



B A S M A A

Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

Bay Area

Stormwater Management

Agencies Association

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March 28, 2014

Ms. Felicia Marcus, Chair
State Water Resources Control Board

Subject: Proposed Amendment – Caltrans MS4 Permit

Dear Chair Marcus:

On behalf of the MS4 stormwater permittee members of the Bay Area Stormwater Management Agencies Association (BASMAA¹), thank you for the opportunity to comment on the proposed amendment to incorporate implementation requirements for TMDLs into the California Department of Transportation (Caltrans) MS4 permit. BASMAA and its member agencies would like to take this opportunity to support adoption of the proposed amendment, with a clarification to the amendment language as described below. BASMAA is supportive of the proposed amendment because it is generally consistent with the MS4 permit requirements already in place in the Bay Area, including in particular:

- **Mercury** – BASMAA's Phase I members are covered by the Municipal Regional Stormwater Permit (MRP) (2009), which includes a provision (C.11.j) that provides an option Caltrans has chosen to exercise to work with municipal permittees to implement mercury load reduction actions on a watershed or regionwide basis, consistent with the TMDL implementation requirements in the Caltrans MS4 permit.
- **Trash** – The proposed Caltrans permit amendment includes trash reduction implementation requirements specific to the Bay Area that have similar goals to TMDL-like trash reduction requirements in the MRP (i.e., provision C.10 – Trash Load Reduction). The MRP's trash reduction requirements are 'TMDL-like' in that they appear similar to those that resulted from the trash TMDLs in southern California but in the Bay Area, the permit requirements were not the result of TMDL development and adoption.

These consistencies will greatly facilitate cooperation between Bay Area municipal permittees and Caltrans in the form of cooperative implementation efforts, as described in Section II.B Cooperative Implementation of the proposed amendment. For example, Bay Area municipal permittees have made significant progress towards reducing the impacts of trash and mercury on water quality, and have begun to identify additional controls that could further reduce these high priority pollutants generated from permittee jurisdictional areas and Caltrans right-of-ways. Bay Area municipal permittees are therefore poised to collaborate with Caltrans via cooperative implementation of control measures consistent with the Bay Area and Caltrans MS4 permits.

¹ BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 96 agencies, including 84 cities and 7 counties. BASMAA focuses on regional challenges and opportunities to improve the quality of stormwater flowing to our local creeks, San Francisco Bay, the Delta, and the Pacific Ocean.



BASMAA Comments on Proposed Amendment to Caltrans MS4 Permit

To confirm consistencies among the two permits, we recommend the following clarification be made to the proposed amendment prior to adoption:

Prioritization of Trash in the Bay Area – Attachment IV of the amendment outlines the framework Caltrans will use to prioritize water bodies for control measure implementation and lists the Caltrans associated TMDL water bodies that will be considered for prioritization during this process. Based on the language in Attachment IV, the prioritization process appears to be confined to those water bodies with approved TMDLs. Although the San Francisco Bay Regional Water Board has identified trash reduction as a high priority issue, has included ‘TMDL-like’ trash reduction requirements in the MRP, and in response to the problem determination and permit requirements Bay Area municipal permittees have and plan to continue spending significant resources toward addressing this issue, prioritization of this pollutant was not based upon an adopted/approved TMDL. Therefore, Bay Area permittees are concerned that water bodies in the Bay Area currently listed on the Clean Water Act 303(d) list for impairment by trash, but that do not have an approved TMDL, will be precluded from consideration during the Caltrans reach prioritization process.

Recommendation:

Given that trash-related issues in the Bay Area have been identified as high priority and requirements associated with reducing trash impacts are included in Attachment V of the proposed amendments, we recommend that language be added in Attachment IV to more clearly state that Bay Area water bodies impacted by trash and with discharges covered by NPDES stormwater permit requirements for trash should be included in the prioritization process. This language would confirm consistencies between the Bay Area and Caltrans MS4 permittees, and allow further collaboration among Bay Area municipal permittees and Caltrans on reducing this high priority issue.

BASMAA and its member agencies look forward to further collaborations with Caltrans on implementing high priority pollutant control programs and cost-effective control measures to meet water quality goals. Please contact our Executive Director Geoff Brosseau or me if you have any questions or would like to discuss our comments further.

Sincerely,



Matthew Fabry
Chair, Bay Area Stormwater Management Agencies Association

cc: Jonathan Bishop, State Water Board
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Tom Mumley, San Francisco Bay Regional Water Board
BASMAA Board of Directors