



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Stufflebean

**SUBJECT:** URBAN RUNOFF MANAGEMENT  
PLAN ANNUAL REPORT 2008-2009

**DATE:** 08-03-09

Approved

Date

8/7/09

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Authorize submittal of the 2008-2009 Urban Runoff Management Plan Annual Report and certification to the San Francisco Bay Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements, pursuant to the Federal Clean Water Act.

## OUTCOME

Approval of this recommendation will result in submittal of the FY 2008-2009 Annual Report to the Regional Water Quality Control Board (Water Board), as required by permit.

## BACKGROUND

The Federal Clean Water Act requires the City to have a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of stormwater to surface waters via the City's storm sewer collection system (Stormwater Permit). San José is included in the stormwater permit issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), which involves 15 agencies in Santa Clara County whose land area drains to South San Francisco Bay. The City's co-permittees are 12 other municipalities, the County of Santa Clara, and the Santa Clara Valley Water District. The Water Board last renewed the permit in February 2001 with subsequent amendments issued in October 2001 and July 2005.

The City's current NPDES permit has been administratively extended since February 2006, pending the adoption of the Bay Area-wide Municipal Regional Permit (Regional Permit). The Water Board proposes to replace current countywide municipal stormwater permits with a Regional Permit for all 77 Bay Area municipal agencies, in an effort to standardize stormwater requirements in the region. In addition to expanded efforts to protect water quality, reporting requirements are expected to increase for various stormwater program elements with the

Regional Permit. The Tentative Order for the Regional Permit was released by the Water Board in December 2007. Staff provided an overview and recommendations on the Tentative Order to the Transportation and Environment Committee in January 2008, and the City submitted both technical and legal comments on the Tentative Order in February 2008. City staff and elected officials provided testimony at the Water Board public hearing held in March 2008.

The Water Board issued a revised Draft Regional Permit in February 2009. The City provided its technical and legal comments on the revised Draft Permit to the Water Board in April 2009 and provided testimony at the May 2009 Water Board public hearing. The City is continuing to participate in the development of the Regional Permit through the Program, the Bay Area Stormwater Management Agencies Association (BASMAA), and individually as a City. While no date has been set by the Water Board, adoption of the new Regional Permit is expected in late 2009.

The current Stormwater Permit mandates that the City submit an Annual Report by September 15 of each year, documenting the performance of permit-related tasks and evaluating the effectiveness of the activities. This most recent Annual Report fulfills the requirement for reporting on activities undertaken from July 1, 2008, through June 30, 2009.

## **ANALYSIS**

The Annual Report covers a variety of urban runoff program elements designed to reduce pollutants in stormwater discharges. Programs include industrial inspections, new development plan review, street and storm sewer maintenance, construction site inspections, monitoring, public education and outreach, and other strategies to reduce specific pollutants.

In addition to a brief overview of the activities conducted, the Annual Report cites both accomplishments and opportunities for improvement for each program element during the fiscal year. Among the highlights for FY 2008-2009 are:

- Integration of stormwater treatment measures into 62 new private sector projects, with over half using on-site landscaping to filter runoff;
- Recycling of more than 5,200 pounds of lamps containing mercury;
- The removal of more than 60 tons of debris from illegal creek-side encampments;
- Training of more than 350 City staff on standard operating procedures (SOPs) and best management practices (BMPs) to prevent stormwater and creek pollution at City corporation yards;
- Continued coordinated efforts among inspection staff from Public Works; Environmental Services Watershed Enforcement; and Planning, Building, and Code Enforcement to oversee plan development and conduct inspections of construction sites in the City;
- Expansion of the grazing program to include nearly 600 acres of City-owned property. San José's use of sheep and goats to control weeds reduced herbicide use by 77 pounds and

brought the City's stormwater program media attention by highlighting the connection between pesticide use and runoff;

- Comprehensive review of the revised Municipal Regional Permit Tentative Order, submittal of detailed technical and legal comments to the Water Board, testimony at Board public hearing, and continued coordination with County-wide and regional partners; and
- Comprehensive review of the revised Draft State Construction General Permit and submittal of detailed technical and legal comments to the Water Board.

See Attachment A for the Executive Summary excerpted from the Annual Report, which provides greater detail. The complete *Urban Runoff Management Plan Annual Report 2008-2009* is available on the City website at <http://www.sanjoseca.gov/clerk/agenda.asp><sup>1</sup>.

### **EVALUATION AND FOLLOW-UP**

The Annual Report is the follow-up document to the Fiscal Year 2008-2009 Urban Runoff Management Plan Work Plan which Council approved on February 26, 2008.

### **POLICY ALTERNATIVES**

**Alternative #1:** Provide direction to staff to modify submittal of the 2008-2009 Urban Runoff Management Plan Annual Report to the Regional Water Quality Control Board.

**Pros:** None known. The report is primarily a report on past activities.

**Cons:** Delay in the submittal beyond September 15 would put the City at risk of being found in violation of its stormwater NPDES Permit.

**Reason for not recommending:** This Annual Report submittal will fulfill a permit-mandated obligation and maintain City compliance with its stormwater NPDES Permit. This Annual Report represents the best and most complete summation of City activities related to stormwater for FY 2008-2009.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

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<sup>1</sup> All documents referenced as web links are also available for review in the City Clerk's Office or the Environmental Services Department. To find a report at the website, select the Council date and item number.

- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although the Annual Report does not meet any of the above criteria, outreach is an integral part of the Urban Runoff program. The Management Plan includes components to conduct outreach to various sectors of the community on relevant stormwater issues, such as pesticide use, mercury, new development requirements, and ensuring that only rainwater enters the storm sewer system. Many outreach activities are accomplished in partnership with the Program or regional campaigns.

### **COORDINATION**

The Annual Report was developed by the Environmental Services Department in collaboration with the departments of Planning, Building and Code Enforcement; Public Works; Transportation; Parks, Recreation and Neighborhood Services; and General Services as well as the Redevelopment Agency and the City Attorney's Office.

### **COST SUMMARY/IMPLICATIONS**

There are no direct costs associated with submittal of the Annual Report, as the report summarizes activities that have already occurred. Ongoing programs related to the stormwater permit are funded primarily through the Storm Sewer Operating Fund (Fund 446).

### **CEQA**

Not a project.

/S/  
JOHN STUFFLEBEAN  
Director, Environmental Services

For questions please contact Melody Tovar, Deputy Director, Environmental Services, at (408) 945-3000

## Executive Summary

The City is required to submit to the San Francisco Bay Regional Water Quality Control Board (Water Board) an Annual Report that documents the progress of the Urban Runoff Management Plan for the previous fiscal year (FY). The Annual Report is prepared pursuant to provision C.6 of the City's National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge through the City's storm sewer system to waters of the United States.



*Functional and aesthetic stormwater artwork at the Roosevelt Community Center*

The Report includes sections for each of the program elements included in the Urban Runoff Management Plan as required in the NPDES permit (Permit). Each section is comprised of an update on the status of the work plan, an evaluation of various performance elements, responses to Water Board feedback received during the past year, and additional tables or information to demonstrate success in implementing the program element. Summaries are also provided for the array of outreach activities and municipal training sessions that are included in various program elements.

Most program elements contain components carried out by more than one City department. The strategy for attaining compliance focuses on three different types of activities that the City conducts:

- Enforcement and monitoring to prevent, detect, and respond to incidents of illegal discharge to the storm sewer system;
- Modification of structural and business processes to implement best practices in all municipally managed projects, operations, and services; and
- Outreach and education of municipal employees, as well as the community at large, to reduce stormwater pollution, ensure that developments comply with local stormwater regulations, and provide businesses and residents with information on best management practices that can be incorporated into their daily activities to protect stormwater quality.

Although the City also contributes to activities undertaken by the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program) and the Bay Area Stormwater Management Agencies Association (BASMAA), this report includes only those activities that were performed by the City. The following report provides an overview of the past year's progress toward addressing each program element.

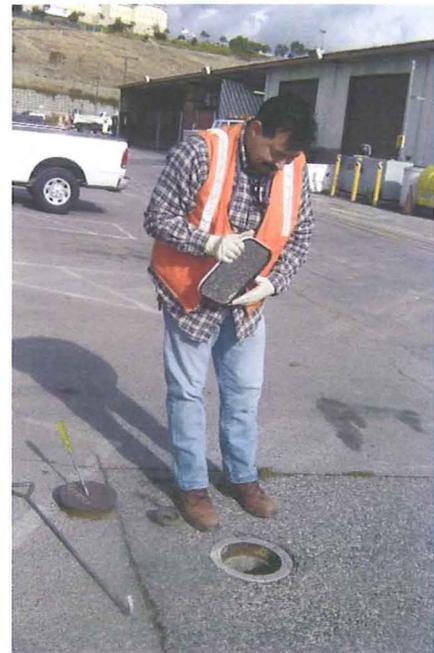
### ***Illicit Connection / Illegal Discharge Inspection (ICID)***

The City's Environmental Services Department (ESD) responds to complaints regarding illegal discharges or threats of discharge to the storm sewer system. The City received 537 ICID complaints in FY 08-09, which was a 23 percent decrease over last fiscal year and the lowest number of complaints received since FY 92-93. This decrease in complaints may have been due to multiple years of targeted outreach in high incident areas. ESD staff have been attending Strong Neighborhood Initiative (SNI) Neighborhood Action Committee meetings for the last three years and providing pollution prevention information directly to the neighborhoods where reports of illegal discharge have been high. The increased awareness of those residents may have contributed to positive behavior changes, which in turn has led to fewer ICID complaints.

Vehicle and equipment leakage again made up the largest category of cases, representing approximately 14 percent of the ICID caseload. The City will continue to target pollution prevention outreach to neighborhoods that have had high incidents of these cases. The number of greywater (non-sewage polluted water) cases increased in FY 08-09, and the City is analyzing this trend to determine if follow-up actions will be needed.

Complaints involving residential properties have continued to be among the highest number of cases that ESD investigates, representing approximately half of the total caseload. The number of construction ICID cases has continued to decline, representing only 2 percent of the total ICID caseload in FY 08-09. The City's construction inspection program has worked proactively with construction site managers to correct site issues before they become significant problems.

In October 2008, unusual odors were identified at the pump stations in Alviso, triggering concerns about possible illegal dumping. ESD inspectors investigated the collection system to determine the problem source, but no single source could be identified. Department of Transportation (DOT) staff took corrective actions to prevent further discharge of poor quality runoff and performed extensive cleaning of the system. Traffic patterns in Alviso had worn and faded the existing painted "no dumping" inlet markings, so the City installed 181 thermoplastic storm drain markings to help increase local awareness. The new markings are highly visible and are expected to be more durable than the traditional painted stencils.



*Watershed Enforcement Inspector  
dye testing for illicit connections*

### ***Industrial & Commercial Discharges (IND)***

The goal of the IND program is to protect the storm sewer system from polluted discharges originating from commercial and industrial facilities. ESD inspected more than 4,900 facilities in FY 08-09, an eight percent increase over the previous fiscal year. Forty-seven percent of those facilities were food service establishments. Inspections were prioritized based on a

facility's potential to discharge polluted runoff. Inspections followed the protocols of the City's Enforcement Response Plan, which allowed the City to focus resources in areas with the greatest potential to discharge pollutants to the storm sewer system. While there was only an eight percent increase in facilities inspected, City Inspectors issued over thirty percent more enforcement actions. This increase is due in part to a larger number of initial inspections at new food service establishments, which are prone to have more areas of concern identified.



*Watershed Enforcement Inspector speaking with a chemical manufacturing facility manager*

When issues are identified at a facility, the City uses both enforcement and education to promote compliance and to protect stormwater quality. Thirty-one percent of inspections resulted in an enforcement action, which is an approximately five percent increase from last fiscal year. The remaining sixty-nine percent of facilities inspected did not require enforcement action and only received educational materials. Education is the first step in the City's Enforcement Response Plan, and the City attributes its high compliance rate to this practice.

### ***New and Redevelopment (NRD)***

This program element is driven by the New and Redevelopment (C.3) provision of the Permit, which was amended in October 2001 and most recently in July 2005. This provision requires that development projects include controls to minimize stormwater pollutants and manage the release of storm flows from a project site.

In FY 08-09, the City continued to make strides toward integrating stormwater controls into development projects. Of the sixty-two private development projects that incorporated hydraulically-sized stormwater management measures, over half used landscape-based treatment controls, either as the sole treatment or paired with mechanical treatment. The increased use of Low Impact Development (LID) stormwater management practices, such as using permeable pavement in parking areas indicates the program's success in providing outreach to and collaboration with the development community.

The City of San José has strong goals and policies that encourage Smart Growth development and redevelopment. The City has continuously strived to offer a mixture of housing densities, supportive businesses and services, jobs, community facilities, parks, and public transit, while emphasizing pedestrian and transit-oriented development. Site design, source control, and Low Impact Development (LID) have all been utilized to minimize stormwater pollution and help achieve the City's broader goals and policies. Development projects in FY 08-09 incorporated a wide range of LID strategies and, consistent with the City's Smart Growth policies, over half of the reportable projects (regulated projects per City Policy 6-29) in FY 08-09 were located in transit-oriented development areas. Additionally, residential projects in FY 08-09 had an

average of approximately 41 dwelling units per acre (DU/AC) and 68 DU/AC in transit-oriented development areas. These development patterns have a broad water quality benefit as they reduce traffic congestion and the associated air pollution.

The City conducted inspections of projects that completed construction in FY 08-09 and were subject to C.3 of the Permit. City staff inspected fourteen different project sites utilizing the Program's standard inspection data collection form. Approximately 200 approved private projects now fall under the City's BMP O&M Verification Program, and as development continues throughout the City, more resources will be needed for project tracking, initial site inspections, and re-inspections. Improvements to the City's Operation and Maintenance (O&M) Verification Program in FY 09-10 will focus on improving procedures to ensure post-construction BMPs are correctly installed and property owners and managers are maintaining BMPs.

With the intent of advancing greenhouse gas reduction and other sustainable strategies outlined in the City's Green Vision, the City Council adopted the Green Building Policy for New Private Sector Construction (Policy) on October 7, 2008. The Policy calls for green building certification in specified private sector development projects. There is an amendment pending before the City Council to add a new Chapter 17.84 Green



*Treatment swale between buildings of an apartment complex: a stormwater treatment control measure*

Building Regulations for Private Development Establishment of the U.S. Green Building Council's (USGBC), Leadership in Energy and Environmental Design (LEED) and Build it Green's (BIG) Green Point Rated rating systems as the mandatory green building standards for the City of San Jose. The ordinance is anticipated to go into effect in September 2009.

The City continues its commitment to educating staff and increasing developers' awareness of C.3 stormwater management techniques, numeric-sizing treatment criteria, and hydromodification measures. During FY 08-09, City staff attended and sponsored a wide variety of trainings related to NRD, including Low Impact Development practices and "green" street design. Additionally, the City continued the revision process for its General Plan. Titled "Envision San José 2040," the revision provides a unique opportunity to update General Plan policies and goals, including water quality protection, as they relate to environmental protection and sustainability.

### ***Construction Inspection (CON)***

The City inspects activities at construction sites to prevent sediment and other pollutants from entering the storm sewer system, pursuant to provision C.6 of the Permit. Inspectors from Environmental Services, Public Works, and the Building Division coordinate inspections,

enforcement, and outreach to the development community on BMPs, City policies addressing erosion and sediment control, and NPDES Permit requirements.

Construction activity in San José continued to slow in FY 08-09, as evidenced by a reduction in the number of grading permits issued. As a result, the City conducted 10 percent fewer inspections than the previous year. Additionally, inspectors discovered numerous inactive sites that had postponed construction activity. Still, the City continued to implement a vigilant construction site monitoring program and, in fact, documented more violations than the previous year and escalated enforcement accordingly.



*Contractor installing protective BMPs around a storm drain inlet at the Edenvale Community Center*

In addition to inspection and enforcement, the City focused on training and professional development for staff. In October, the City sponsored a comprehensive, two-day training on construction site management that was attended by 103 staff. An evaluation of the class indicated that the training was well received and useful. Other trainings completed by City inspectors included the Program's Annual Construction Site Management training in November; focused "refresher" trainings conducted by ESD Urban Runoff staff for 50 inspectors at their staff meetings throughout the rainy season; Stormwater Pollution Prevention Plan

(SWPPP) training to 52 capital improvement project staff in May; and "Stormwater 101" training to 31 Redevelopment Agency staff in July and September that covered regulatory requirements, BMPs, and Permit updates.

San José also coordinated with the California Stormwater Quality Association and the Program to review the revised Draft State Construction General Permit, which was issued in April, and provide comments to the Board. In addition, the City hosted a regional workshop for staff, co-permittees, and developers to discuss impacts of the Draft State Construction General Permit.

### ***Public Streets, Roads, & Highways (PSR)***

This program element is pursuant to provision C.2.a of the Permit and is one of several that address municipal activities. These program elements essentially consist of incorporating BMPs into City operations, such as street repair. Training plays a key role in ensuring that staff uses the proper techniques to protect water quality. For FY 08-09, this training was completed in June 2009. Session content centered on review of the Department of Transportation's BMPs and Standard Operating Procedures (SOPs) for O&M activities. Corporation Yard Stormwater Pollution Prevention Plan training was integrated into the training in FY 08-09 for all crews utilizing the City's corporations yards. Training content was tailored to focus on the specific work groups present at each training session. Participant evaluation of the training was very

positive with an average score at 4.51 on a 5 point scale. Revisions to the training curriculum occur, as needed, to reflect new practices.

Training was also conducted for Rural Public Works BMPs in accordance with provision C.5, which requires that the City employ proper techniques when conducting maintenance activities in rural areas. This standard is integrated as part of the PSR program element. The City's Departments of Parks, Recreation, and Neighborhood Services; General Services; and Transportation are responsible for managing rural public works maintenance and support activities.



*Parks, Recreation, and Neighborhood Services and Department of Transportation staff demonstrate stormwater BMPs in Alum Rock Park*

The City conducted an extensive street sweeping program, involving the sweeping of the central business district; neighborhood business districts; arterials, collectors, and bicycle lanes; and residential streets. The City sent a calendar listing the annual residential street sweeping schedule to each single-family dwelling and asked the City's neighborhood associations to include reminders in their newsletters about moving parked vehicles on street sweeping days. The City expanded the areas in which parking restrictions were required and enforced to improve the effectiveness of the street sweeping program. In FY 08-09, the enforcement area increased from 266.5 to 288.5 curb miles.

### ***Storm Drain System Operation & Maintenance (SDO)***



*Department of Transportation Maintenance Worker services a catch basin on El Dori Drive*

Storm Drain System Operation and Maintenance is another program element implemented in accordance with provision C.2.a of the Permit. SDO includes key maintenance activities conducted to ensure the proper function of the storm sewer system to collect and convey storm runoff.

The Department of Transportation successfully implemented its annual storm drain inlet inspection and cleaning program, cleaning approximately 29,800 inlets. Data collected during inlet cleaning identified problems associated with approximately 2,200 of the City's storm drain inlets and catch basins. Review of the data indicated that approximately 1,200 of the reported problems were operational challenges, such as access to storm inlets, while only approximately 530 problems were associated with different types of debris. The fewest number of problems (approximately 450) arose from various types of construction activities.

### ***Water Utilities Operations & Maintenance (WUO&M)***

This program addresses O & M activities at the City's Municipal Water System and is implemented in accordance with provision C.2.a. The key tool for implementing this program is the Water Utility Operation and Maintenance Discharge Pollution Prevention Plan. Per the plan, water utility staff were trained to employ proper techniques to prevent stormwater pollution during maintenance activities. The annual training program covered common SOPs and BMPs and included an evaluation of current SOPs. In FY 08-09, 87 percent of staff participating in the evaluation



*Pumps at the Rincon II pump station*

found the current SOPs to be effective. Additionally, the evaluation found that staff regarded the current SOPs and BMPs to be clear, adequate, workable, and effective.

### ***Pesticide Management (PM)***

This program element was developed to reduce the amount of pesticides in urban runoff and is implemented in accordance with provision C.9.d. of the Permit. Activities include setting municipal policy, implementing Integrated Pest Management (IPM), training staff, providing public education, tracking City pesticide use, and City participation in regional efforts to influence regulations that affect pesticide management.

San José has incorporated the use of IPM techniques for several years. The City Council formally adopted an IPM Policy in 2003, which called for municipal operations to implement IPM techniques and to reduce, phase-out, and ultimately eliminate the use of pesticides that impair surface waters. In August 2008, San José became the first government agency to adopt a "Cities Keep it Clean" resolution, committing to work cooperatively with Save the Bay and other programs to implement an array of actions, including the use of IPM techniques to significantly reduce city use of pesticides that pollute local waterways.

San José continues to apply proven and innovative IPM techniques to address municipal pest problems. The City's current IPM methods include applying mulch in landscapes as a water-saving weed barrier, selection of native and disease-resistant plants, power washing moth cocoons from trees, release of parasitic wasps to control moths, manually trapping and removing squirrels and other rodents, and favoring tree injections over broadcast spraying when pesticides are needed.

In FY 08-09, San José expanded its weed control grazing program from 67 acres to nearly 600 acres in an effort to reduce pesticide use. Approximately 77 pounds of pesticides were avoided by using goats and sheep to graze City lands. The San José/Santa Clara Water Pollution Control Plant (WPCP) implemented a year-round grazing in an effort to reduce mowing and maintain

landscape in sensitive habits (including burrowing owl habitat). The grazing program received coverage from local and regional media and the USA Today newspaper.



*Goat grazing at Zone 3 Reservoir, a chemical-free pest management strategy*

San José participates in regional collaborative efforts to provide educational outreach to residential and commercial pesticide users and pesticide retailers. Our Water, Our World and the Program's Watershed Watch campaign continued to increase pesticide awareness of target audiences regarding less toxic pesticide use. Watershed Watch continued facilitating the Santa Clara Valley Green Gardener training program and received statewide awards from CASQA and the California Department of Pesticide Regulation.

Tracking of Citywide pesticide use in FY 08-09 showed significant decreases in the use of pesticides of concern that pose the most significant threat to surface water quality. However, total pesticide use increased by 3.5 percent, which is likely attributable to the addition of new City property requiring maintenance, more comprehensive tracking of

pesticide use, and an increase in the use of chemicals that are used in large quantities but pose little threat to surface water quality. The City will continue to collect and evaluate pesticide use data as part of its PM program.

### **Mercury (M)**

This program element is implemented pursuant to provision C.9.c of the Permit. The City has continued its efforts to reduce or eliminate potential mercury discharges from municipal operations. The City purchases low mercury content fluorescent lamps, and spent lamps are recycled properly. In FY 08-09, the City recycled more than 5,237 pounds of spent mercury-containing lamps. The City supports the Santa Clara County Household & Small Business Hazardous Waste Program to provide fluorescent lamp recycling services to residents.

The City also continues its support of the San Francisco Bay Regional Monitoring Program and the WMI Guadalupe River Mercury TMDL Workgroup. The City continues its

**Watch out for mercury pollution!**

Fluorescent lights save energy, but contain mercury which is a toxic pollutant. When it's time to replace the bulbs, dispose of used fluorescents properly to prevent polluted runoff into our creeks and Bay.

To find a convenient and FREE bulb drop-off location near you, call (408) 299-7300 or visit [www.HHW.org](http://www.HHW.org)

**Hazardous Waste Recycling & Disposal**  
SANTA CLARA COUNTY

**Watershed Watch**  
Protect Our Creeks And Bay

Sponsored by Santa Clara Valley Urban Runoff Pollution Prevention Program - a coalition of local government agencies.  
[www.MyWatershedWatch.org](http://www.MyWatershedWatch.org)

**Remember: it is illegal to dispose of fluorescent bulbs in the trash or recycling bin!**

commitment to work with the Water Board and stakeholders toward TMDLs that are technically defensible and feasible for implementation.

### ***Copper & Nickel Action Plans (CNAP)***

This program element is implemented pursuant to provisions C.9.a and C.9.b of the Permit, which incorporate Action Plans for copper and nickel to be implemented based on water quality monitoring results in the South Bay. The action plans include activities for which various agencies or entities assume responsibility. Only activities undertaken at the municipal level for stormwater are included in this report. Such activities have largely been integrated into other ongoing program elements but are reported as a summary for clarity. Copper and Nickel remain among the list of pollutants addressed by general and targeted outreach regarding stormwater pollution prevention.



*Outreach table at a half-off car wash event. Encouraging the public to use commercial car washes instead of washing at home may reduce copper pollution in creeks.*

This year, the City submitted a letter of support for AB 346 (Kehoe), sponsored by Sustainable Conservation for the Brake Pad Partnership. The City has supported the Brake Pad Partnership, a collaborative multi-stakeholder organization formed to address copper from brake pads, for many years. The bill, drafted with unanimous agreement among the Partnership's industry, stormwater agency, and environmental members would effectively eliminate copper from all automobile brakes sold in California.

In the City's Industrial and Commercial Inspection program, key activities have been implemented to address copper, either exclusively or among the array of potential pollutants. A fact sheet regarding rooftop sources of copper pollution was again distributed to select industrial facilities. The City also continued its "NOI Filers" project. This activity aimed to increase awareness among industrial facilities of their obligations under the State's General Industrial Activities Stormwater Permit (GIASP) by providing them with BMPs and information alerting them to the requirements. The City has already successfully incorporated review of this information into routine inspections and provides the Water Board with a list of facilities that have not yet filed under the GIASP.

The City provides BMP information for its residential and commercial constituents on various actions they can take to reduce or eliminate the exposure and discharge of copper from their activities. Materials were distributed during inspections, at the City's planning and permitting offices, at outreach events, and on the City's website.

### **Trash (TRA)**

This program element is implemented pursuant to the Program's Trash Work Plan and provision C.1 of the Permit. The purpose of the Trash program is to address litter and illegal dumping that threaten to pollute urban waterways. Activities associated with the Trash program relate to prevention, removal, and pilot studies.

The City of San José strongly advocates litter reduction and dumping prevention. In FY 08-09, the City maintained programs promoting proper disposal of waste and explored policies that could curtail the use of specific items that frequently contribute to litter. In partnership with the County Waste Reduction Commission, the City is promoting reusable bags to reduce plastic bag litter in creeks and conducting outreach to neighborhood groups and public forums. The City is also actively participating in the development of BASMAA's upcoming Regional Advertising Campaign that will focus on litter prevention.



*Volunteers removed debris from Coyote Creek at Roosevelt Park on National River Cleanup Day*

The City of San José and the Santa Clara Valley Water District (District) continue efforts under the Memorandum of Agreement for Trash Prevention and Removal (Trash MOA). The Trash MOA includes weekly encampment cleanup activities on waterways in the City, up to ten monthly cleanups of large and active illegal encampments, as well as up to five cleanups in partnership with the District each year. In total, 190 tons of debris was removed through the Trash MOA cleanup activities. In addition to the cleanup efforts with the District, the City conducted five independent clean-ups that removed over 60 tons of debris from large illegal encampments along creekside parcels in the City.

The City has continued its collaboration with the City of Sunnyvale and the Program to pilot the use of catch basin inserts (screens) as a structural control to prevent trash and other debris from entering the City's stormwater conveyance system. Preliminary results indicate that the screens are effective at preventing material from entering the stormwater conveyance system without significantly affecting catch basin function and capacity. A more detailed report on the progress of the pilot studies is available in the Program's annual report.

### **Monitoring (MON)**

Monitoring activities required in the stormwater permit are generally implemented at the Program level. However, the City also participates directly in region-wide monitoring activities,

including the San Francisco Bay Regional Monitoring Program, through participation in the Sources, Pathways and Loadings Workgroup and Technical Committee; SCVURPPP Multi-year Monitoring Program; various regional and Program-focused investigations of pollutants and sources to the storm drain system; and special studies in support of TMDLs.



*Environmental Specialist monitoring in the Guadalupe River near Trimble Road*

This year, City staff actively participated in planning and review activities for the Regional Monitoring Program (RMP), serving on the RMP Technical Committee and as members of the Sources, Pathways and Loadings workgroup. Financial support for the RMP has continued since its inception. City staff also serves on the Guadalupe Mercury TMDL Workgroup, representing the City and the Watershed Management Initiative's Watershed Assessment and Monitoring Subgroup. In FY 08-09, The City reviewed RMP study reports, participated actively on RMP committees and workgroups, and participated in WMI core and subgroups.

### ***Municipal Compliance (MC)***

This program element trains City staff on pollution prevention practices to ensure that City facilities comply with stormwater requirements. In FY 08-09, the City held over seventy sessions on various topics to provide pertinent City Staff with training on procedures and issues related to stormwater programs. In March 2009, the City engaged a consultant to conduct a two-day class addressing water quality impacts resulting from public works maintenance and support activities in rural areas. Classroom training included a review of practical and effective BMPs for road maintenance to protect riparian habitat, aquatic species, and water quality. In-field training demonstrated the proper use and installation of BMPs such as inlet covers, erosion control blankets, turf reinforcement mats, silt fences, straw wattles, straw bales, and re-vegetation.

To ensure stormwater compliance at priority City properties, Corporation Yards were routinely inspected for stormwater practices by Yard staff. These were in addition to the annual inspections that ESD staff conducted at each of the five Corp Yards during February and March 2009. The Corporation Yard Stormwater Pollution Prevention Plans (SWPPPs) were revised as necessary during FY 08-09 and will be sent out for review and comment. More than



*Parks, Recreation, and Neighborhood Services and Department of Transportation staff at the Rural Roads Workshop field training at Alum Rock Park*

350 employees received training regarding stormwater BMPs/SOPs and were asked to evaluate the training. Out of 291 evaluations that were completed and returned, the training sessions received an overall rating of 4.51 on a scale of 1 to 5 (4 = Good, 5 = Excellent). Similar scores were received for the training's success at explaining the relevance of the BMPs/SOPs to the employees' work practices, the relationship between the BMPs/SOPs and compliance with the City's Stormwater NPDES permit, and the ways in which the employee can help the City comply with the Stormwater NPDES permit.

### **Public Information / Participation (PIP)**

This program is implemented in accordance with provision C.4 and includes general outreach, targeted outreach, educational programs, and public participation activities. The City has a robust and broad-based public information and public participation program, utilizing many different methods to best deliver stormwater pollution prevention and watershed protection messages to a wide array of audiences. Conducting outreach to the community and providing



*ESD Intern demonstrating the effects of pollution on stormwater to third graders at the Water Wizards Festival at Guadalupe River Park*

opportunities for participation in water quality protection activities are critical to evoking the behavior changes needed to manage stormwater quality. They are also important for garnering the support needed to continue and expand services and programs.

The City participates in and supports a wide variety of stormwater outreach and education activities, including many in collaboration with other local and regional agencies. Highlights for FY 08-09 include: participating in the expanded Go Green Schools Conference; providing access and supplies for multiple creek clean-up sites; participating in dozens of community

events, partnering with retail stores to provide point-of-sale information about IPM; hosting green gardening and composting workshops, and providing training sessions for contractors and developers on construction requirements. Outreach continues to be a vital tool for inspectors, allowing for direct education of polluters and potential polluters. Education is the first step in the City's Enforcement Response Plan. Educating the youth of San José continues to be a priority, with multiple programs targeting students, teachers, administrators, and school communities with watershed education and green practices.

The City also actively supports Program-wide and Bay Area-wide outreach and education activities, including IPM outreach, mercury outreach, regional media relations, and the Watershed Watch campaign. Coordinating outreach activities with the Program and Bay Area-wide efforts enables the City to deliver pollution prevention messages more effectively, frequently and at reduced cost.

## **Permit Reapplication**

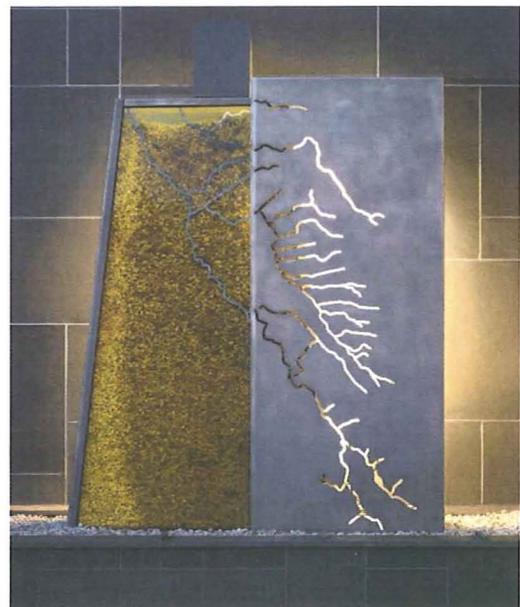
The City's current NPDES permit was adopted in February 2001 for a five-year period. The Permit was amended in October 2001 and July 2005, with both amendments relating to the New and Redevelopment stormwater treatment and hydromodification provision, also known as Provision C.3. The Permit has been administratively extended since February 2006, pending the adoption of the Bay Area-wide Municipal Regional Permit.

In late 2005, the Water Board embarked on a multi-stakeholder process to craft an NPDES permit, called the Municipal Regional Permit (MRP), which would apply to all municipal stormwater dischargers in the Bay Area. In the past, NPDES permits have been issued separately to Bay Area stormwater programs with staggered adoption dates that often resulted in uneven and inequitable requirements.

In preparation for the MRP, City staff has dedicated numerous hours to analyzing Permit drafts, briefing stakeholders, and preparing responses to the drafts. Staff has also participated in the steering and stakeholder meetings convened by Water Board staff and will continue to participate in the MRP process through the Program, BASMAA, and individually as a City. The Water Board is expected to adopt the MRP in fall 2009.

## **Conclusion**

With the Council-adopted Green Vision, the City of San José is a leader in promoting bold, proactive environmental policies and continues to meet or exceed its Permit-mandated obligations. The City is committed to managing and protecting stormwater quality and actively participates in many local and regional efforts designed to leverage the most value for its resources and citizens. San José is striving to position itself to swiftly implement the Municipal Regional Permit once it is adopted and will continue to focus resources to best protect water quality for the benefit of our citizens, businesses, and future generations.



*Vertical trickling filter: a stormwater treatment control measure and art exhibit at the Roosevelt Community Center*