



Memorandum

TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE

FROM: Kerrie Romanow

SUBJECT: SEE BELOW

DATE: August 22, 2023

Approved

Date

9/1/23

SUBJECT: LONG-TERM TRASH REDUCTION PLAN UPDATE APPROVAL

RECOMMENDATION

- a) Accept this update on a status on the report on Long Term Trash Plan Program called Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan and Assessment Strategy in conformance with Municipal Regional Stormwater Permit.
- b) Recommend this item for full Council consideration at the September 19, 2023, City Council meeting to Adopt a Resolution to:
 - 1. Approve the Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan and Assessment Strategy and authorize the City Manager to submit it to the San Francisco Bay Regional Water Quality Control Board by September 30, 2023; and,
 - 2. Authorize the City Manager to make amendments to the plan as necessary in response to the Water Board's comments.

SUMMARY AND OUTCOME

The City is required under Order No. R2-2022-0018, National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit No. CAS612008 (Stormwater Permit) to submit an updated Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan and Assessment Strategy (Long-Term Plan) to the San Francisco Bay Regional Water Quality Control Board (Water Board) by September 30, 2023. The Long-Term Plan summarizes current trash control measures and programs implemented throughout the City to reduce trash entering the municipal separate storm sewer system (storm sewer system). It also provides a preliminary plan on how the City will evaluate existing efforts and analyze data sets to create an implementation strategy that ensures compliance requirements throughout the permit term which ends June 30, 2027. This will be achieved by either expanding existing and/or implementing new trash control measures that will require additional funding to ensure 100% compliance.

The updated Long-Term Plan (See **Attachment**) demonstrates the City of San José's commitment to attain compliance with the required 100% trash load reduction by June 30, 2025, as required in the Stormwater Permit issued by the Water Board.

BACKGROUND

The current Stormwater Permit was adopted by the Water Board on May 11, 2022 and went into effect on July 1, 2022, and like its predecessors, requires the City to effectively prohibit all non-stormwater discharges into the storm sewer system and waterways (including rubbish, refuse, and other solid wastes). The Long-Term Plan is one of several Stormwater Permit requirements the City invests resources into to address trash in the storm sewer system and waterways.

Since the issuance of the 2009 Stormwater Permit, the City was required to comply with specific trash management timelines to reduce trash entering the waterways. The Water Board approved the City's first Long-Term Plan in 2014. Since then, the Water Board updated and issued the 2015 Stormwater Permit. The City submitted an updated Long-Term Plan in 2017 to reflect revised trash load reduction targets. The City met these requirements through (1) significant investments in structural devices (i.e.: large full trash capture systems) designed to capture trash in the storm sewer system before it enters our waterways, as well as (2) developing and implementing several trash control programs designed to prevent trash from entering the storm sewer system.

The City also utilized offsets and credits allowed under the 2015 Stormwater Permit for implementing jurisdictional source controls (i.e.: single use plastic bag and foam foodware bans), additional creek and shoreline cleanups (i.e.: partnerships with local nonprofits, contracted and volunteer cleanups), and the Direct Discharge Trash Control Program Plan (Direct Discharge Plan) (i.e.: summarizes actions the City will take to address trash that is directly discharged into City waterways through encampments and activities of people experiencing homelessness) to achieve required trash load reduction goals.

The current Stormwater Permit (Provision C.10.d) requires the City to update the Long-Term Plan to reflect the more stringent trash load reduction goals from the 2009 baseline, including:

- 90% reduction in trash loads by June 30, 2023;
- 100% reduction in trash loads by June 30, 2025;

Permittees that did not attain 90% compliance benchmark by June 30, 2023 (without the utilization of offsets) are required to submit an updated Long-Term Plan by September 30, 2023 with their annual reports.

ANALYSIS

The updated Long-Term Plan describes actions currently implemented, planned for future implementation, and a schedule to meet the 100% trash load reduction requirement by June 30, 2025. To meet this compliance schedule, it will be critical for the City to evaluate each program to maximize trash load reduction, and fund additional full trash capture controls, expand existing and/or implement new on-land trash control measure programs.

The updated Long-Term Plan to be submitted to the Water Board for 2023 includes:

- Background on regulatory requirements and summary of City's trash load reduction targets achieved to date,
- A comprehensive list of trash load reduction control actions currently being implemented citywide,
- Maps of the Trash Management Areas (geographic subdivisions of the City) where trash control measures are implemented and their effectiveness is measured, and
- A list of new and enhanced trash control measures scheduled for implementation in FY 23-24.

As of June 30, 2023, the City achieved 95.6% trash load reduction (See Table 1) through structural full trash capture systems installed in the storm sewer system and on-land trash control measures implemented by the Parks, Recreation & Neighborhood Services; Transportation; Planning, Building, Code Enforcement; and Environmental Services Departments as described in the Long-Term Plan. The City is relying on offsets through Additional Creek and Shoreline Cleanups and the Direct Discharge Plan.

Table 1: FY 22-23 Trash Load Reduction Percentage Calculation:

Trash Control Measures	Percent Credit
Full Trash Capture Systems	54.1%
On-land Trash Control Measures	16.5%
Subtotal without Offsets	70.6%
Credit and Offsets	
Credit for Jurisdictional Source Controls	0%
Offset for Additional Creek and Shoreline Cleanups	10%
Offset for Direct Discharge Trash Control Plan	15%
Total with Credit and Offsets	95.6%

As shown in Table 1, to date, the City has met trash reduction requirements by utilizing the offsets allowed for Additional Creek and Shoreline Clean Ups (10%) and implementing a Direct Discharge Plan (15%). Both of these offsets sunset on June 30, 2025. In order to claim the offset for the Direct Discharge Plan until that date, the Water Board required an updated plan by January 3, 2023. In December 2022, Council approved an updated plan, but the Water Board has

twice required increased detail. If the City cannot revise the Direct Discharge Plan in a manner sufficient to secure Water Board approval, the City will need to take additional, very costly measures to ensure it remains in compliance with the Stormwater Permit and the Clean Water Act, which will be very challenging.

Since FY 13-14, the City has heavily relied on offsets and credits to meet trash load reduction benchmarks. Under the new permit, the 10% offset for additional creek and shoreline cleanups and the 15% offset for the City's Direct Discharge Plan will be phased out by June 30, 2025. In response to this change, it is critical for the City to evaluate how to increase additional full trash capture controls, expand existing and/or implement new on-land trash control measure programs to achieve 100% trash load reduction.

Since 2012, the City has installed 34 large trash capture devices at a cost of approximately \$27 million. The City has constructed more large trash capture devices than any other municipality in the Bay Area and anticipates installing additional devices to meet Stormwater Permit requirements. Percent credit achieved through on-land trash control measures has remained relatively steady over the past several years.

City staff, in collaboration with Santa Clara Valley Urban Runoff Pollution Prevention Program management staff, are assessing the City's current and planned trash control measures to determine how the City will achieve the required 100% trash load reduction compliance by June 30, 2025, and beyond. On-Land Visual Trash Assessment data demonstrates that approximately 75% of the City is Low trash generating or treated by Full Trash Capture. City efforts targeting the approximately 2,100 acres of Very High and High trash generating areas have the potential to earn significant trash load reduction credit. Additionally, implementing other Stormwater Permit-mandated programs such as requiring private parcels directly connected to the City's storm sewer system have full trash capture systems or equivalent controls will also yield significant trash load reduction.

As identified in the Long-Term Plan, further evaluation will be needed to assess the cost-benefit in installing more full trash capture devices in the public right-of-way, implementing new mandated Private Lands programs, and expanding or implementing new on-land programs in perpetuity. Additional funding will be needed for efforts to ensure that the City achieves 100% compliance with the Stormwater Permit.

Though the City will not obtain additional stormwater permit credits for Direct Discharge and Creek Clean ups after June 30, 2025, the Direct Discharge Program and Creek Cleanups will need to continue to meet the City's obligation under the Clean Water Act, Water Board Resolution No. R2-2015-0024, "Actions to address the adverse water quality impacts of homeless encampments" and Discharge Prohibitions A. 1 and A.2 in the Stormwater Permit.

Climate Smart San José Analysis

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

EVALUATION AND FOLLOW-UP

The Long-Term Plan will go to City Council for approval on September 19, 2023. Staff will report on expanded trash control measures, programs, and trash load reduction percentage in the Stormwater Management Annual Report, which is submitted to City Council annually in September for approval before it is submitted to the Water Board.

COST SUMMARY/IMPLICATIONS

While many of the requirements of the Long-Term Plan are fulfilled with services currently funded by various City departments, additional future funding will be required to ensure the City can achieve 100% compliance by June 30, 2025 and throughout the permit term as set forth in the Stormwater Permit. Potential funding sources for the compliance requirements include the identification of new, increased fees or other financial means to pay for new and expanded services, leveraging Federal and State grant opportunities where applicable, and the General Fund. Further evaluation will be conducted to determine if any programs listed in the Long-Term Plan should be expanded or if new programs will be needed. Any associated new or increased program funding needs will be considered during the 2024-2025 Proposed Budget process and in future years, in consideration of the City's budgetary position and other City Council priorities.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the City Manager's Budget Office, Departments of Transportation, Public Works, Planning, Building and Code Enforcement, and Parks, Recreation and Neighborhood Services.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the September 11, 2023 Transportation and Environment Committee meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Categorically Exempt. CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. These proposed actions are taken to fulfill the City's obligations mandated by the State in the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit [Order No. R2-2022-0018, NPDES Permit No. CAS612008 (referred to as the "Stormwater Permit" in this memorandum)]. The Stormwater Permit implements the Federal Clean Water Act and requires that the City shall within its jurisdiction, "effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses." (Stormwater Permit, Par. A.1.) As outlined in the Analysis section of this memorandum, the proposed actions implement State-mandated requirements to protect the environment and are categorically exempt from CEQA.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
KERRIE ROMANOW
Director of Environmental Services

The principal author of this memorandum is Rajani Nair, Deputy Director, at rajani.nair@sanjoseca.gov or (408) 535-8306.

ATTACHMENT: Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan and Assessment Strategy