

6.1 Clarity on Issues Related to the Stormwater Permit.

Recommendation:

As recommended by the Rules and Open Government Committee on May 22, 2024, discuss stormwater permit review and approval process, including budget impacts with San Francisco Bay Regional Water Quality Control Board.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Kamei, Jimenez, Ortiz, and Candelas)
[Rules Committee referral 5/22/2024 - Item C.2 and 5/29/2024 – Item A.2]



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

A handwritten signature in blue ink, appearing to read "Toni J. Taber", is placed over the "FROM:" field.

SUBJECT: SEE BELOW

DATE: June 10, 2024

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Vice Mayor Kamei
Councilmembers Jimenez,
Ortiz, and Candelas

SUBJECT: SEE BELOW

DATE: May 16, 2024

Approved:

Sergio Jimenez *Rosemary Kamei* *Rosemary Kamei* *Deming Candelas*

Date: 5/16/2024.

SUBJECT: Clarity on Issues Related to the Stormwater Permit

RECOMMENDATION

Agendize a discussion with San Francisco Bay Regional Water Quality Control Board staff during the June 4th Council Meeting.

BACKGROUND

Vice Mayor Kamei and Councilmembers Jimenez, Ortiz, and Candelas recently had the opportunity to engage the San Francisco Bay Regional Water Quality Control Board (Water Board) staff directly regarding the Stormwater Permit review and approval process, including its impact on the City Budget. We believe the full Council would benefit from the same opportunity and to further gain insight and engage in an open dialogue with the Water Board.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

Municipal Regional Stormwater National Pollution Discharge Elimination System Permit Trash Mandates

Kerrie Romanow, Director, Environmental Services

Jon Cicirelli, Director, Parks Recreation and Neighborhood Services

Erik Soliván, Director, Housing

City Council

June 10, 2024



Environmental Services



Delivering world-class utility services and programs to improve our health, environment, and economy.

The Clean Water Act

- The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972. As amended in 1972, the law became commonly known as the Clean Water Act
- **Prohibits the discharge of any pollutant, including trash,** into the waters of the United States



Overview – Stormwater Permit Mandates

- ❑ **Effectively prohibit** the discharge of materials other than stormwater into storm drain systems and **watercourses or any place where they would be eventually transported to surface waters**
- ❑ Timely **implementation** of trash control measures and other actions to reduce trash loads
- ❑ Achieve **100% Trash Load Reduction** from 2009 baseline by June 20, 2025
- ❑ Address non-stormwater **discharges associated with unsheltered homeless populations**



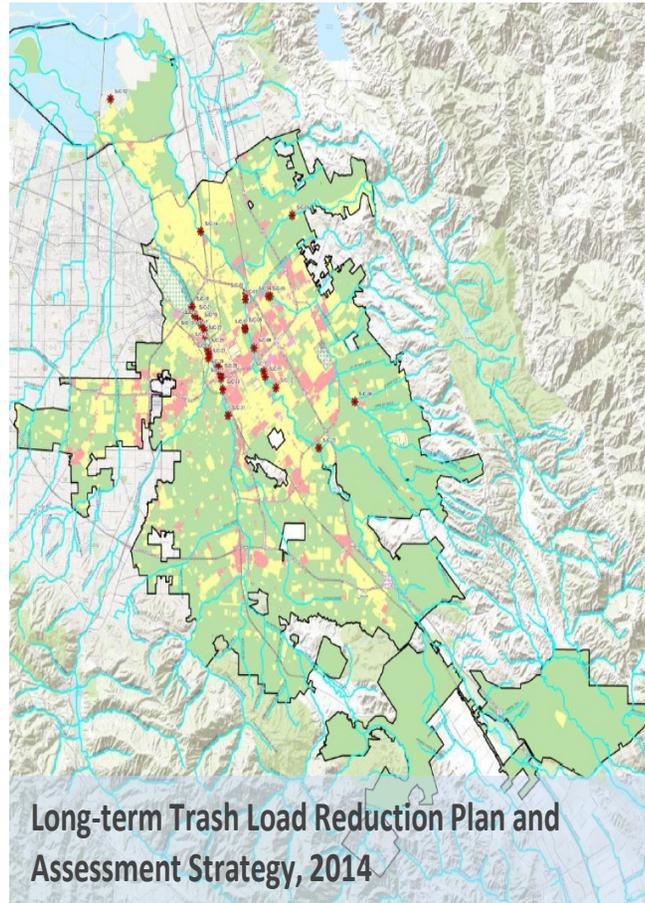
Municipal Regional Stormwater Permit Provisions – Effective July 1, 2022

Permit Provision*		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
C.2	Municipal Operations		✓			✓	✓			
C.3	New Development and Redevelopment (GSI)		✓		✓		✓	✓		
C.4	Industrial and Commercial Site Controls	✓								
C.5	Illicit Discharge and Detection Elimination	✓	✓							
C.6	Construction Site Control	✓					✓			
C.7	Public Information and Outreach	✓				✓				
C.8	Water Quality Monitoring	✓								
C.9	Pesticides Toxicity Control	✓	✓			✓	✓	✓		
C.10	Trash Load Reduction	✓	✓	✓		✓	✓			✓
C.11, C.12, C.13	Mercury, PCBs, and Copper Controls	✓	✓		✓		✓			✓
C.15	Exempted and Conditionally Exempted Discharges		✓		✓				✓	
C.17*	Discharges Associated with Unsheltered Homeless Populations		✓	✓		✓				
C.20*	Cost Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓
C.21*	Asset Management	✓	✓	✓	✓	✓	✓	✓	✓	✓
C.22	Annual Reports	✓	✓	✓	✓	✓	✓	✓	✓	✓

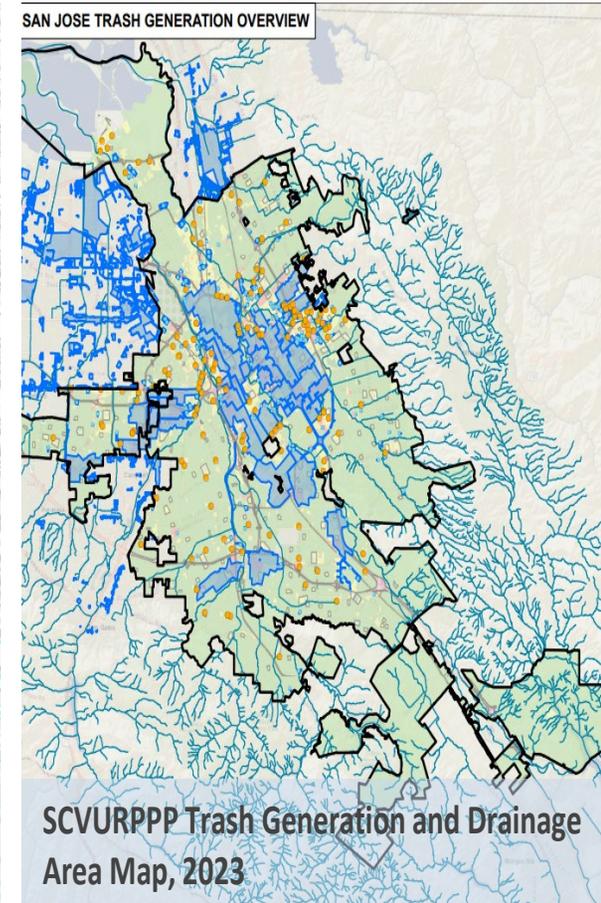
*New provision in MRP 3.0

2009 Baseline Trash Generation Map and Progress

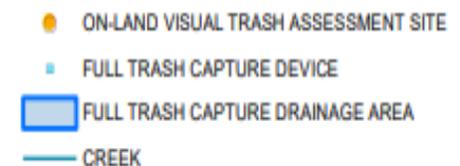
- Full Trash Capture Systems
- On-land Trash Management
- Direct Discharge Plan
- Creek and Shoreline Cleanups
- Source Controls
- Private Lands Trash Controls



BASELINE TRASH GENERATION



AGENCY BOUNDARY



Delivering world-class utility services and programs to improve our health, environment, and economy.

Water Board Approved City of San José Direct Discharge Plan Report Annually thru the end of the Permit term, June 30, 2027

- **Human Centered** Homeless Prevention, Support and Management programs based on lessons learned to **provide housing and outreach services** for City residents experiencing unsheltered homelessness;
- An Enhanced Encampment Management Strategy that increases the City's ability to **provide trash and sanitary services** to unsheltered populations **in waterways and lived-in vehicles**;
- **Updated mapping** to help the City make progress providing services to unsheltered individuals, removing trash from waterways, and **protecting waterways from re-encampment**; and
- A new **Enhanced Neighborhoods and Waterways Approach** program to address issues arising from unsheltered populations, in part by developing housing alternatives located **away from creeks**, including safe parking areas and **new temporary and permanent housing**.



San Francisco Bay Regional Water Quality Control Board

Sent via email, no hard copy to follow

June 3, 2024

City of San Jose
Attn: Mary Morse, Senior Environmental Program Manager
200 E. Santa Clara St., 7th Floor
San Jose, CA 95113

Emailed to: mary.morse@sanjoseca.gov

Subject: Acceptance of the City of San Jose's revised Direct Trash Discharge Control Plan Developed per Municipal Regional Stormwater NPDES Permit Provision C.10.f.ii

Dear Ms. Morse:

We have reviewed the City's revised Direct Trash Discharge Control Plan (revised Plan), submitted on March 6, 2024, pursuant to Provision C.10.f.ii of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018 (MRP). The revised Plan meets the expectations set forth in the MRP because the combination of actions present in the revised Plan is expected to make reasonable, incremental progress towards addressing challenges associated with unsheltered homelessness, including providing housing and services, and addressing water quality impacts, with long-term solutions. This letter provides notice that the revised Plan is acceptable to the Executive Officer.

With the City's implementation of the revised Plan, pursuant to MRP Provision C.10.g.viii, the deadline for the City to achieve the required 100 percent reduction of trash discharged through its storm drain system is extended to December 31, 2025. In addition, the City may claim up to a 15 percent offset, through June 30, 2025, toward meeting the MRP's trash control requirements.

The Plan provides an acceptable description, pursuant to Provision C.10.f.ii, of existing and upcoming measures that are intended to protect waterways while working towards

ALEXIS STRAUSS HACKER, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

Direct Discharge Plan – C.10 and C.17

Report Annually until end of Permit term, June 30, 2027

Housing	PRNS	DOT, ESD, PD
<ul style="list-style-type: none"> • Regional Homeless Census and Surveys • City/County Supportive Housing System <ul style="list-style-type: none"> • Construct new affordable housing and preserve existing affordable housing • Expand emergency interim housing • Secure Parking Program for lived-in vehicles • Mapping and reliability of Services Outreach Assistance and Resources (SOAR) sites • Provide portable restrooms and hand washing stations, mobile showers, laundry services • Evaluate existing capacities for housing and system performance throughout Permit Term (2027) and assess target and goals in Community Plan • Submit final work product of Safe Encampment Resolution Project includes lessons learned, outcomes and metrics • Pursue Grants, Expand Outreach dedicated to waterways, SOAR program progress 	<ul style="list-style-type: none"> • Dedicated trash collection services in waterways • Use of BeautifySJ ‘Green’ Bags • Cash 4 Trash • Escalated cleanups • Encampment Abatements within 500 foot buffer where safe sleeping sites • Abandoned Encampments • Pilot No Encampment Zone Guadalupe Trail (SER grant) • Partnership with Valley Water • Interagency team (CalTrans, UPRR, VTA) • Structural Deterrents • Evaluate Metrics and total volume of trash removed • Community Engagement events through partnerships with Nonprofits (Keep Coyote Creek Beautiful, South Bay Clean Creeks Coalition, The Trash Punx, San José Conservation Corps) 	<ul style="list-style-type: none"> • Policy for oversized vehicles parked on City streets • Sanitary and trash services for RVs • Implement pilot at three(3) schools • Create baseline mapping of Lived In Vehicles, encampments and abandoned vehicles • Security/Policing posts • Education and Outreach • Visual Assessment, Effectiveness Evaluation, and Reporting

Ongoing Trash Control Measures to Maintain 100% Compliance

- Full Trash Capture Systems
- Direct Discharge Plan
- Encampment Management Program
- Creek and Shoreline Cleanups
- Free Residential Junk Pickup
- Private Lands Drainage Areas Inspection Program
- Special Events Waste Management
- Outreach and Community Engagement
- Commercial and Solid Waste Inspection and Enforcement Programs
- Public Litter Cans
- Jurisdictional Source Controls
- Downtown PBID
- Adopt-a-Park
- Neighborhood Litter Program
- InforBI Data Management
- RAPID
- Neighborhood Beautification Programs
- Street Sweeping
- Litter Enforcement



Coyote Creek Tully Ballfield – October 2022



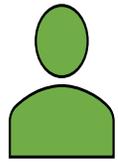
*Courtesy Photo from Keep
Coyote Creek Beautiful*

Stormwater and Managing and Ending Unsheltered Homelessness

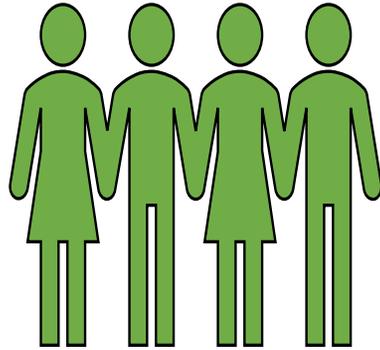
- **Created/Expanded a Unified Team** - revamping current approach and leveraging Agile Methodologies and the Incident Command System,
 - Getting the right people on the team from across departments
 - Clearing/re-assigning other work from team members for enhanced focus
 - Creating clear accountability structures for the team and overall effort
 - Co-locating key team members to speed communication and build trust
- **Clarifying Objectives** and setting measurable Key Results each quarter (OKRs) that will guide the work and be communicated out,
- **Driving Delivery** using Scrum with two week 'Sprints' to accomplish the most important tasks and allow for iterative learning as we execute, and
- **Deepening Partnerships** with Valley Water, the County, and service providers to ensure we aren't doing this alone.

Scrum + Incident Command System

Drive Delivery



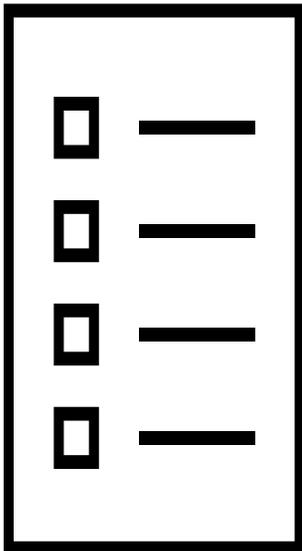
Product Owner
Omar



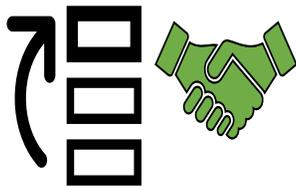
Team Leads



What got done?
What will be done next?
Where am I stuck/
need help?



Product Backlog



Sprint Planning



Sprint Backlog



2 Week Sprint

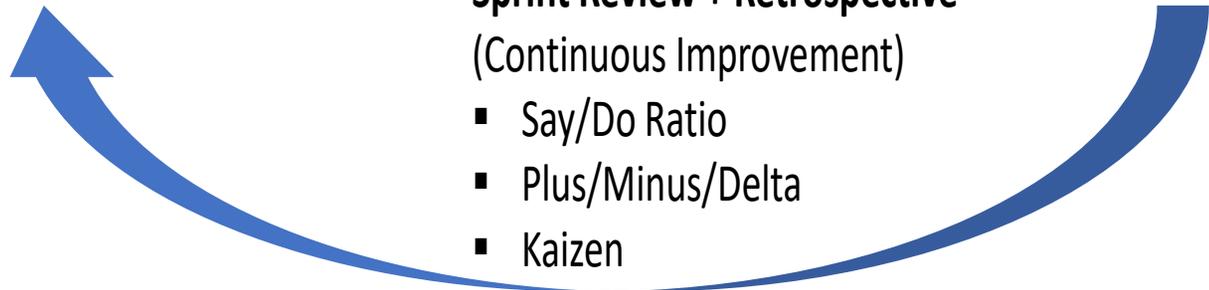


Finished Work



Sprint Review + Retrospective
(Continuous Improvement)

- Say/Do Ratio
- Plus/Minus/Delta
- Kaizen





Increase Supply

of Interim Housing
and, Safe Parking
and Safe Sleeping
Sites



Provide Support

to unhoused
people as they
move into shelter
and once there



Manage Impacts

on both
Neighborhoods and
Waterways (clean
up and abatement)

Increase Productivity of Teams with Tools, Data, Process to succeed

Municipal Regional Stormwater National Pollution Discharge Elimination System Permit Trash Mandates

Kerrie Romanow, Director, Environmental Services
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