



City of Del Mar

Public Comment
Trash Amendments
Deadline: 8/5/14 by 12:00 noon



August 05, 2014

Via e-mail

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

City of Del Mar Comments on the Proposed Amendments to Statewide Water Quality Control Plans to Control Trash (Trash Amendments) and the Draft Staff Report

Dear Ms. Jeanine Townsend:

The City of Del Mar appreciates the opportunity to provide comments on the proposed Amendments to the Statewide Water Quality Control Plans to Control Trash (Trash Amendments) that are being considered by the State Water Quality Resources Control Board (State Board) in fall of 2014. We commend the State Board for recognizing the importance of trash elimination as a means of improving water quality and ecosystem health.

While the City of Del Mar understands the importance of controlling trash in state waters and the effect trash can have on water quality, the City has overarching concerns with how the Trash Amendments are structured. For example, the City of Del Mar already effectively implements a variety of institutional trash controls such as: regular street sweeping, education and outreach programs, and trash bin/area inspections for residential and commercial properties. These controls have proved successful in preventing trash from reaching MS4s, thereby eliminating trash from the list of high priority water quality issues/pollutants during the regional Water Quality Improvement Plan¹ (WQIP) development process. In light of this, the City of Del Mar is concerned with how the Trash Amendments would automatically create a water quality priority for all jurisdictions, which may ultimately conflict with the current San Diego Regional MS4 permit's WQIP process to identify watershed water quality priorities. The City of Del Mar does not discharge into waterbodies impaired for trash, therefore the WQIP process has resulted in water quality priorities that are focused on conditions other than trash. The City of Del Mar would prefer the Trash Amendments or the trash control program to recognize the efforts currently in place to keep local waterways clean and avoid trash impaired waters.

Additionally, the City of Del Mar would like to request that a workshop be held at a Southern California location in order to discuss the Trash Amendments in more detail. The workshop held in Northern California was difficult for Southern California permittees to attend due to location and resource constraints.

The City of Del Mar is submitting the following specific comments for consideration by the State Board and its staff. The comments below are in response to the Draft Staff Report's list of issues identified during the scoping and development process. Where the City of Del Mar has specific recommendations for language changes, the bolded strikethrough text represents deletions and the bolded underlined text represents additions.

¹ Water Quality Improvement Plans (WQIPs) are watershed planning documents required by MS4 NPDES Permit Order R9-2013-0001. WQIPs are intended to focus activities and BMPs on the highest water quality conditions.

Issue 1 – How should Trash Amendments define “trash”?

- The City of Del Mar supports the staff recommendation in the Draft Staff Report to combine definitions from Basin Plans, California Government Code and the California Water Code to define trash. However, the City is concerned with “natural materials” such as leaf litter and pine needles being included in the trash definition.
- The City of Del Mar suggests the following edits to the definition of Trash in Appendix I, Definition of Terms, of the Ocean Plan and Appendix A, Glossary, of the Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE) Plan:
 - *Trash means all improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic ~~or natural~~ materials.*

Issue 2 – What type of water quality objective (WQO) should be considered?

- The City of Del Mar does not support having a numeric water quality objective of zero. The City of Del Mar supports using a narrative WQO for trash as it is a more practical means of implementing a prohibition of discharge. The City of Del Mar supports the language in Chapter II.C.5 of the Ocean Plan and Chapter III.B of the ISWEBE Plan: “Trash shall not accumulate in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.”

Issue 3 – Which surface waters should the Trash Amendments be applicable to?

- The City of Del Mar supports applying the Trash Amendments to only those waterbodies that are listed on the 303(d) list as impaired for trash. Due to the recent issuance of the San Diego Regional MS4 permit, Del Mar is focusing efforts on prioritizing water quality issues through the WQIP process. This comprehensive planning process prioritizes water quality conditions, including trash, for each watershed in order to effectively and efficiently target the highest priority water quality conditions. Through this analysis, trash is considered a lower tier priority water quality condition due to the fact that the waterbodies surrounding the City of Del Mar are not impaired for trash, nor have been identified as having trash issues. The Trash Amendments should not 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.
- The City of Del Mar would support adding a requirement to Trash Amendments where jurisdictions without waters impaired for trash would still be required to conduct education and outreach efforts or if currently conducting, continue current trash control strategies.
- The City of Del Mar suggests the following edits to the Trash Amendments, Chapter III.L.1.b of the Ocean Plan and Chapter IV.B.1.b of the ISWEBE Plan:
 - *These Trash Provisions apply to all surface waters of the State **that are listed on the 303(d) list as impaired for trash,** with the exception of those waters within the jurisdiction of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) for which trash Total Maximum Daily Loads (TMDLs) are in effect prior to the effective date of these Trash Provisions; provided, however, that:*
 - **(3) Jurisdictions without listings on the 303(d) list for trash, shall conduct institutional control efforts or if currently conducting, continue trash control strategies.**

Issue 5 – Where should the trash control measures be employed?

- The City of Del Mar supports limiting the application of the Trash Amendments to only those waterbodies that are listed on the 303(d) list as impaired for trash. The City of Del Mar supports that the Trash Amendments apply to “high trash generating areas” when those areas include waterbodies that are listed on the 303(d) list as impaired for trash. The City of Del Mar believes permittees should have flexibility in defining “high trash generating areas” in their respective jurisdiction to allow catchment systems to be placed in areas with the greatest impact.
- The City of Del Mar suggests the following edits to the Trash Amendments, Chapter III.1.b of the Ocean Plan and Chapter III.B.1.b of the ISWEBE Plan:
 - *These Trash Provisions apply to all surface waters of the State **listed on the 303(d) list as impaired for trash**, with the exception of those waters within the jurisdiction of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) for which trash Total Maximum Daily Loads (TMDLs) are in effect prior to the effective date of these Trash Provisions; provided, however, that:*
- The City of Del Mar suggests the following edits to the Trash Amendments, Chapter III.L.2.a of the Ocean Plan and Chapter IV.B.3.a of the ISWEBE Plan:
 - *(1) Track 1: Install, operate and maintain full capture systems **in their jurisdictions** for all storm drains that captures runoff **in catchment areas where from one or more of the** priority land uses **comprise >25% of the land area in the catchment in their jurisdictions**; 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 from one or more of the priority land uses comprise >25% of the land area within the catchment within such jurisdiction(s)**.*

Issue 8 – How should the Trash Amendments address time schedules?

- The City of Del Mar believes that the time schedule for compliance with the Trash Amendments should apply only to those waters listed on the 303(d) list for trash. When a waterbody becomes impaired for trash and is listed on the 303(d) list that would trigger the time schedule for full compliance with the Trash Amendments.
- The City of Del Mar believes that a better time schedule for implementation of the Trash Amendments would be for the 10 year time clock to begin after the permittee officially submits their notice of choosing Track 1 or Track 2. This would prevent the 10 year time clock from starting during the time period where the City is researching and developing a trash program compliant with the Trash Amendments.
- The City of Del Mar suggests the following edits to the Trash Amendments, Chapter III.L.4.a.(3) and (4) of the Ocean Plan and Chapter IV.B.5.a.(3) and (4) of the ISWEBE Plan:
 - *NPDES Permits Regulating MS4 Permittees that have Regulatory Authority over Priority Land Uses **and that have waters listed on the 303(d) list as impaired for trash**.*
 - *For MS4 permittees that elect to comply with Chapter III.L.2.a.1. (Track 1), full compliance shall occur within ten (10) years of the **permittee’s notice indicating which track was chosen effective date of the first implementing permit (whether such permit is re-opened, re-issued or newly adopted)**, along with achievements of interim milestones such as an average of ten percent (10%) of the full capture systems installed every year. In no case may the final compliance date be later than fifteen (15) years from the **permittee’s written notice indicating which track was chosen effective date of these Trash Provisions**.*

- *For MS4 permittees that elect to comply with Chapter III.L.2.a.2. (Track 2), full compliance shall occur within ten (10) years of the permittee's notice indicating which track was chosen effective date of the first implementing permit (whether such permit is re-opened, re-issued or newly adopted), 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 permittee's written notice indicating which track was chosen effective date of these Trash Provisions.*

Issue 9 – Should time extensions be provided for employing regulatory source controls?

- The City of Del Mar supports the option of time extensions for employing regulatory source controls.

Issue 10 – How should the Trash Amendments structure monitoring and reporting of trash control efforts?

- The City of Del Mar currently implements a comprehensive monitoring program and believes that monitoring requirements should be tied to WQIP monitoring to conserve implementing resources and avoid creating an additional and/or separate monitoring program. Due to the lack of waters impaired for trash, the City of Del Mar supports implementing the Trash Amendments and associated proposed monitoring requirements only if a waterbody becomes impaired for trash and is subsequently listed on the 303(d) list.

If you should have any questions regarding these comments please contact me directly at (619) 994-7074, or by email at cleanwater@delmar.ca.us.

Sincerely,

/ s /

Mikhail Ogawa
Clean Water Manager
City of Del Mar