

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

STAFF SUMMARY REPORT (Dyan Whyte)
MEETING DATE: May 13, 2015

ITEM: 9

SUBJECT: **Actions to Address the Adverse Water Quality Impacts of Homeless Encampments** – Adoption of Resolution

DISCUSSION: Discharges of trash and human wastes from homeless encampments pose a significant water quality and public health threat. This past February, the Board held a workshop to discuss the water quality threats posed by homeless encampments and challenges and lessons learned in addressing the problem. Speakers representing four local agencies presented data on the number of encampments within their jurisdiction, volumes of trash removed, and costs associated with this complex societal problem. A number of homeless advocates provided perspective on the problem and potential solutions.

At the workshop, the Board expressed appreciation for the local agency-led comprehensive and collaborative approaches presented but noted that the resources to fully address the problem appear to be insufficient. The Board requested staff to prepare a resolution that would formalize the Board's intention to potentially hold property owners accountable for water quality problems that originate on their property and would clarify the Board's expectation that water quality problems associated with homeless encampments need to be addressed in an effective and timely manner. Furthermore, the Board noted that local agencies, such as cities, counties, and flood control districts, are the primary agents responsible for addressing the problem and achieving results.

The attached Tentative Resolution (Appendix A) would encourage local agencies to undertake efforts to eliminate and prevent adverse water quality impacts from homeless encampments. It identifies the need for clear and measurable goals for protecting and restoring water quality and affirms that the Board has authority to regulate discharges of waste from homeless encampments.

On April 24 we publicly noticed the Tentative Resolution for comment. We received one comment letter, from the City of Oakland. The City states that the Resolution is duplicative of the Municipal Regional Permit and requests that the Board adopt a resolution requesting grant resources to help solve the problem. While the Board clearly recognizes the need for resources to help solve the problem, the Resolution is non-regulatory, does not commit the Board or any local agency to a particular course of action, and encourages agencies to consider water quality issues while addressing the broader social issue of homelessness. As such, Board staff does not recommend revising the Tentative Resolution.

**RECOMMEN-
DATION:** Adoption of the Tentative Resolution

APPENDICES: A - Tentative Resolution
B - Comments received

Appendix A

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

TENTATIVE RESOLUTION No. R2-2015-00XX

**ACTIONS TO ADDRESS THE ADVERSE WATER QUALITY IMPACTS OF
HOMELESS ENCAMPMENTS**

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. Discharges of trash and human wastes from homeless encampments pose a significant water quality and public health threat.
2. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) prohibits the discharge of rubbish, refuse, or other solid wastes into surface waters or any place where they would eventually be transported to surface waters, including flood plains. Discharges of trash from homeless encampments are covered under this prohibition.
3. The Basin Plan also prohibits the discharge of raw sewage or any waste failing to meet waste discharge requirements to waters of the State. Discharges of human waste from homeless encampments are covered under this prohibition.
4. The problem of discharges of trash and human waste from homeless encampments is entwined with complex and challenging societal issues, including poverty, the Bay Area's high cost of living, and un- and under-employment.
5. The Water Board held a public workshop on February 11, 2015, on local agency efforts to address the water quality impacts of homeless encampments. Staff from Contra Costa County, the City of Oakland, the City of San Jose, and the Santa Clara Valley Water District described the scope of the problem in their jurisdictions, ongoing efforts, lessons learned, and future challenges.
6. Local agencies have an interest in cleaning up and preventing homeless encampments for multiple reasons. Local agencies are concerned for the health and safety of individuals living in unsafe and unsanitary encampments, impacts on businesses and residents in surrounding neighborhoods, and pollution from the direct discharge of trash and human waste into waterways.
7. Cleaning up and preventing homeless encampments may often require interagency collaboration. There are many examples of interagency collaboration in the San Francisco Bay Region. Contra Costa County has established a cross-department working group on homelessness and is developing a memorandum of understanding between its agencies to ensure consistent, collaborative efforts for the long term. The City of San Jose is collaborating with the Santa Clara Valley Water District, the County of Santa Clara, State agencies, and non-profit organizations. [Destination: Home](#) is a public-private partnership serving as the backbone organization for collective impact strategies to reduce chronic homelessness in Santa Clara County. The City of Oakland has established a coordinated homeless encampment task force and has expanded its outreach, publicity, and enforcement against illicit dumping. These are but a few examples of the

concerted and on-going efforts by municipalities and nonprofit organizations throughout the San Francisco Bay Region.

NOW, THEREFORE BE IT RESOLVED that the Water Board:

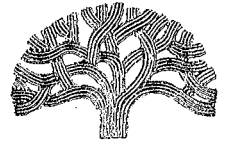
1. Encourages local agencies to undertake efforts to eliminate and prevent adverse water quality impacts from homeless encampments. These efforts should include clear and measurable goals for trash reduction.
2. Affirms that it has the authority to regulate discharges of waste from homeless encampments into waters of the State, and, at its discretion, may consider enforcement of the Basin Plan's discharge prohibitions or consider issuance of cleanup and abatement orders or waste discharge requirements to owners of property where homeless encampments are located.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on (date).

Bruce H. Wolfe
Executive Officer

Appendix B

CITY OF OAKLAND



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May 4, 2015

Ms. Dyan Whyte, Assistant Executive Officer
San Francisco Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

SENT BY EMAIL: dyan.whyte@waterboards.ca.gov

RE: Comments on Resolution on Actions to Address the Adverse Water Quality Impacts of Homeless Encampments (Tentative Resolution No. R2-2-15-00##)

Dear Ms. Whyte,

The City of Oakland is writing to oppose adoption of the above-referenced resolution. The proposed resolution targets the homeless population as a trash and water quality issue. Our staff, alongside other Bay Area municipalities, testified to the Regional Board Members on February 11, 2015 that addressing homeless encampments is a complex social issue that creates a daily demand for social services, maintenance staff and police personnel.

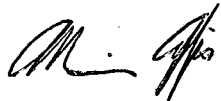
Oakland removes over 100 encampments per year and gives highest priority to those encampments within 250 feet of a waterway. In addition to encampment removal, Oakland funds Operation Dignity, a social service program that provides regular food and blankets to the homeless, provides daily safety net services and daily pick up of litter around smaller trash and debris sites. Despite these dedicated resources and programs, the City is not able to solve homelessness because it is rooted in socio-economic and mental health factors that are beyond the City's sole ability to change.

This singling out of one specific source of trash with a separate resolution is duplicative of the existing Municipal Regional Permit (MRP) trash reduction requirements which already include "clear and measurable goals". Furthermore, requesting abatement orders and waste discharge requirements for this specific activity will only serve to further stigmatize an already vulnerable population.

We work diligently to balance the many needs of our City – including trash reduction, water quality and homeless encampments. Adding single-issue requirements constrains our ability to optimize our limited resources. Please reconsider adoption of this resolution and instead, adopt a resolution requesting additional grant resources for these intractable water quality problems.

You may contact my staff, Lesley Estes (lestes@oaklandnet.com) with any questions about this issue.

Sincerely,



Claudia Cappio,
Assistant City Administrator

Cc:
Brooke Levin, Director, Oakland Public Works
Sara Bedford, Director, Human Services