

ATTACHMENT A



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

May 12, 2017
CIWQS Place No. 756972 (DCB, EDH)

To: Sabrina Landreth
Oakland City Administrator
cityadministrator@oaklandnet.com

**Subject: Municipal Regional Stormwater NPDES Permit Provision C.10
70% Trash Reduction Regulatory Compliance Limit**

Dear Ms. Landreth:

Your municipality is covered by the Municipal Regional Stormwater NPDES Permit [NPDES Permit No. CAS612008, Order No. R2-2015-0049](hereinafter permit), issued by the Regional Water Board, to control pollutants in stormwater discharges. A key permit provision requires permittees to reduce discharges of trash by 70% compared to 2009 levels by July 1, 2017, and your staff has been working to achieve that goal. This letter is a reminder of this upcoming enforceable permit requirement, and the expected next steps and potential consequences should a permittee not meet it.

We recognize the challenge in achieving this regulatory requirement. Some permittees have determined or may determine that they will not meet the requirement and, thus, will be in non-compliance with the permit. Should this be the case for your municipality, please take the following steps:

1. Pursuant to permit Standard Provision B.5.b, report the non-compliance within 10 working days of your municipality becoming aware of it. This report should state the non-compliance and include a brief overview of actions underway and planned actions to address it. In addition, it should refer to a comprehensive plan that will be submitted with your municipality's 2016-17 Annual Report;
2. Ensure the non-compliance is clearly reported in your municipality's 2016-17 Annual Report, which is due on September 30, 2017;
3. Include in the Annual Report a description of the non-compliance and a proposed plan that will bring your municipality into compliance in a timely manner. The plan should include the actions, associated schedule, and all other information, as appropriate, demonstrating how you will return to

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compliance. For example, if you have identified robust implementation actions that will achieve the 70% reduction, but current resource allocations preclude doing actions sufficient to achieve compliance, the plan should indicate how additional resources will be obtained; and

4. Contact Water Board staff to arrange a meeting in advance of Annual Report submittal to discuss the circumstances around the non-compliance and your plan to come into compliance.

Please note that permit provision C.10 includes the 70% trash reduction requirement, and requires that progress in meeting it be reported in each permittees' Annual Report, which is due on September 30, 2017. It also requires permittees to achieve an 80% reduction by July 1, 2019. Progress now will help ensure you are more likely to achieve this future reduction.

In addition, permit Standard Provision B.5.b. requires that instances of non-compliance be reported within 10 working days of the permittee becoming aware of the specific instance of non-compliance. It requires the permittee to include a description of the non-compliance and a proposed plan (tasks and schedule) to achieve compliance.

We intend to evaluate instances of non-compliance individually. Where a permittee is close to achieving the 70% trash reduction requirement by July 1, and has a robust plan in place to achieve it within a brief period of time, we are unlikely to recommend enforcement action to our Board.

Water Board staff may recommend formal enforcement for permittees that are further away from meeting the requirement, or which do not have a robust plan in place to timely achieve it or the subsequent 80% reduction requirements. The range of potential actions includes enforcement orders, such as Cease and Desist Orders that require permittees to implement specific actions sufficient to achieve the reduction by specified dates, and Time Schedule Orders, which include stipulated penalties for not meeting the implementation requirements specified in the order. Additionally, the Board may consider Administrative Civil Liability orders for monetary penalties. In accordance with the Water Boards' statewide enforcement policy, the Board must impose penalties that, at a minimum, recover the cost savings of the avoided actions that would have been needed to achieve compliance.

Our goal is to continue to work collaboratively with permittees to achieve the required trash load reductions. We are available to meet with municipal managers and staff as the compliance deadline approaches to discuss challenges and next steps.

If you have questions related to this letter, please contact Dale Bowyer via email to Dale.Bowyer@waterboards.ca.gov or at (510) 622-2323.

Sincerely,



Thomas Mumley
Assistant Executive Officer

cc: Lesley Estes, Oakland Municipal Stormwater Manager
Beth Baldwin, BASMAA Trash Subcommittee
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