

**San Francisco Bay Regional Water Quality Control
Board**

**Municipal Regional Stormwater Permit –
Adoption of Cease and Desist Orders**

**Prosecution Team Response to Written
Comments**

PROSECUTION TEAM RESPONSE TO WRITTEN COMMENTS ON THE MUNICIPAL REGIONAL STORMWATER PERMIT TENTATIVE CEASE AND DESIST ORDERS

The Water Board received four comment letters during the public comment period, which began on October 22 and closed on November 6, 2025. The comments from these letters and the Prosecution Team's responses are presented here. For full content and context of the comments, please refer to the comment letters. To request a copy of the letters, please contact Imtiaz-Ali Kalyan at (510) 622-2499 or Imtiaz-Ali.Kalyan@waterboards.ca.gov.

Comment letters received:

1. Baykeeper (Nicole C. Sasaki)
2. City of San Leandro (Kerry Parker)
3. City of Daly City (Richard Chiu, Jr.)
4. Vallejo Flood and Wastewater District (Jennifer Harrington)

1. Comment Letter 1: Baykeeper

- 1.1. Baykeeper noted the planned large full trash capture device (FTCD) projects for the County of Alameda (7A) and the cities of San Leandro (7B), Richmond (7C), Daly City (7D), and Vallejo and Vallejo Flood and Wastewater District (7E) are cooperative Caltrans projects, which is driving the compliance deadlines for those permittees. Baykeeper supports maximizing resources by coordinating with Caltrans and is concerned that if Caltrans is unable to meet deadlines, it will jeopardize the permittee's ability to maintain deadlines in the cease and desist orders.**

Thank you for your comment regarding Caltrans cooperative projects and associated deadlines. We are committed to working with the Permittees and Caltrans to ensure deadlines in the cease and desist orders are met and to identify alternative trash control actions, if needed.

- 1.2. Baykeeper requested changes to the tentative cease and desist orders for the County of Alameda (Item 7A) and the City of San Leandro (Item 7B) to clarify compliance activities and schedules.**

- 1.2.1. Baykeeper noted Finding 9 of tentative cease and desist order for the County of Alameda (Item 7A) excluded the planned installation of seven large full trash capture devices which were noted in Provision C.3.a.**

Thank you for your comment. In response to this comment and information provided by the County of Alameda, we revised Finding 9 of the tentative cease and desist order to include the following:

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“The Permittee will be installing 7 additional large full trash capture devices by December 31, 2027, that will treat approximately 320 acres of trash generation area and contribute an additional 7 percent trash reduction benefit.”

1.2.2. Baykeeper noted inconsistencies in deadlines included in the tentative cease and desist order and stated “The Regional Board must review and confirm the correct deadline for San Leandro to achieve 100% trash load reduction.”

Thank you for your comment. In response to this comment and comments by the City of San Leandro, we revised the tentative cease and desist order to clarify deadlines. Please see our response to the City of San Leandro's comments for more detail.

1.3. “While Provision C.10’s 100% trash load reduction requirement has been achieved by most of the remaining permittees, San Francisco Bay and its tributaries remain significantly polluted with trash. Because 100% trash load reduction under Provision C.10 does not equate zero trash in our waterways, more work is needed. Under the next iteration of the MRP, Baykeeper expects the Regional Board to craft new requirements to move permittees, the Bay, and its tributaries closer to zero trash. This likely requires both updating the 2009 trash baseline, so permittees are required to continue to reduce trash based off current conditions and improving methods to prevent trash from entering waterways like substantially expanding end-of-pipe trash capture.”

Comment noted. We thank Baykeeper for their comments and look forward to our continued engagement during the MRP reissuance process.

2. Comment Letter 2: City of San Leandro

This comment letter is specific to Item 7B.

2.1. Private Land Drainage Areas (PLDA) Timeline – “Revise Finding 10. We request the CDO be revised to reflect the December 31, 2025 deadline that the City committed to in our TLRP Addendum.”

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

10. According to the Permittee’s submitted Plan, control of trash discharges on Private Land Drainage Areas (PLDAs) will contribute an additional 2.5 percent reduction to the Permittee’s overall trash generation area treated to a low trash generation level and is anticipated to be completed by ~~November~~ December 31, 2025.

2.2. “Cooperative Caltrans Project Trash Reduction Percentage – “Revise Finding 11. We request that the CDO be revised to correctly identify the

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anticipated trash load reduction from the installation of the cooperative Caltrans devices. The anticipated reduction from these devices is four percent (4%) as noted on Table 3-1, pg. 7 of the June TLRP and Table 3, pg. 18 of the September Addendum.”

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

11. The Permittee has also secured a Caltrans cooperative project for the installation of 2 large trash capture devices that will be installed and operational by October 31, 2028, and will cumulatively treat approximately 1,254 acres of moderate, high, and very high trash generation area. These 2 large full trash capture devices will contribute an additional 9.4 percent towards the City’s 100 percent trash reduction requirement.

- 2.3. Small Device Installation Timeline – “Revise Finding 12. As requested by Regional Water Board staff, the City accelerated the planned installation of small devices and reflected the accelerated schedule (April-August 2026) in the September Addendum (Table 2, pg. 12). We request that the CDO be revised to August 31, 2026 to reflect the City’s commitment in the TLRP Addendum.”**

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

13. The Permittee has secured a bid for the installation of 146 small inlet-based full trash capture devices that are scheduled for installation by ~~June~~ August 31, 2026, and will treat approximately 675 acres of moderate and high trash generation area. Once installed, these devices will contribute an additional 8.5 percent toward the 100 percent reduction requirement.

- 2.4. Addition of “Inland” Large Device Finding – “Add Finding 13. The CDO references two additional large City-funded inland devices in Section C, Provision C.3.a, bullet #3, but omits them from the numbered Findings. These devices are critical to the City’s compliance strategy and should be included. We request the addition of the following language as Finding 13. *The Permittee intends to install two large full trash capture devices “inland” on Farallon Drive and off Alvarado St. They will be installed and operational by October 2028 and will cumulatively treat approximately 596 acres of moderate, high, and very high trash generation area. These two large full trash capture devices will contribute an additional 4.9 percent towards the City’s 100 percent trash reduction requirement.*”**

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

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12. The Permittee intends to install two large full trash capture devices “inland” on Farallon Drive and off Alvarado St. that will be installed and operational by October 31, 2028 and will cumulatively treat approximately 596 acres of moderate, high, and very high trash generation area. These 2 large full trash capture devices will contribute an additional 4.9 percent towards the City’s 100 percent trash reduction requirement.

- 2.5. Final Compliance Date Specificity – “Revise Section A, Provision 1. We request that the tentative CDO be revised to specify "December 31, 2028" rather than "December 2028" as the final compliance deadline. This revision will provide greater clarity by establishing a specific calendar date for achieving 100 percent trash load reduction.”**

Thank you for your comment. In response to this comment, we updated the final compliance date to December 31, 2028, in the Revised Tentative Cease and Desist Order.

3. Comment Letter 3: City of Daly City

This comment letter is specific to Item 7D.

- 3.1. The City of Daly City provided comments related to their ongoing efforts to control trash since Provision C.10 was added to the Municipal Regional NPDES Stormwater Permit (MRP) in 2015.**

Thank you for your comment. Changes related to this comment have not been included in the revised cease and desist order.

- 3.2. The City requested refinements to the required creek and shoreline cleanup measures in tentative cease and desist order that would offset its remaining uncontrolled trash generation area. The comment explains that the requirement is infeasible for the City because of the limited extent of creeks and shorelines within the City’s boundaries and the small amount of trash along Pacific Ocean beaches relative to the necessary offset. The City requested revisions to the Provisions to address this issue.**

3.2.1. Recommended changes to Provision C.2:

Trash Reduction Offset Actions. On an ongoing basis, the Permittee shall implement or cause to be implemented trash load offset actions, consisting of on-land, creek and shoreline cleanups and/or cleanups of directly discharged trash that could discharge into receiving waters, sufficient to offset the uncontrolled amount of trash between 100 percent trash load reduction and the reduction it has achieved, until it has reached 100 percent trash load reduction.

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

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2. Trash Reduction Offset Actions. On an ongoing basis, the Permittee shall implement or cause to be implemented trash load offset actions, consisting of creek and shoreline cleanup and/or cleanups of directly discharged trash that could discharge into receiving waters within the Permittee's jurisdiction or adjacent impacted receiving waters within a neighboring Permittee's jurisdiction, sufficient to offset the uncontrolled amount of trash between 100 percent trash load reduction and the reduction it has achieved, until it has reached 100 percent trash load reduction. If impacted receiving waters within the Permittee's jurisdiction or within a neighboring Permittee's jurisdiction are not adequate to achieve the required offset, the Permittee may submit plans for alternative offset actions such as targeted on-land cleanups to the Watershed Management Division of the Water Board. Alternative actions may be accepted if the Permittee demonstrates the alternative actions will control trash within areas that are currently uncontrolled.

3.2.2. Recommended changes to Provision C.3:

Track and Report on Trash Control Actions. b. Progress toward meeting the 100 percent trash load reduction requirement by November 30, 2028, including the resulting offsets from the implementation of on-land, creek and shoreline cleanup measures and/or control of directly discharged trash;

Thank you for your comment. In response to this comment, we made the following revisions to the Tentative Cease and Desist Order:

- b. Progress toward meeting the 100 percent trash load reduction requirement by November 30, 2028, including the resulting offsets from the implementation of creek and shoreline cleanup measures, and/or control of directly discharged trash, and/or alternative control actions that have received Water Board approval; and

4. Comment Letter 4: Vallejo Flood and Wastewater District

This comment letter is specific to Item 7E.

4.1. The Vallejo Flood and Wastewater District provided comments related to the challenges facing the Vallejo community in complying with the 100 percent trash load reduction goal. The comment letter noted that Vallejo is a low-income community and lacks resources to construct and maintain the devices needed to reach 100% full trash capture. The comment letter provided additional detail and insight into efforts such as Caltrans cooperative projects and a failed stormwater rate increase. The comment letter also expressed appreciation for the flexibility provided in the tentative Cease and Desist Order to consider alternative approaches.

We thank the Vallejo Flood and Wastewater District for their ongoing commitment to protecting water quality despite resource challenges. We look forward to

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continued collaboration as the Vallejo Flood and Wastewater District and the City of Vallejo work toward 100 percent trash reduction. No changes were made to the tentative cease and desist order in response to these comments.