



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: OCTOBER 24, 2017**
FROM: PUBLIC WORKS DEPARTMENT **WARDS: ALL**
SUBJECT: SELECTION OF METHOD TO COMPLY WITH STATE TRASH AMENDMENTS ASSOCIATED WITH STORMWATER DISCHARGE

ISSUE:

Select the method for the City to comply with the State Water Resources Control Board requirement to comply with the State Trash Amendments.

RECOMMENDATIONS:

That the City Council:

1. Select Track 2 as the method for the City to comply with State Water Resources Control Board requirement to comply with the State Trash Amendments;
2. Authorize the City Manager, or his designee, to notify the Santa Ana Regional Water Quality Control Board of the City's selected method of compliance; and
3. Refer the development of the plan for Track 2 to Land Use Committee for regular updates per the time-line outlined in this report.

COMMITTEE RECOMMENDATION:

The Utility Services/Land Use/Energy Development Committee met on September 11, 2017, with Chair Mac Arthur, Vice Chair Soubirous and Member Gardner present, to consider recommending selection of Track 1 or Track 2 for complying with the State Trash Amendments to the City Council. After discussion, the Committee unanimously voted to recommend that the City Council select Track 2 as the method for the City to comply with the State Trash Amendments.

BACKGROUND:

The State Trash Amendments require all agencies with regulatory authority over 'Priority Land Uses' to install Full Capture Systems and/or implement programs that achieve Full Capture System equivalency. The objective of these regulations is to fully capture all trash from Priority Land Use areas (Attachment 1) by no later than the year 2030. As part of the execution of the Trash Amendments, the Santa Ana Regional Water Quality Control Board (Regional Water Board) sent a Water Code Section 13383 Order (Attachment 2) requiring the City to submit a letter to the

Regional Water Board identifying the City's selected method of compliance. After an extension was granted (Attachment 3), the City has until November 22, 2017 to fulfill this requirement.

The Trash Amendments provide two options for compliance: Track 1 and Track 2. While previous reports to the City Council on August 22, 2017 and the Utility Services/Land Use/Energy Development Committee on September 11, 2017 provide detailed analysis of each option, the following table summarizes Track 1 and Track 2:

Table 1

	TRACK 1	TRACK 2
Plan of Implementation	Install, operate and maintain full capture systems in storm drains that capture runoff from one or more of the priority land uses/facility/site.	Implement a plan with a combination of full capture systems, multi-benefit projects, institutional controls, and/or other treatment controls to achieve full capture system equivalency.
Time Requirement	10 years from first implementing permit but no later than 15 years from the effective date of the Trash Amendments.	10 years from first implementing permit but no later than 15 years from the effective date of the Trash Amendments.
Monitoring and Reporting	Demonstrate installation, operation, and maintenance of full capture systems and provide mapped location and drainage area served by full capture systems.	Develop and implement set of monitoring objectives that demonstrate effectiveness of the selected combination of controls and compliance with full capture system equivalency.

DISCUSSION:

Track 1

Track 1 would require the City to install full capture devices in the storm drain system that serves a cumulative area of approximately 15 square miles. This may include installation of devices within individual storm drains such as inlet filters, connector pipe screens, and retractable screens or larger scale devices such as hydrodynamic separators and trash nets that are installed downstream of a larger area and capture all trash within that designated area. This option provides a defined level of effort and provides a high certainty of compliance.

Track 2

Track 2 would require the City to combine installation of full capture systems in certain areas with implementation of alternative methods that would fully capture trash in priority land use areas. Options for alternative methods of compliance could include:

- A. Full Capture Systems in Alternative Land Use Areas
- B. Enhancement and Enforcement of Litter Laws
- C. Increased Street Sweeping
- D. Increased Sidewalk Trash Bins
- E. Anti-Litter Education and Outreach Programs

Under Track 2, the City must develop and submit an implementation plan by November 30, 2018. Any method or combination of methods can be used in Track 2 as long as the City can demonstrate that they will be equivalent to the Full Capture System approach. To prove this Full Capture System equivalency, the City must:

- A. Determine the amount of trash that would be captured by the Track 1 approach

- B. Implement programs to remove an equivalent amount of trash
- C. Demonstrate equivalency through a technically acceptable approach subject to approval by the Regional Water Board
- D. Report Annually

The cost to implement Track 2 would be determined by the combination of programs and controls selected by the City and outlined in the implementation plan. Reports from the State Water Board and the San Francisco Public Utilities Commission show compliance costs could be slightly higher for Track 2 than Track 1. Staff discussions with other municipalities and consultants revealed mixed opinions on the cost of Track 2. Some opine that existing policies, control measures, and best practices already implemented within their cities could result in costs that are significantly less than Track 1. Others consider the cost of monitoring and demonstrating Full Capture System equivalency as a costly and staff-intensive endeavor that would ultimately be more expensive than Track 1.

Pilot Project

In July 2017, staff initiated a pilot project where four trash capture devices were installed in storm drain basins within the City. Through this project, staff hopes to better understand the maintenance implications of trash capture devices. These devices are closely monitored to ensure the proper function of the storm drain system. The pilot project is expected to conclude on February 1, 2018.

Next Steps

City staff are actively working with other cities, vendors, and industry experts to better understand all available options for complying with the Trash Amendments. In addition, the City Manager's Office is researching legislative options and opportunities that relate to the Trash Amendments. In the event the City Council selects Track 2 as the City's method to comply with the State Trash Amendments, staff intends to proceed in accordance with the following timeline:

- A. October 2017 to December 2017
 - a. Attend workshops, conferences, and trainings
 - b. Meet with other cities to collaborate and discuss options
 - c. Complete delineation of Priority Land Use areas
 - d. Continue trash capture pilot project
- B. January 2018 to February 2018
 - a. Procurement of consultant to conduct implementation plan
 - b. Finalize pilot project and prepare results
 - c. Provide update to Utility Services/Land Use/Energy Development Committee
 - i. Information on sources and causes of trash/litter
 - ii. Pilot project results
- C. March 2018 to June 2018
 - a. Identify areas where large scale trash capture devices are feasible
 - b. Identify Track 2 implementation program and control options
 - c. Perform baseline trash assessment for required areas
 - d. Provide update to Utility Services/Land Use/Energy Development Committee
 - i. Large scale capture devices and alternative "multi-benefit" project location options
 - ii. Evaluation of trash control program options
- D. July 2018 to September 2018
 - a. Identify monitoring options for trash control programs

- b. Report on possible funding sources – Grant monies, Refuse Fund, NPDES Fund, and other potential sources
- c. Finalize draft implementation plan
- d. Provide update to Utility Services/Land Use/Energy Development Committee
 - i. Draft implementation plan
 - ii. Information on potential funding sources
- E. October 2018 to November 2018
 - a. Present implementation plan to the City Council for approval
 - b. Submit implementation plan to the Regional Water Board by November 30, 2018

FISCAL IMPACT:

There is no fiscal impact resulting from recommending selection of a method of compliance. Costs associated with implementation of the selected method will be evaluated and presented as part of the budgeting process.

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Approved by:



Chris MacArthur, Chair
Utility Services/Land Use/Energy Development Committee

Attachments:

1. Priority Land Uses Map
2. Regional Water Board Order
3. Time Extension
4. Presentation