



## Legislation Details (With Text)

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**File created:** 11/1/2018      **In control:** Board of Supervisors

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**Title:** Community Development Services, Planning and Building Department, recommending the Board:  
 1) Receive a presentation on the County's Implementation Plans to comply with the State of California Trash Policy;  
 2) Endorse staff's recommended Track 2 strategy to demonstrate full trash capture equivalency for both the West Slope and the Lake Tahoe Basin to comply with the Trash Policy; and  
 3) Direct staff to send the required submittals to the State Water Resources Control Board and the Lahontan Regional Water Quality Control Board by December 1, 2018. (Est. Time: 30 Min.)

**FUNDING:** Garbage Franchise Fees, National Pollutant Discharge Elimination System - General Fund and Road Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Staff Report, 2. B - EDC Draft Track 2 Imp. Plan Final, 3. B - Revised EDC Draft Track 2 Imp. Plan Final, 4. C - Trash Imp Plan Board Presentation\_Final, 5. D - Tahoe Basin Trash Implementation Plan

Date	Ver.	Action By	Action	Result
11/20/2018	1	Board of Supervisors	Approved	Pass

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### DISCUSSION / BACKGROUND

The State Water Resources Control Board (SWRCB) adopted an Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. Together they were collectively termed as the "Trash Amendments" - and are now called the Trash Policy. The Trash Policy will eventually be incorporated into all National Pollutant Discharge Elimination System (NPDES) Permitting programs including but not limited to Phase I and Phase II Municipal Permits, Construction General Permits (CGP), and Industrial General Permits (IGP).

On June 1, 2017 the SWRCB sent the County a 13383 Order for the West Slope and the Lahontan

Regional Water Quality Control Board (RWQCB) sent the County a 13383 Order for the Lake Tahoe Basin requiring us to select compliance Track 1 or Track 2 by September 1, 2017.

The time schedule for achieving full compliance with the Trash Policy is ten years following the effective date of the first implementing NPDES permit or fifteen years after the effective date of the Trash Policy adoption - which is approximately December 2030. The Trash Policy seeks completion of interim milestones (i.e. average trash load reductions of approximately ten percent (10%) per year). Also, any new development within a priority land uses (PLU) area must be built to immediately comply with the Permittee's selected Track.

On August 29, 2017, the Board of Supervisors directed staff to select Track 2 as the compliance option for both the West Slope and the Tahoe Basin portions of the County. Since that time, the County hired consultant services (NCE) to assist with preparing the required Implementation Plan for the West Slope. Staff produced the Implementation Plan for the Tahoe Basin internally.

### *West Slope Implementation Plan*

The purpose of the Implementation Plan is to satisfy the requirements of the 13383 Order, which requires Track 2 permittees to submit a plan by December 1, 2018 for SWRCB and/or RWQCB approval. The plan is required to describe the proposed analysis, approach, and control measures used to address trash over the anticipated compliance period.

Prior to identifying and selecting appropriate control measures for trash, the County identified and mapped PLUs, conducted baseline assessments and assigned a trash generation category to each PLU. Through this analysis the County identified 2,069 total acres of applicable PLUs (Appendix C of plan). The majority of the PLUs are commercial properties, which account for over half of all PLU acreage, followed by industrial and high-density residential properties.

The next step in planning for Track 2 compliance was for the County to assess trash generation in all PLUs through baseline assessments. To conduct the baseline assessments the County followed the SWRCB approved Trash Assessment Minimum Level of Effort (TAMLE) method and associated on-land visual trash assessment (OVTA) protocols, referenced in the 13383 Order. Of the 2,069 total acres, 1,649 acres were in the low category, 369 acres were in the moderate category and 51 acres were in the high category. No PLUs were in the very high category.

The County is planning to implement a combination of Full Capture Systems and Functional Equivalent (FE) actions to address trash in moderate and high trash generating areas. Staff anticipates implementing one large full capture device as part of the Diamond Springs Parkway Project near the Materials Recovery Facility. It is also possible that a handful of smaller drop inlet partial capture devices could be installed at key locations.

The County developed a comprehensive list of nearly 30 types of FE actions prior to evaluating and selecting a targeted set for inclusion in the plan. Evaluation criteria included effectiveness (trash reduction given observed trash sources), already existing programs, existing infrastructure, cost effectiveness, literature review, and County resources required to implement. Recognizing that some FE actions will be deployed jurisdiction wide while others are more site specific, the County plans implementation using a three-pronged approach:

1. Jurisdiction-wide FE actions (i.e. increased education at all levels, antilittering campaigns, etc.)
2. Strategic cleanups (i.e. increased street sweeping, litter abatement crews, etc.)
3. Partnership with private landowners (i.e. increased education and outreach, incentive based programs and/or increased ordinance development and enforcement).

These FE actions have been demonstrated to be effective in other jurisdictions. These actions will treat at least 380 PLU acres and aim to reduce approximately 2,562 gallons of trash per year. Additional detail on this is available in the implementation plan.

Track 2 MS4 permittees are required to develop and implement annual monitoring to demonstrate effectiveness of the selected combination of controls as well as compliance with Full Capture System Equivalency (FCSE). The County plans to perform progress OVTA to annually assess the effectiveness of FE actions and demonstrate FCSE.

Over the next three to four years, the County anticipates implementing the following actions to work towards compliance:

- Submit Implementation Plan to the SWRCB for approval
- Continue planning for install of high flow capacity FCS
- Plan and Implement FE Actions
- If any FE actions are implemented, conduct progress assessments at approximately 10% of the PLU areas impacted and update trash reduction data
- Potentially install catch basin insert FCS devices at proposed locations

Following 2021, the County will assess progress toward compliance and set tasks and timeframes for the remaining compliance period based on the trash reductions achieved to date, progress and challenges observed from implementing FE actions and maintaining FCS, and lessons learned internally and from other permittees.

### *Tahoe Implementation Plan*

The Tahoe Implementation Plan will be submitted for the same reason as described above for the West Slope. However, the Plan is significantly more simplified because the County does not have many PLUs in the Tahoe Basin, the PLUs that are there primarily drain to Caltrans right of way, there is not a significant trash problem, and the County has constructed many water quality best management practices (BMPs) that collect pollutants, including trash, from the County's jurisdiction.

Many of the same protocols for mapping and assessing that were described above were performed for Tahoe. All PLUs that drain to the County's MS4 were in the low trash generation category.

Therefore, no additional FE actions are required in Tahoe. The County will perform OVTA inspections every year to demonstrate that those PLUs remain in the low category. Those results will be reported in the annual report. Should PLUs fall out of the low category, County staff will utilize similar tools described above to reestablish the low rating.

### *Other Considerations*

As active permittees of the CGP, IGP, and Phase I and II Municipal Permits, staff anticipates the implementation phase of the Trash Policy could present many physical and financial challenges for the County. Compliance may increase current program implementation costs among many County Departments and could divert resources, at the Boards discretion, from other core County programs and services in order to remain in compliance. Additionally, flooding, snow and other traffic hazards for the general public and maintenance staff present significant safety concerns.

The implementation plans were crafted to select compliance strategies that were not only effective, but also as cost effective as possible. In order to pay for those compliance strategies, staff is exploring various funding options. Full capture devices could cost the County many millions of dollars. However, by using more proactive and targeted functional equivalent options, like the County's solid waste technicians, staff believes that the County can achieve compliance at a significantly lower cost.

Additional information is available in the attached staff report.

### **ALTERNATIVES**

The alternative is noncompliance. The County could choose to wait to see if this Policy gets challenged in court by another permittee. However, there are mandatory minimum penalties that are possible for noncompliance. Pursuant to Section 13385 of the CA Water Code, those penalties could go up to \$10,000 per day of the violation plus an additional liability of \$10 per gallon for each gallon over 1,000 gallons where there is a discharge that is not cleaned up.

### **PRIOR BOARD ACTION**

Legistar # 15-0211 (January 9, 2018, No. 26)

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Department of Transportation; Environmental Management Department

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board hear this item and give direction to staff.

### **FINANCIAL IMPACT**

Potentially significant over the next 10 - 12 years. Staff estimates at least two additional FTEs will be needed to implement and comply with this new Policy. Additional general fund resources may be needed. The resource needs will be better understood as the implementation plan is realized.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Healthy Communities, Public Safety, Good Governance, Infrastructure

**CONTACT**

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