regarding the proposed amendments. Specifically, we reiterate the need for revisions to the proposed amendments to:

- Provide consistency with the proposed narrative Water Quality Objective by including language in the trash discharge prohibitions to specify that the trash discharges being prohibited and controlled are “in amounts that cause impairment of beneficial uses or conditions of nuisance in receiving waters”;
- Provide an alternative (i.e., Track 3) to allow for compliance to be achieved via continued implementation of the trash-specific provisions in the MRP; and
- Provide “certification” for all devices that were installed or are in the process of being installed in the Bay Area if they were previously accepted by SF Bay Regional Board staff as meeting the design criteria for full capture systems.

SCVURPPP has been a leader in stormwater management prior to the issuance of the first municipal stormwater NPDES permits in the nation. Over 15 years ago, SCVURPPP agencies and the City of Cupertino recognized the need to identify the extent and magnitude of the trash issue in the Bay region. As a result, SCVURPPP and its member agencies began implementing trash assessment strategies and control measures to reduce the impacts of trash on local water bodies. With the inclusion of trash control provisions in the San Francisco Bay Area Phase I Municipal Regional NPDES Permit (MRP) for stormwater discharges in 2009, the City and the other SCVURPPP permittees intensified their efforts to significantly reduce trash discharged from MS4s to South Bay water bodies. In just four years since the issuance of the MRP, the City of Cupertino and SCVURPPP member agencies have:

- Actively participated in the Bay Area regional study to develop trash generation rates;
- Developed community-specific maps that identify trash generating areas and short-term and long-term trash load reduction plans that describe trash reduction actions for geographically specific trash management areas;
- Installed and maintained 107 full capture devices within the City of Cupertino alone that effectively intercept trash from over 100 acres of commercial and retail land;
- Adopted local ordinances prohibiting the distribution of litter-prone items such as single use plastic shopping bags and expanded polystyrene foodware;
- Installed 69 partial trash capture devices in the City of Cupertino alone and enhanced institutional controls, such as street sweeping and storm drain maintenance;
- Funded and participated in the implementation of an innovative regional social media campaign intended to change litterer’s behavior and continued to implement award-winning countywide and Cupertino public education and outreach programs;
- Developed a new litter reduction initiative called the Santa Clara Valley Zero Litter Initiative (ZLI), which brings together solid waste and stormwater professionals with garbage haulers to implement collaborative projects and exchange ideas;

- Developed an innovative Pilot Trash Assessment Strategy that includes a full capture device operations and maintenance program, on-land visual trash assessments, and receiving water monitoring, to demonstrate progress towards trash reduction goals; and
- The City of Cupertino won U. S. EPA's 2013 national Food Recovery Challenge Innovation Award in part because the City includes stormwater and litter reduction assessments during multiple visits to help grocery stores, restaurants and food establishments organize and maintain their trash, recycling and food scrap disposal areas.

The above efforts were conducted to significantly reduce trash in MS4 discharges to achieve rigorous trash reduction goals set forth in the MRP (i.e., 40% by July 2014, 70% by 2017, and no negative visual impact by 2022). They are part of a well thought out framework developed by Bay Area Phase I MS4 permittees and SF Bay Area Water Board staff, who have spent considerable resources identifying areas that contribute trash to their stormwater conveyance systems at problematic levels and tailoring trash control measures that are reducing trash from high trash generating areas.

We strongly urge the State Board to consider the recommendations proposed by BASMAA and allow SCVURPPP permittees to continue the process of reducing trash from MS4 discharges in manner that is consistent with the Bay Area framework designed to achieve water quality goals outlined in the MRP which are consistent with the proposed amendments

We look forward to further discussion of the proposed trash amendments and the BASMAA recommendations. Please contact me should you have any questions or would like to discuss these comments further.

Sincerely,



Timm Borden
Director of Public Works
City of Cupertino

cc: Bruce Wolfe, San Francisco Bay Regional Water Quality Control Board
Tom Mumley, San Francisco Bay Regional Water Quality Control Board
Adam Olivieri, SCVURPPP Program Manager
SCVURPPP Management Committee