



July 10, 2015

San Francisco Bay Regional Water Quality Control Board
1515 Clay St
Suite 1400
Oakland, CA 94612

Re: Draft Municipal Regional Stormwater Permit – Section C.10

Dear Chair Young and Board members,

Thank you for the opportunity to comment on Section C.10 of the Draft Municipal Regional Stormwater Permit (MRP). As a stakeholder in this process since 2008 and one of the region's leading advocates on trash reduction in the Bay, we are pleased to see this permit establish a clearer and stronger set of steps toward achieving zero trash. However, we urge the Board to consider the following feedback, focused primarily on the need for more reliable data and reporting, and a more effective pathway to compliance for all permittees.

Performance guidelines and mandatory reductions

Failure to meet performance guidelines

Falling short of performance guidelines is an indication that a permittee is not on track to achieving the mandatory reduction. Section C.10.a.i requires permittees that fail to meet performance guidelines to submit plans for meeting subsequent mandatory reductions. These plans should be certified by Water Board staff and should include activities that have a high likelihood of reducing trash; this is not the appropriate opportunity to pilot a new program with uncertain outcomes. The activities we suggest including on the list of acceptable activities that warrant certification include:

- Increased street sweeping
- New Business Improvement Districts or other regular on land clean-up
- Additional full trash capture

Failure to attain mandatory reductions

27 Bay Area waterways violate Clean Water Act standards for trash and require the development of a TMDL – a designation that was established in 2008. Failure to significantly reduce trash a decade or more after these waterways were placed on the 303(d) list indicates the need for an engineered solution, not simply another plan for attaining compliance. Permittees that fail to meet mandatory reduction milestones should be required to install enough full trash capture to bring them into compliance within the following year. In areas where full trash capture is not possible due to physical barriers, Water Board staff should work with permittees to devise an alternative approach that is full trash capture equivalent.

Receiving water monitoring

Although we are pleased to see receiving water monitoring requirements in addition to on-land visual inspections, we reiterate the recommendations from our Administrative Draft comments to more clearly define what activities and reporting are required of permittees. Tracking trash conditions in and adjacent to waterways, in addition to on-land assessments, is essential to meeting the zero trash mandate established by the Board. While the *Tracking California's Trash* project is developing methods for in-stream trash flux monitoring, we urge the Board to require monitoring of creek banks and shorelines as soon as possible and to incorporate in-stream monitoring when those methods are finalized. Existing methods like the Rapid Trash Assessment can be modified to more efficiently and accurately characterize trash conditions, and to identify potential sources.

We urge Water Board staff to work with regional experts, permittees, and stakeholders to develop these methods within the next several months so that monitoring can begin within the next year. This information will allow permittees to adjust their trash management strategies to focus on the most persistent and dominant sources, which will be necessary to achieve zero trash.

On-land visual inspections

Although the guidance for on-land visual inspections has improved from the administrative draft, the draft tentative order lacks a frequency standard for on-land visual inspections. Save The Bay recommends a requirement that permittees conduct visual inspections no less than twice per quarter in all medium, high, and very high trash generation areas, and that these inspections are conducted at the same locations each time.

Alternative to visual inspections

We also support providing permittees with an alternative to on-land visual assessments that focuses on storm drain outfall monitoring. By measuring trash flowing directly out of the MS4, confusion with loading from direct discharges and other sources is eliminated. We recommend allowing permittees to develop and submit detailed protocols, which can be used only following Executive Officer approval. Until such methods are certified, permittees should be required to complete visual assessments in accordance with the requirements outlined in that section of the permit. Storm drain outfall monitoring protocols should specify:

- The proportion of outfalls that must be surveyed
- Required frequency of assessment
- Data that must be included in submittals.

Source control

According to trash characterization studies from 2012, plastics comprise 65-75% of trash. Even with plastic bag and Styrofoam foodware bans in place throughout much of the Bay Area, a large portion of trash in waterways continues to be made up of single-use plastic products and packaging; eliminating these items at the source may be the most effective way to prevent them from polluting local waterways and the Bay. To incentivize future innovation around source control, we recommend allowing up to 15% credit for activities supported by consistent data demonstrating measurable reductions.

Trash characterization

Source control can only be effective if we understand the types of trash polluting our waterways. Unfortunately, the sources for this data are few and far between. We recommend requiring that both on-land and hot spot assessments include a list of dominant trash types. Photographs from visual

assessments can be easily assessed to identify trash types. Staff and volunteers conducting cleanups can also make note of this information on data sheets, where they are already recording the volume of trash removed.

Direct discharge control credit

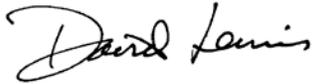
Save The Bay supports the submission of comprehensive plans from permittees seeking additional trash load offsets for direct discharge controls. In addition to the information currently required by section C.10.e.ii, we recommend that permittees submit:

- An established funding and staffing plan
- Description of interdepartmental and/or public-private, public-nonprofit collaborations

Finally, we once again urge the Water Board to work with relevant stakeholders and agencies to develop a web-based database for permittees to submit data from trash capture device maintenance, visual assessments, receiving water monitoring, trash hot spot clean-up, and other trash reduction activities. This would not only reduce the reporting burden for permittees, but would streamline compliance evaluation for staff.

We appreciate your consideration of our comments and your continued leadership to place Bay Area communities on a clear path to zero trash.

Sincerely,

A handwritten signature in black ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director