

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

STAFF SUMMARY REPORT (Dale Bowyer)
MEETING DATE: December 10, 2014

ITEM: 5

SUBJECT: **Trash Load Reduction Requirements of the Regional Municipal Stormwater Permit: Compliance Review and Lessons Learned for Permit Reissuance – Workshop on Implementation of the Trash Load Reduction Requirements**

DISCUSSION: This item is to discuss the compliance status of the 76 permittees covered under the Regional Municipal Stormwater Permit, Order No. R2-2009-0074, adopted by the Board in 2009, with the permit's 40 percent trash load reduction requirement (Provision C.10). At the workshop, we will present the results of our compliance review and how lessons learned may affect requirements in the permit the Board will consider reissuing in 2015. We expect permittees and interested parties to also discuss compliance challenges and opportunities for improvement.

We have made initial compliance determinations (Appendix A) and designated the compliance status of each of the permittees in one of four categories:

- *Compliance* (44 permittees) = trash load reductions within 10 percent of the 40 percent reduction requirement ($\geq 36\%$);
- *Minor non-compliance* (7 permittees) = trash load reductions within 20 percent of the 40 percent requirement ($\geq 32\%$);
- *Non-compliance* (14 permittees) = trash load reductions $< 32\%$; or
- *Mitigated Non-compliance* (12 permittees) = significant extra creek and shoreline cleanups that more than offset shortfall in trash load reduction

We will further review the initial compliance determinations with assistance from U.S. EPA after the workshop based on feedback from the Board and then issue notices of violation to permittees in non-compliance.

The 2009 permit called for trash load reductions from a baseline trash load that reflected trash loads at the onset of the permit term. However, we did not base our compliance determinations on percent load reduction from baseline trash loads due to significant uncertainty in the calculated baseline loads as was discussed at the November-December 2013 Board Workshop on Implementation of the Trash Load Requirements. Instead, we evaluated compliance based on the areal extent (percent) of permittees' jurisdictions managed with full trash capture devices or their equivalent. We have worked with the permittees to develop trash generation area maps for their jurisdictions, with trash generation categories of low, moderate, high, and very high. These maps were submitted with the required Long-Term Trash Load Reduction Plans in February 2014, which are posted at: www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/C10/2014/index.shtml. We based our compliance determinations on percent of

medium, high, and very high trash generation areas managed with trash capture devices or other actions using information and progress reported in the permittees' annual reports submitted in September 2014, which are posted at: www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2014_AR/index.shtml.

We considered the use of full trash capture devices, implementation of jurisdiction-wide activities, and use of other new or enhanced measures that may be equivalent to full trash capture in our determination of trash load reductions. The following summarizes how we considered load reductions in each of these categories:

Mandatory Minimum Full Trash Capture (installation and maintenance) - all permittees met the permit requirement to treat runoff from an area equivalent to 30% of their retail/wholesale land use area and many exceeded the minimum requirement. We accounted for the total area served by full trash capture devices in our compliance determination.

Jurisdiction-wide Activities - these activities include plastic bag and foam food-ware source control restriction ordinances. We accounted for the trash reduction value for implementation of these activities where justification was provided. We did not account for the claimed reduction value of public outreach activities because justification was not provided.

New or Enhanced Trash Reduction Measures - these measures include new or enhanced street sweeping and new or enhanced maintenance actions, such as recurring on-land trash cleanup. These actions had to be new or enhanced measures implemented by the permittees since 2009, to be of a type reasonably expected to have a major impact within a trash generation area, and to have the required verification and assessment. We based our compliance determination on documented implementation and the weight of assessment evidence reported.

In making our compliance determination, we rejected load reduction claims that were not supported with sufficient weight of evidence that the new activities were significant enough to have caused a change in trash generation condition. Also, some permittees used trash load volume relative to a calculated trash baseline load to determine a percentage trash load reduction for some actions. As noted above, we rejected this method of crediting trash removal due to the extreme variability in the baseline trash loading estimates. The short-comings of this approach are illustrated by one permittee that claimed that 5% of its trash cleanup volume was equivalent to a trash reduction value of 37% of its estimated baseline load. If the permittee had claimed the entire trash volume, that would have been equivalent to an impossible 740% reduction from its estimated baseline load.

RECOMMEN-
DATION:

This is an information item not requiring action by the Board.

Appendix A:

Compliance Status of Permittees with 40% Trash Reduction Requirement

APPENDIX A

Compliance Status of Permittees with 40% Trash Reduction Requirement

	In Compliance	Minor Non-Compliance	Non-Compliance	Mitigated Non-Compliance
Alameda County	Albany Berkeley Dublin Fremont New ark Piedmont Alameda County Flood Control, Zone 7	San Leandro	Emeryville Hayward Livermore Pleasanton	Alameda County Alameda Oakland Union City
Contra Costa County	Lafayette Richmond San Pablo Walnut Creek CCCFCD	Clayton Martinez	Concord Hercules Moraga Pinole Pittsburg Pleasant Hill	El Cerrito Contra Costa County Danville Orinda San Ramon
San Mateo County	Atherton Belmont Brisbane Burlingame Colma East Palo Alto Foster City Half Moon Bay Hillsborough Menlo Park Millbrae Pacifica Portola Valley San Mateo County San Mateo South San Francisco Woodside SM Flood Control	Redwood City San Carlos	Daly City San Bruno	
Santa Clara County	Campbell Cupertino Palo Alto Los Altos Los Altos Hills Los Gatos Monte Sereno Mountain View Santa Clara County Saratoga Sunnyvale SCVWD		Milpitas	San Jose Santa Clara
Solano County		Vallejo VSFCD	Fairfield Suisun City	