

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Dale Bowyer)
MEETING DATE: September 12, 2012

ITEM: 7

SUBJECT: **Implementation of the Municipal Regional Stormwater Permit Trash Load Reduction Requirements – Status Report**

DISCUSSION: This report presents an overview of the status of implementation of the trash load reduction requirements of the Municipal Regional Stormwater Permit adopted by the Board in 2009 and associated issues and challenges identified during implementation. We will further discuss the status and challenges at the Board meeting. Interested parties may also comment at the meeting. This is an information item only and not a Board hearing requiring an action.

The trash load reduction requirements (Provision C.10 of Order No. R2-2009-0074) call for a 40 percent reduction of trash load discharges by July 1, 2014. Specific requirements included submittal of Baseline Trash Load levels that establish the basis for trash load reductions and a Trash Load Reduction Tracking Method by February 1, 2012. Permittees were also required to submit Short-Term Trash Load Reduction Plans for attaining 40 percent reductions in trash loads.

The submitted Baseline Trash Load levels were based on applying categorical (e.g., commercial) land-use trash load levels, as measured at about 160 trash capture devices throughout the region, to similar land uses in all Permittees' jurisdictions. The Tracking Method attempts to account for the amount of trash reduced below the estimated baseline by assigning trash reduction values to various trash prevention and control measures. The Short-Term Plans submitted by each Permittee were based on applying the Tracking Method to the types of measures each Permittee is implementing or will implement. All required submittals were received and are posted on our website at:

www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/Prov_C10.shtml.

We solicited comments from interested parties on the submittals and received 23 comments (posted on our web site), primarily on the Tracking Method. The Bay Area Stormwater Management Agencies Association (BASMAA) acknowledged there are significant challenges with monitoring and managing trash and that the submittals are relatively preliminary, and Permittees expect to refine them as more data and information become available. San Francisco BayKeeper, Save the Bay, and Roger James offered detailed critiques of the submittals. The rest of the comments were from industry and interest groups affiliated with the plastic packaging, restaurant, and retail foods industries, criticizing the values that the Tracking Method ascribes to local ordinances restricting the use of single use plastic bags and certain plastic food containers. We considered all comments received when we reviewed the submittals.

We sent comments on the submittals to all Permittees (Appendix A) in June expressing our concern that the 40 percent trash load reduction level would not be attained by 2014 due to shortcomings in the Baseline Trash Load level estimates and the Tracking Method and associated Short-Term Plans. We provided some directions and options to address deficiencies and committed to work with BASMAA and the Permittees. BASMAA responded on behalf of all Permittees (Appendix B) in July expressing concerns with our comments but providing a time schedule for responding to the issues we raised. We also received followup comments from one of the industries further stating its concerns with proposed restrictions on food containers.

The following are brief summaries of some of the key issues we raised in our comment letter:

- *Challenges with measuring and estimating trash loads* – There are limited data to account for the significant variability in trash loads from various drainage areas. However, there are no standard methods for measuring trash discharge levels.
- *Baseline Load and Tracking Method model is too simple* – The model is based on simplifying assumptions that have not been validated resulting in significant uncertainties in load and load reduction estimates. More data from high trash load drainage areas are needed.
- *Accounting for actions begun before permit adoption* – Permittees want load reduction credit for some existing actions towards the 40 percent reduction requirement. However, their proposed credits would result in few new trash reduction actions by some Permittees.
- *Trash load prevention or reduction value of some actions is difficult to quantify* – Permittees have proposed values that need better justification and verification.

We acknowledge technology and financial resource constraints cause or affect these and other issues, and, nonetheless, many Permittees are pursuing substantial trash reduction actions. Our goal is to obtain adequate accountability and verification of trash reduction actions that both is not overly burdensome and demonstrates that progress is being made. To that end, we are encouraging all Permittees to make better use of local knowledge and focus their efforts on high trash load drainage areas.

We plan to work with the Permittees and interested parties to iteratively resolve issues starting with some improvements that will be documented in forthcoming annual reports due on September 15. Subsequently, we will pursue Tracking Method improvements within the next year that will enhance some of the Short-Term Trash Reduction Plans and provide a strong basis for the Long-Term Trash Reduction Plans due February 1, 2014, and the Permit's requirements for the next five-year term.

RECOMMEN-
DATION: This is an information item not requiring action by the Board.

APPENDICES: A: Staff Comment Letter on Trash Plans and Reports
B: Permittees' Response to Staff Comment Letter