



August 1, 2014

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Proposed Amendments to Statewide Water Quality Control Plans to Control Trash

This letter provides the City of Walnut Creek's comments on the State Board's proposal to amend the Statewide Trash Policy. We appreciate State Board's efforts to incorporate stakeholders' comments provided during the outreach meetings, particularly the inclusion of Track 2 type control measures in the draft Policy.

While the draft Policy is more clearly written, the regulatory provisions fail to acknowledge progress made by municipalities in the San Francisco Bay Area. Under the Municipal NPDES Regional Permit (MRP) for stormwater discharges, Bay Area municipalities have assessed the extent and magnitude of the trash issues and implemented enhanced control measures to reduce their impacts on our waterways and the San Francisco Bay.

The City of Walnut Creek has identified where high, moderate and low trash generating areas are based upon guidelines set in the San Francisco Bay Trash Generation Rates project, and local knowledge of City staff and field verifications. We spent considerable resources to identify areas that contribute trash at problematic levels to local stormwater conveyance systems and are implementing area-specific control measures that are effectively reducing trash from high trash generating areas in our jurisdiction.

These community/area-specific plans target particular activities for certain types of trash issues in the most economically reasonable and technically feasible manner possible. Since the issuance of the MRP, the City of Walnut Creek has:

- Installed and maintained 109 small-type full trash capture devices throughout the City;
- Reduced the impacts of litter-prone items through source control. Specifically, our City Council adopted Single-Use Carryout Plastic Bag and Polystyrene Food-Ware ordinances to prohibit the sale and distribution of such materials. Additionally, a Second Hand Smoke ordinance prohibits smoking in downtown areas, commercially zoned properties, parks, and recreation areas, open space areas, and at multi-family units. Although the survey is yet to be completed, we have seen a significant reduction of cigarette butt litter in these areas;
- Enhanced on-land trash pickups and additional trash bins placed strategically;
- Enhanced creek cleanups;
- Special event permitting process with more stringent trash control provisions; and,
- Partnership with Walnut Creek Downtown to improve trash bin management and public education

The City of Walnut Creek has expended significant local resources to implement and assess these activities over the last five years. The creation of the trash generation maps and long-term trash reduction plans has provided us with experience with the implementation of trash control measures. As such, we learned painful and costly lessons dealing with certain control measures during our earlier implementation phase. Before the City can commit to investing additional resources for new activities, we need to understand the true cost of currently-implemented control measures and additional time to carry out on-land visual trash assessments over a longer time period.

Our principal concerns include as follows:

1. State Board should revise the proposed Policy to include "Track 3" for municipalities covered under the MRP to continue using any combination of full capture systems, other treatment controls, institutional controls and/or multi-benefit projects in a phased and prioritize approach that focuses on high trash generation areas as defined in the community-specific trash management plans.
2. The proposed Policy should be revised to account for the benefit of true source control actions that we initiate or participate in addressing litter-prone items. Therefore, time extensions should be granted to municipalities for participating with other local agencies to advocate for legislation and industry cooperation in the development of product redesign, packaging redesign, take-back programs and deposit legislation.
3. State Board should revise the definition of "high trash generating areas" to allow municipalities the option of identifying geographical areas within their jurisdictions that generate problematic levels of trash, regardless of land use. As an example, a regional transit hub and freeway on-ramps, both of which are outside the City's authority, generate a problematic level of trash in comparison to our robust downtown core areas.
4. Because trash is transported to receiving waters from pathways other than MS4s (such as illegal dumping into receiving waters, homeless encampments and wind), trash from these pathways may compound municipalities' abilities to observe trash reductions in creeks and shorelines. For this reason, data collected in receiving waters should not be considered a primary indicator of compliance.

In addition to the comments above, the City of Walnut Creek strongly supports comments submitted by BASMAA, which represents the collective thinking of all 76 Phase 1 Permittees in the San Francisco Bay Area. The document provides a thoughtful comprehensive, integrated, and optimized approach, from a local government perspective, on practicable and realistic stormwater management. We look forward to continuing our cooperative working relationship as we endeavor to address significant challenges in reducing trash in our waterways, an objective to which the City of Walnut Creek is firmly committed.

Sincerely,



Heather Ballenger
Public Works Director

CC: BASMAA
Contra Costa Clean Water Program