

# SUPPLEMENTAL

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

ADVISORY TEAM SUMMARY REPORT  
MEETING DATE: February 13, 2019

ITEM: **8 -- Supplemental**

SUBJECT: **CALIFORNIA DEPARTMENT OF TRANSPORTATION, VIOLATION OF TRASH REQUIREMENTS OF NPDES STATEWIDE STORMWATER PERMIT, ORDER No. 2012-0011-DWQ, AS AMENDED, NPDES PERMIT NO. CAS 000003, REGIONWIDE – Consideration of Tentative Cease and Desist Order**

DISCUSSION: The advisory team recommends that the Regional Water Board consider the following changes to the Tentative Cease and Desist Order (TO) for the California Department of Transportation (Department). An explanation for the changes precedes each change. Additions are shown by underlined text, and deletions are shown by ~~striketrough~~-text.

- I. Reverse the order of Findings 4 and 5 for clarity and add in Finding 5 the stormwater permit's (Permit) requirements for the Department to control trash to comply with the Basin Plan's prohibition against trash discharges:

~~5-4.~~ The San Francisco Bay Water Quality Control Plan's (Basin Plan) Discharge Prohibition 7 (Table 4-1) prohibits the discharge of "[r]ubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas."

~~4-5.~~ Permit Attachment V, Part 2, paragraph 1 states:

The Department shall demonstrate compliance with Discharge Prohibition 7, Table 4-1 of the ~~San Francisco Bay Basin Water Quality Control Plan~~ Basin Plan through the timely implementation of control measures in all high trash generating areas in the San Francisco Bay Region, identified as the following:

- a. Freeway on- and off-ramps in high density residential, commercial and industrial land uses;
- b. Rest areas and park-and-rides;
- c. State highways in commercial and industrial land use areas; and
- d. Other freeway segments as identified by maintenance staff and/or trash surveys.

The control measures the Permit requires to comply with Basin Plan Discharge Prohibition 7 are to install, operate, and maintain full trash capture systems,

treatment controls, and/or enhanced maintenance controls for storm drains or catchments that service the high trash generating areas. The Permit allows the Department to coordinate with local entities to comply with Basin Plan Discharge Prohibition 7 by implementing a variety of control measures, so long as the control measures meet the full trash capture standard. The full capture standard refers to the performance standard set by the definition of “full capture system” in the Permit.

II. For clarity, explain what “full capture equivalency” means in Finding 9:

9. The Trash Amendments require the Department to prohibit the discharge of trash in all significant trash generating areas and demonstrate full capture system equivalency “within ten (10) years of the effective date of the first implementing NPDES permit, along with achievements of interim milestones such as average load reductions of ten percent (10%) per year. In no case may the final compliance date be later than fifteen (15) years from the effective date of the Trash Provisions.” The effective date of the Trash Provisions was December 2, 2015. The term “full capture system equivalency,” as used in the Trash Amendments, is functionally the same as the Permit’s “full trash capture standard” and is also used in this Order.

III. Clarify the results of assessments and how vegetation controls could affect the trash generation rating of an area:

14. The Department provided a summary of its current trash generation assessments in meetings on November 2, 2018 and November 21, 2018 with Regional Water Board staff, that identified approximately 3,720 acres of ROW as park-and-rides, rest areas, very high and high rated highways and ramps, and all moderate rated highways and ramps that aren’t surrounded by vegetation. The Department identified these 3,720 acres as its highest priority for full trash capture implementation or equivalent controls. The Department’s current assessment identifies approximately 8,820 acres of its total area of ROW rated as moderate (with or without vegetation) or greater trash generating areas was determined to be approximately 8,820 acres in the current assessment. The Regional Water Board considers trash generation areas defined by the Department as moderate or greater to be significant trash generation areas, with the exception of moderate trash generation areas with vegetation demonstrated in studies to that controls the generated trash to less than significant levels. Future assessments of Department ROW within the San Francisco Bay Region are needed to determine how much of the remaining areas of Department ROW are significant trash generation areas.

IV. Replace the word “twelve” to “eleven” in Findings 16 and 18, because the TO was noticed in 2018 and the years until 2030 is now eleven, not twelve, years.

V. For purposes of potential future enforcement, be more specific in Finding 20 as to which reports are required under Water Code section 13383:

20. Reports required under Provision 7 of this Order are monitoring and reporting requirements pursuant to Water Code section 13383.

VI. Correct the language in Provision 3.a to be consistent with the requirement in Provision 3:

3.a. Trash generation ratings based on BASMAA ~~and or the~~ an equivalent Department's developed trash generation rating methodology using Very High, High, Moderate, and Low categories; . . .

VII. Fill in the blank in Provision 10 on the effective date of the TO:

10. Effective Date. This Order shall be effective ~~on~~ \_\_\_\_\_ upon adoption.

VIII. Update the names in the TO certification:

I, ~~Bruce H. Wolfe~~ Thomas E. Mumley, Interim Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Cease and Desist Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on \_\_\_\_\_.

Bruce H. Wolfe Thomas E. Mumley  
Interim Executive Officer

IX. Correct the reference in the last line of the table in Appendix A:

Provision 1 ge

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