

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

STAFF SUMMARY REPORT (Dale Bowyer)
MEETING DATE: March 14, 2018

ITEM: 6

SUBJECT: **Municipal Regional Stormwater NPDES Permit, Permittee Compliance with the 70% Trash Load Reduction Requirement; and Caltrans Implementation Status, Trash Reduction Requirements of Caltrans Statewide Stormwater NPDES Permit** – Information Item

DISCUSSION: This information 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 to receiving waters, including creeks and the Bay. It also presents the status of trash reduction implementation by the California Department of Transportation (Caltrans).

Municipality Trash Reduction Implementation Status

The MRP's trash reduction requirements are set forth in Provision C.10, Trash Load Reduction. Seventy-one of the MRP's Permittees—municipalities in Alameda, Contra Costa, Santa Clara, and San Mateo counties and the cities of Fairfield, Suisun City, and Vallejo in Solano County—were required to achieve a 70 percent trash load reduction, from a 2009 baseline, by July 1, 2017. The Permittees reported on attainment of the 70 percent trash load reduction in their 2016-17 annual reports. Each Permittee's reported trash reduction, including how it was achieved, is listed in Appendix A.

Sixty-two of the 71 permittees reported that they achieved the 70 percent trash load reduction requirement. In addition, 2 permittees reported 68 and 67 percent reductions, which we deemed within the margin of error of the accounting methods.

Seven Permittees are not in compliance with Provision C.10, since they reported 60 percent or less trash reduction. All have submitted compliance plans with actions to achieve both the required 70 percent and 80 percent reductions. We plan to bring enforcement orders for Board consideration that will require these Permittees to take actions to achieve 80 percent trash reduction by July 1, 2019, along with additional reporting to ensure they are making timely progress towards coming into compliance and meeting that requirement.

Trash reduction is achieved primarily through two methods. The most direct means is the installation and appropriate maintenance of full trash capture devices. These devices render their catchment areas fully controlled for trash. The other approach is to implement cleanup actions sufficient to be equivalent to full trash capture. Actions can include robust 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 at a frequency sufficient to confirm that trash is reduced on the urban landscape and is not available to discharge to the storm drain.

A number of Permittees claimed a relatively high reduction associated with visual assessments of other trash reduction actions. In many cases, these reductions are a result of ongoing cleanup actions. However, a portion of the reductions is an artifact of the initial MRP's 2009 baseline methodology, which used land use type to estimate trash loading rates. In those cases, visual assessments are confirming that the actual observed trash loading rates are less than those estimated in 2009. We plan to further evaluate the adequacy of visual assessments to support reported reductions and sustainment of trash reduction actions.

In addition to implementing full trash capture and other equivalent actions to achieve trash discharge reductions, the MRP allows Permittees to claim trash reduction value for source control measures and allows them offsets for certain cleanup actions. Source control measures such as single use bag restrictions may be valued up to 10 percent with corroborating evidence. Creek or shoreline cleanups beyond those required by the MRP may qualify for up to a 10 percent offset, and a comprehensive direct discharge cleanup program that addresses trash discharges associated with homelessness and illegal dumping may qualify for up to a 15 percent offset. Fifty-four Permittees claimed the source control values, 23 claimed the additional creek cleanup offset, and 2 claimed the direct discharge cleanup program offset. The average overall amount claimed was 12 percent.

Future Reductions

The MRP requires an 80 percent reduction from 2009 baseline levels by July 1, 2019. Thirty-four Permittees, typically smaller residential communities, reported that they had already achieved that or a greater reduction as of July 1, 2017.

Potential challenges that the Permittees face to further control trash include engineering constraints to implementing certain actions (e.g., lack of elevation in areas close to the Bay that can limit the use of certain full trash capture devices); decreasing reduction achieved per unit of action as Permittees, who appropriately have focused on cleaning up the highest-trash areas, move to clean up relatively less-trashy areas; and potential challenges as Permittees implement the MRP's requirement to control trash discharging via storm drain inlets on private property (e.g., in big box retail parking lots).

Finally, as discussed during the 2015 MRP reissuance hearings, the value of source control actions will have to be integrated into the accounting of full trash capture and full trash capture-equivalent actions to avoid double counting when Permittees will be required to demonstrate attainment of 100% trash load reduction. Also offsets may need to be reduced or eliminated for creek and shoreline cleanups and control of non-storm drain system discharges. These issues will be considered when the MRP is reissued.

Caltrans Trash Reduction Implementation Status

Caltrans' statewide stormwater permit requires "timely implementation of trash control measures in all high trash generating areas in the San Francisco Bay Region." Caltrans is taking steps to control trash in its right of way (ROW) and is working on steps needed to build an effective program. However, the rate of

implementation is well below that required to achieve timely reduction of trash discharges.

Also, like other municipal stormwater permittees, Caltrans is subject to the statewide Trash Amendments, adopted by the State Board, to the Ocean Plan and the Inland Surface Waters, Enclosed Bays, and Estuaries Plan, which establish a “no adverse effect” trash water quality objective and discharge prohibition, and a program of implementation that requires Caltrans to comply with the trash discharge prohibition no later than ten years after the requirements are included in its statewide stormwater permit. Caltrans’ permit is expected to be reissued by the State Board in 2020, so the trash discharge prohibition would be effective no later than 2030.

We have been meeting with Caltrans staff since May 2014 to discuss the trash reduction implementation actions required in its permit. While there have been extensive meetings and correspondence, including our December 2016 issuance of a Notice of Violation intended to prompt submittal of an acceptable trash reduction workplan, we have not yet received an acceptable plan. Accordingly, we plan to bring an enforcement order for Board consideration that will require Caltrans to implement more comprehensive and timelier trash reduction actions.

While we have not yet received an acceptable trash reduction plan, Caltrans is completing some actions to control trash now and to help build an effective program. Caltrans has identified about 2,700 acres, or a little over ten percent of its total ROW of about 25,000 acres, as “priority focus areas” for trash control actions but can currently only commit to a few actions due to funding constraints. Short term actions include outreach to MRP Permittees and identification of opportunities to complete coordinated trash control actions with Caltrans. Caltrans has executed or will execute \$25.6 million in Cooperative Implementation Agreements with the cities of Richmond, Atherton, and South San Francisco to install full trash capture devices on city property that will control trash from both city property and Caltrans ROW. These projects are all targeted to begin construction by or before 2019 and will treat a total of about 10,000 acres, including 502 acres of Caltrans ROW. Caltrans also has plans to construct trash controls to treat 50 acres of its ROW, at a cost of \$8.7 million, with a target construction start in 2020.

We have told Caltrans that its priority focus areas provide a useful starting point for trash control actions that should be completed now, but the area of its ROW that Caltrans will need to control trash to achieve the discharge prohibition is likely significantly greater than those 2,700 acres. We have also conveyed to Caltrans that compliance with permit requirements and the Trash Amendments will require significant additional resources.

**RECOMMEN-
DATION:**

This is an information item only and no action is necessary.

APPENDIX A:

Permittee-Reported Trash Reductions as of July 1, 2017

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Permittee-Reported Trash Reductions as of July 1, 2017

Percent Trash Reductions Achieved per MRP 2016-17 Annual Reports					
Permittee	Full Trash Capture Systems (Percent)	Other Control Measures - Confirmed With Visual Assessment (Percent)	Jurisdiction- Wide Source Control Measures (Percent)	Offset: Additional Creek and Shoreline Cleanup / Direct Trash Discharge Control (Percent)¹	Total Percent Trash Reduction Claimed ²
Alameda County					
Unincorp. Alameda County	9	0	10	0	19
Alameda	38	10	10	10	68
Albany	25	22	10	10	67
Berkeley	63	0	10	10	83
Dublin	67	0	7	0	74
Emeryville	35	26	10	0	71
Fremont	69	0	10	0	79
Hayward	45	19	10	5	79
Livermore	16	8	10	5	39
Newark	65	0	6	0	71
Oakland	12	42	10	10	75
Piedmont	22	76	2	0	100
Pleasanton	3	87	10	0	100
San Leandro	63	0	10	0	73
Union City	50	13	10	1	74
Contra Costa County					
Unincorp. Contra Costa County	21	35	0	10 / 5	70
Clayton	100	0	0	0	100
Concord	75	0	0	0	75
Danville	27	71	8	0	100
El Cerrito	60	0	10	10	80
Hercules	10	0	5	0	15
Lafayette	51	32	0	0	83
Martinez	54	19	6	10	88
Moraga	76	0	0	0	76
Orinda	2	81	0	0	83
Pinole	17	0	0	0	17

¹ Two Permittees claimed offsets for implementing a Direct Discharge Cleanup Program: Unincorporated Contra Costa County (5 percent) and the City of San Jose (15 percent).

² In some cases numbers may not add up due to rounding.

Permittee	Full Trash Capture Systems (Percent)	Other Control Measures – Confirmed with Visual Assessment (Percent)	Jurisdiction Wide (Source) Control Measures (Percent)	Offset Additional Creek And Shoreline Cleanup / Direct Trash Discharge Control (Percent)	Total Percent Trash Reduction Claimed
Pittsburg	14	41	7	0	72
Pleasant Hill	73	0	6	0	79
Richmond	58	6	10	8	82
San Pablo	53	0	10	10	73
San Ramon	0	100	0	0	100
Walnut Creek	23	66	8	0	96
San Mateo County					
Unincorporated San Mateo County	51	29	10	0	90
Atherton	0	80	0	0	80
Belmont	49	44	0	0	93
Brisbane	68	7	10	0	86
Burlingame	64	9	10	0	83
Colma	74	6	10	0	90
Daly City	47	15	10	0	71
East Palo Alto	4	35	10	10	60
Foster City	16	58	10	0	84
Half Moon Bay	87	0	10	0	97
Hillsborough	100	0	0	0	100
Menlo Park	25	39	10	0	74
Millbrae	73	10	10	0	93
Pacifica	18	45	10	0	72
Portola Valley	0	60	10	0	70
Redwood City	53	5	10	10	77
San Bruno	11	40	10	10	71
San Carlos	71	0	10	0	81
San Mateo	23	34	10	6	73
South San Francisco	44	30	10	0	83
Woodside	0	100	0	0	100

Permittee	Full Trash Capture Systems Percent	Other Control Measures - OVTA Confirmed Percent	Jurisdiction Wide (Source) Control Measures Percent	Offset Additional Creek And Shoreline Cleanup / Direct Trash Discharge Control Percent	Total Percent Trash Reduction Claimed
Santa Clara County					
Campbell	27	38	10	10	86
Cupertino	21	69	0	4	94
Los Altos	61	13	10	1	85
Los Altos Hills	0	100	0	0	100
Los Gatos	17	43	10	0	70
Milpitas	52	13	6	0	71
Monte Sereno	0	100	0	0	100
Mountain View	9	66	10	0	85
Palo Alto	5	71	10	0	86
San Jose	36	8	10	10 / 15	79
Santa Clara	41	20	10	0	71
Saratoga	16	64	0	0	80
Sunnyvale	19	46	10	0	75
Unincorporated Santa Clara County	20	48	10	7	84
Solano County					
Fairfield	96	0	3	0	99
Suisun	71	0	3	0	74
Vallejo ³	7	20	6	2	35
Vallejo Flood and Wastewater District (formerly Vallejo Sanitation and Flood Control District) ³	7	20	6	2	35

³ Although they are different legal entities, the City of Vallejo and the Vallejo Flood and Wastewater District share responsibility for the same contributing area and storm drain system. Thus, the reduction numbers are the same for each.