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August 4, 2014

VIA EMAIL TO: commentletters@waterboards.ca.gov

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



Subject: Comments – Proposed Amendments to the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California and the Water Quality Control Plan for Ocean Waters of California

Dear Ms. Townsend:

City of Lodi appreciates the opportunity to provide comments on the Proposed Trash Amendments to the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California (ISWEBE Plan) and the Water Quality Control Plan for Ocean Waters of California (Ocean Plan). City of Lodi is again encouraged by the State Water Resources Control Board's (State Board) stakeholder engagement in the adoption process as this provides an opportunity to incorporate stakeholder perspectives into the final amendments and develop a sound approach for controlling trash. However, the magnitude of the implementation effort requires additional stakeholder input to craft a plan with the flexibility required to meet local needs and maximize overall water quality benefits. The City of Lodi also supports the comments submitted by the California Stormwater Quality Association, the Statewide Stormwater Coalition, and the County of San Diego,

City of Lodi shares the State Board's concern for trash in our waterways and fully appreciates the important role a Trash Policy would play in ensuring clean water for our communities. We support the use of the narrative water quality objective as proposed, which provides a clear, concise definition from which management decisions can be prioritized. City of Lodi supports the option of developing and implementing regulatory source controls and the potential for time extensions where these are implemented. Furthermore, City of Lodi supports the use of

priority land uses as a means for identifying trash control measures implementation areas, however, additional local flexibility is needed so that local resources are used wisely to solve “real” problems. As currently drafted, City of Lodi is not generally supportive of the Proposed Trash Amendments.

Our key concerns and recommended improvements to the amendments are detailed below.

- Request the State Water Resources Control Board to provide all agencies more time to work together and develop a *more flexible policy* to address trash that is aligned with local planning efforts, instead of a ‘one size fits all’ approach.
- Delay until a funding source is identified to provide for the implementation or ongoing maintenance of the structural controls required to capture trash. Limited local resources shifted from local priority efforts to address trash is a disconnect between local and statewide planning efforts.

Recommended Improvements:

1. Compliance with Water Quality Objective and Prohibition of Trash Discharge

The Proposed Trash Amendments provide a narrative water quality objective (WQO) in Chapter III.B and Chapter II.C of the ISWEBE Plan and Ocean Plan, respectively and a prohibition of trash discharge in Chapter IV.B.2 and Chapter III.I.6 of the ISWEBE Plan and Ocean Plan, respectively. The permittees would be considered in full compliance with the prohibition of trash discharge so long as the permittees were fully implementing Track 1 or Track 2 (Chapter IV.B.2.a and Chapter III.I.6.a, of the ISWEBE Plan and Ocean Plan, respectively). However, the Proposed Trash Amendments do not indicate that meeting the discharge prohibition requirements would also mean the permittees are in compliance with receiving water limitations (i.e., meeting the WQO). This could result in permittees being subject to a Trash TMDL for the receiving water, even if in compliance with permittees’ MS4 Permit.

Recommendation: City of Lodi recommends adding language to the Proposed Trash Amendments indicating the permittees are in compliance with the receiving water limitations so long as they are fully implementing Track 1 or Track 2.

2. Priority Land Use Designation

As defined in the Proposed Trash Amendments, the predefined priority areas may not be appropriate for all jurisdictions and does not consider local knowledge of receiving water conditions and previous data collection

efforts. As currently drafted, the Proposed Trash Amendments assume that there is a problem in the defined priority areas, effectively forcing a costly “one size fits all” approach onto the jurisdictions. City of Lodi supports the concept of prioritized land uses to address problem areas; however, the approach should allow for more local flexibility in this prioritization. City of Lodi and the other municipal separate storm sewer system (MS4) Co-permittees in our watersheds have been working extensively with the Regional Water Quality Control Board to develop and implement a MS4 Permit based on watershed planning and the prioritization of water quality conditions. The comprehensive planning process considers trash, as well as a host of other potential pollutants, with trash currently categorized as a lower tier priority pollutant. Additionally, the expected costs to implement the Proposed Amendments will be substantial and the value of these requirements are uncertain, given the current receiving water priorities developed through the stakeholder process. As drafted, the Proposed Trash Amendments would supersede existing stakeholder-based watershed planning efforts, effectively determining, without validation, that trash is the highest priority in all watershed areas and potentially requiring the refocusing of resources from stakeholder developed priorities.

Recommendation: City of Lodi recommends including language after Chapter IV.B.3.a of the ISWEBE Plan and Chapter III.L.2.a of the Ocean Plan that states: A MS4 Permittee may request that compliance requirements for trash be established through a watershed prioritization and planning process outlined in MS4 permit requirements. This prioritization process would allow for evaluation of the trash in the context of other watershed priorities and provide a mechanism for modifying or reducing the requirements for compliance in accordance with the procedures outlined in the MS4 permit and an approved watershed plan. Through this process, monitoring data could be utilized to demonstrate that trash controls are not necessary for all priority land uses.

3. Addressing Priority Land Uses

The Proposed Trash Amendments appear to require implementation of Track 1 or Track 2 for *any* storm drain that captures *any* runoff from a priority land use [Chapter IV.B.3.a.(1)/IV.B.3.a.(2) and Chapter III.L.2.a.(1)/Chapter III.L.2.a.(2) of the ISWEBE Plan and Ocean Plan, respectively]. This would trigger compliance requirements for a storm drain even if only a very small portion of a priority land use drains to the storm drain.

Recommendation: Recommend adding language to Chapter IV.B.3.a.(1)/IV.B.3.a.(2) and Chapter III.L.2.a.(1)/Chapter III.L.2.a.(2) of the ISWEBE Plan and Ocean Plan, respectively stating that permittees must address catchment areas where the priority land uses are greater than

25% of the total catchment area.

- (1) Track 1: Install, operate and maintain full capture systems in their jurisdictions for all storm drains that captures runoff in catchment areas where priority land uses comprise >25% of the land area in the catchment; or
- (2) Track 2: Install, operate, and maintain any combination of full capture systems, other treatment controls, institutional controls, and/or multi-benefit projects within either the jurisdiction of the MS4 permittee or within the jurisdiction of the MS4 permittee and contiguous MS4s permittees, so long as such combination achieves the same performance results as compliance under Track 1 would achieve for all storm drains that captures runoff in catchment areas where priority land uses comprise >25% of the land area within the catchment.

4. Track 2 Performance Demonstration

The Proposed Trash Amendments, in Chapter IV.B.7.b and Chapter III.L.6.b of the ISWEBE Plan and Ocean Plan, respectively, require permittees Implementing Track 2 to monitor to demonstrate mandated BMP performance results; effectiveness of the full capture systems, other structural BMPs, institutional controls, and/or multi-benefit projects; and compliance with performance standards. In addition, the permittees must monitor the amount of trash in receiving waters. Demonstration of performance under Track 2 should not be limited to monitoring as demonstrating effectiveness of trash BMPs through monitoring is extremely difficult. Permittees should be allowed to propose the method of demonstrating performance in their plan. In addition, receiving water monitoring should not be required since other sources contribute trash. While a permittee may want to conduct receiving water monitoring to demonstrate performance, it should not be mandated in case other methods are appropriate (e.g. pounds of trash removed through a control measure).

Recommendation: City of Lodi recommends the State Water Board revise the language in the Proposed Trash Amendments (Chapter IV.B.7.b and Chapter III.L.6.b of the ISWEBE Plan and Ocean Plan, respectively) to allow for more flexibility in determining Track 2 performance and to remove the requirement for receiving water trash monitoring.

5. Trash Total Maximum Daily Load Development

It appears that the Proposed Trash Amendments will serve as an alternative to a TMDL, thereby preventing the need to develop trash TMDLs in the future. City of Lodi recommends the State Board adds additional language to clarify the intent of the Proposed Trash Amendments with respect to the development of future TMDLs. It seems that implementation of the Proposed Trash Amendments represents a

single regulatory action addressing MS4 permittee requirements thereby removing the need to develop wasteload allocations via a TMDL for MS4 permittees.

Recommendation: City of Lodi recommends that language should be included in the Proposed Trash Amendments stating that if the requirements in the Proposed Trash Amendments are being met, then no Trash TMDLs will be developed for those water bodies where the requirements are being fully implemented.

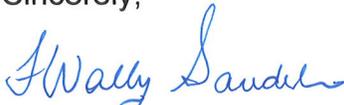
6. Isolated Rural Communities

The well-established Community Planning Groups in these rural areas have established priority issues through rigorous stakeholder planning processes. Rural towns have commercial areas that will be under the Trash Amendments. These rural communities have limited resources available to fund programs, and there is not a reasonable return on investment for these small communities to implement extensive trash controls. Based on their local planning processes, the threat of firestorms or other local priorities may be the best use of their limited resources.

Recommendation: City of Lodi recommends exempting rural areas from the Trash Amendments that are not directly contiguous to urbanized areas.

Thank you for your time and consideration of these comments. If you have questions, please contact Kathryn Garcia, Compliance Engineer at 209-333-6800 extension 2091.

Sincerely,



F. Wally Sandelin
Public Works Director

FWS/kmg

cc: Steve Schwabauer, City Manager
Kathryn Garcia, Compliance Engineer