

Torrance Optimized Street Sweeping Program Fallacies

All Torrance residents should question both the validity and integrity of the City's proposed signage/ticket plan connected to street sweeping. Research shows that this ticket for trash scheme is not only based on dubious science, but also filled with "untruths." A careful analysis has convinced many of us that the recent vote approving this plan should be invalidated pending further investigation. As evidence of these questionable policies, we have uncovered the following inconsistencies in the City's argument.

Fallacy – *In its communication with residents, the City implied that other government agencies have recently instituted rules that created a sense of urgency in implementing their program. They promoted this urgency in writing, in the press, and at public meetings.*

Fact – These rules were discussed and approved many years ago. For example, the Machado Lake requirements were set in 2007, with an eight-year window for compliance. Street sweeping gets two tiny paragraphs and is mentioned only in passing throughout the 57-page report. There is no mention of ticketing or forced compliance programs. The goal for all of these programs is zero trash by March of 2016.

http://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/2007-006/07_0607/55_%20StaffRptFinal_072407.pdf

The City planned and applied for grant money several years ago as the lead party in conjunction with a group of sister cities. The City of Torrance was notified on October 11, 2012 that the Machado Lake Trash TDML Project was selected for Proposition 84 Storm Grant Program Implementation Funding. The signage portion of this grant was written by the City. So, in truth, the City has planned this implementation for several years, but publicized the enforcement area and fostered a public comment period that lasted only weeks, was designed to confuse the affected residents, and was passed during one of the last meetings of a lame-duck city council in the middle of the night. The real public discussion should have taken place before the grant was ever submitted. Public awareness efforts were only begrudgingly begun after the first contentious council meeting.

Fallacy – *Full compliance street sweeping is required to meet these new government guidelines.*

Fact – This is never mentioned and is a fabrication by the City. In fact, the only way to be in full compliance with the new rules is through the installation of full-capture systems. Even under the City's ticket scheme, 100% sweeping does not occur, because ticketed cars are not moved.

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/la_ms4/2012/Order%20R4-2012-0175%20-%20A%20Final%20Order%20revised.pdf

According to CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION ORDER NO. R4-2012-0175 NPDES PERMIT NO. CAS004001
WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM
(MS4) DISCHARGES WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY,

“A Permittee shall be deemed in compliance with its final effluent limitation if it demonstrates that all drainage areas under its jurisdiction and/or authority are serviced by appropriate certified full capture systems.”

The City of Torrance states that they will complete “100 percent installation of catch basin screens by March 2016.” <http://www.yourtrashyourdecision.torranceca.gov/>

Fallacy – *The City’s rules imply that street sweeping has to include 100% of all streets (surface area) on a weekly basis to be in compliance.*

Fact – Order number R4 provides no specific rules on street sweeping except these, which are actually less stringent than current street sweeping schedules:

- ii. Each Permittee shall perform street sweeping of curbed streets according to the following schedule:
 - Priority A:** Streets and/or street segments that are designated as Priority A shall be swept at least two times per month.
 - Priority B:** Streets and/or street segments that are designated as Priority B shall be swept at least once per month.
 - Priority C:** Streets and/or street segments that are designated as Priority C shall be swept as necessary but in no case less than once per year.

The proposed new signage areas most certainly fall in the Priority B and C categories, but none of these newly written requirements are more stringent than existing City street sweeping schedules. **In theory, the City could actually sweep less and still be in compliance with government rules.**

Fallacy – *The City will not be in compliance without implementing its new plan and will therefore be subject to ongoing daily fines of up to \$10,000 a day.*

Fact – Torrance officials knew the City could be in full compliance after installing the appropriate full capture and other physical systems, even prior to applying for their grant. Without these systems, no amount of street sweeping (even every day), could put a city in full compliance. The ticket/sign mandate is self imposed in order to capture more revenue, not more trash. Three out of four tickets issued in Torrance are for street sweeping violations, creating an added incentive to expand this revenue source.

According to Order number R-4, fineable events are limited only to those days in which rainfall exceeds 0.25 inches.

- ii. For the purposes of enforcement under California Water Code section 13385, subdivisions (a), (b), and (c), not every storm event may result in trash discharges. In trash TMDLs adopted by the Regional Water Board, the Regional Water Board states that improperly deposited trash is mobilized during storm events of greater than 0.25 inches of precipitation. Therefore, violations of the effluent limitations are limited to the days of a storm event of greater than 0.25 inches. Once a Permittee has violated the annual effluent limitation, any subsequent discharges of trash during any day of a storm event of greater than 0.25 inches during the same storm year constitutes an additional “day in which the violation [of the effluent limitation] occurs”.

During the three-year period 2011-2013, Torrance experienced 93 days with measurable precipitation, but only 26 days that exceeded the 0.25 limit. So, on an annualized basis, the City would be at risk for 9 days out of each of these years. For purposes of argument, let's say that the City failed on every event day (a virtual impossibility). Under this highly improbable doomsday scenario, they would be at risk for a maximum of \$90,000 per year in fines during similar rainfall periods.

Torrance would need to be fined on 200 event days, just to match the amount they will spend to implement their ticket/sign program in the first year.

Put another way, at zero compliance to new Federal and State standards, **it would take over twenty years of fines to match just the first year of the ticket/sign program**, Even in the worst El Nino year on record, zero compliance would still be less than 1/3 of the annual cost for the City's onerous program. By year three, the money spent by citizens (counting tickets) for creating and running this parking scheme would equate to close to 600 fineable days, or 40-50 years of fines, depending upon rainfall averages.

Of course, none of these worst-case scenarios will ever happen. In fact, the City will be in full compliance, making a best-case scenario of zero fines not only possible, but highly likely. Simple math shows that the real danger here to our pocket books is actually the City's own program, not the threat of fines.

Swapping Pollutants -- The EPA forbids the substitution of one form of pollution for another. EPA Air Quality Conformity Rules address the air quality impact of street sweeping in the following comments:

... street sweeping equipment also produces exhaust emissions, which are generally minor, but may need to be considered in regard to other pollutants... The reduction of PM emission due to street sweeping comes from the reduction of reentrained dust from vehicles traveling on roadways. It is important to note that sweeping of curb and gutter areas may increase emissions, given that it redistributes loose material onto the travel lanes.

http://www.fhwa.dot.gov/environment/air_quality/conformity/research/mpe_benefits/mpe07.cfm

What is not addressed is the air quality impact of adding six police vehicles with eight hour shifts onto the roadway, combined with the process of citizens moving thousands of cars twice on sweeping days, five days a week. While street sweeping equipment pollution is minimal, these other sources are not. According to the Federal Highway Administration, regarding cold start emissions, *"starting a vehicle and the first few minutes of driving generate higher emissions because the emissions-control equipment has not yet reached its optimal operating temperature."*

Given proof that street sweeping does not need to be done on a weekly basis to be effective and the total un-swept area after two to three cycles is negligible in the low-impact areas, the city has effectively created a new source of pollution that may actually exceed any gains.

Fallacy – *"We don't like this any more than you do."*

Fact – The City is engaging in a form of *suspended logic*, under which it must temporarily ignore the logical outcomes of facts and analysis in order to pursue a secondary agenda. As shown, current street sweeping schedules meet or exceed new government standards. The City's proposal will cost as much as \$2.0 million in the first year, followed by annualized expenses (including tickets to residents) of \$1.5-2.0 million. Even under a best case scenario, this new plan will not yield an improvement of more than 1-3%, because it targets the lowest polluting parts of the city. However, it will create more air pollution and deface our neighborhoods with a bombardment of unattractive signage.

The sad truth here is that none of the \$1.5 to \$2.0 million coming from residents pockets each year will go directly towards picking up a single piece of trash. Any enterprise, in which the majority of the money spent will only have a causal rather than direct affect on solving a problem, must be considered flawed and spectacularly wasteful. When a public entity suspends logic in order to pursue a hidden agenda and wraps itself in the mantle of a cause, in this case the green mantle of environmentalism, it insults the intelligence of its citizens. The absence of logic in the City's plan can only be explained through the presence of ulterior motives.

Conclusion: After reviewing all of the primary documents concerning the City's plan, coupled with the timeline for the grant writing for signs – it is clear that this sweeping/ticket program:

- Was never mandated by any overriding government agency
- Is based on inflated claims, with sweeping receiving only cursory mention in both Order R4 and the Machado Lake requirements
- Will never result in any fines, because it was never a mandated requirement, with current sweeping programs already far in excess of regulations
- Is made unnecessary by installation of full capture and other physical storm drain systems
- Targets the least polluting portions of the city at an enormous cost
- Was pushed through with no real intention to consider any public suggestions or alternatives
- And is undoubtedly a revenue generating scheme planned over many years

We are fully convinced after reading these lengthy government documents that the City of Torrance used this threat solely for monetary gain. Their scare tactics (in the form of hefty fines) are simply false; their presentation of the timing of these events is disingenuous, based on the well-documented, 8-year implementation schedule; and their lack of public involvement goes against the concept of transparent government and against the spirit of the EPA and California regulatory agencies, which include public discourse as a requirement for compliance.

Stakeholder involvement is more than just holding a public hearing or seeking public comment on a new regulation. Effective stakeholder involvement provides a method for identifying public concerns and values, developing consensus among affected parties, and producing efficient and effective solutions through an open, inclusive process. Managing that process requires some attention to the logistics and synergies of creating and operating a team of diverse people pursuing a common goal.

<http://www.epa.gov/owow/watershed/outreach/documents/stakeholderguide.pdf>

Also, from the EPA's National Pollutant Discharge Elimination System (NPDES) site:

A single regulatory agency or municipal office working alone cannot be as effective in reducing stormwater pollution as if it has the participation, partnership, and combined efforts of other groups in the community all working towards the same goal. The point of public involvement is to build on community capital—the wealth of interested citizens and groups—to help spread the message on preventing stormwater pollution, to undertake group activities that highlight storm drain pollution, and contribute volunteer community actions to restore and protect local water resources.

http://cfpub.epa.gov/npdes/stormwater/menuofbmps/?action=min_measure&min_measure_id=2

Within our circle of concerned citizens, no member of city government replied to any messages we sent questioning this dubious program or acknowledged our alternative solutions. Our sole interaction with a City official (during an HOA meeting), ended suspiciously when the City Attorney left hastily without response, just as these concerns were being presented. The silence of our City Government on this subject was disturbing, but their arrogance from behind the dais was even more upsetting at the public meetings. These were public discussions with a predetermined outcome that exposed the Council's irritation with any outside involvement or dissent.

As an added twist, a great deal of substantive information on the City's plan was finally posted after the council's vote, from a public meeting at the Madrona Marsh Nature Center, which took place at the exact time and date as the City Council meeting. May 20, 2014 at 7:00 P.M. Interested parties would need to be in two locations simultaneously to participate in this important topic.

<http://www.yourtrashyourdecision.torranceca.gov/>

The Blame Game -- Torrance's actions are just the latest chapter (i.e. Toyota) in the government blame game, where state, local, and federal officials blame each other for the latest problem, without anyone taking responsibility. The 2014 version of "The buck stops here" now only refers to taxpayer's dollars.

We firmly believe that given the chance, the proud residents of such civic-minded areas as Seaside Ranchos and the Riviera, would voluntarily police their already clean neighborhoods for trash in a way that the City will never attempt, at zero cost to tax payers. They're doing that now on a volunteer basis, as they battle to restore the weed infested Seaside Heroes Park.

We acknowledge that parking enforcement may be necessary in densely populated, high traffic areas with limited parking (such as around apartment complexes), but the payback for such programs in low density areas is at the lowest end of measurable returns. Every sensible citizen on earth wants to improve our environment. What we don't support is another government program that will achieve almost nothing in support of that goal, particularly one that seems to be designed expressly to fill government coffers.

For some, the City's misrepresentation of this entire scheme and their duplicity in defending it should be questioned on both ethical and practical grounds. This plan appears to be just a thinly veiled effort to create another open ended revenue source. The blight of thousands of signs is just the visible price we will pay, but for many, the total loss of confidence in our elected officials must also be added to that cost.

Prepared by Seaside Ranchos Residents Against Government Waste (5/26/2014)