



August 5, 2014

via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject: Comment Letter–Trash Amendments**

Dear Ms. Townsend:

The City of National City (City) appreciates the opportunity to comment on the proposed Trash Amendments developed by the State Water Resources Control Board (State Water Board). The City generally supports the consensus comments prepared and submitted by the California Stormwater Quality Association (CASQA). Two additional comments are presented below for your consideration:

**1. Full capture devices installed in private drains; inlets downstream of priority land uses that already have trash controls.**

**Suggested revision to L.2.a.(1) and L.2.a.(2)**

(1) Track 1: Install, operate and maintain, or require to be installed, operated, and maintained, full capture systems\* ~~for all storm drains that captures~~ to treat runoff from all land area in each permittee's jurisdiction that drains to the permittee's MS4 and is classified as one or more of the priority land uses\* in their jurisdictions; or

(2) Track 2: Install, operate, and maintain, or require to be installed, operated, and maintained, 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 land area in each permittee's jurisdiction that drains to the permittee's MS4 and



~~is classified as all storm drains that captures runoff from one or more of the priority land uses\* within such jurisdiction(s).~~

### **Rationale for change**

Page 74 of the staff report references maintenance of full capture systems installed on private properties, which indicates that the State Water Board intended to allow treatment BMPs installed on private properties to help satisfy the requirement to remove trash from discharges from priority land uses.<sup>1</sup> However, the existing text of L.2.a.(1) and L.2.a.(2) implicitly prohibits installation of full capture devices and other treatment controls or institutional controls on private property from being part of the municipality’s approach to comply with the proposed Trash Amendments. The suggested revisions above would give municipalities subject to MS4 NDPEs permits the option of complying either by installing BMPs or implementing institutional controls on their own public property or by requiring the implementation of these approaches on private property. Additionally, the proposed language would allow municipalities not to have to install a full capture device (or Track 2 equivalent) when the only priority land use draining to a given storm drain is a facility permitted under the Industrial General Permit (IGP), which would be required to install trash controls as a condition of its own coverage under the IGP. Under that circumstance, requiring the MS4 permittee to install a full capture system (or Track 2 equivalent) for a priority land use that has already been addressed at the source as a condition of the IGP would not be an effective use of MS4 permittee resources. Overall, the revised language proposed above gives jurisdictions more flexibility to find the most efficient and effective way to remove trash from priority land use discharges, which appears to have been the intent of the regulations given the discussion in the staff report.

## **2. Definition of Public Transportation Stations as a priority land use**

### **Suggested revision to Appendix I (Definitions)**

“(5) Public transportation stations: major facilities or sites where public transit agencies’ vehicles load or unload passengers or goods (e.g., bus or light passenger rail stations ~~and stops~~).”

### **Rationale for change**

The City agrees that public transportation stations, such as light rail stations or bus terminals, have the potential to be significant sources of trash and should be considered priority land uses. Bus stops, on the other hand, may change locations every few years. This could create

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<sup>1</sup> From Page 74 of the staff report: “The maintenance of such systems [i.e., full capture systems] on private properties, especially those which have been demonstrated to have extensive internal drainage systems with multiple storm drain inlets (e.g., schools, sports complexes, residential/ industrial/commercial developments) would also be addressed in this option.”

compliance difficulties for strategies that involve structural BMPs, and it could also discourage expansion or optimization of public transportation routes within the City of National City. The City of National City is pursuing and implementing smart growth development practices and encouraging non-car transportation, including public transportation, in a significant portion of the City. The City is concerned that the proposed Trash Amendments could discourage expansion of public transportation opportunities and smart growth, which could have unintended negative environmental consequences.

The City appreciates the State Water Board's consideration of our comments. Should you have any questions about any of the comments contained in this letter, please contact John Quenzer at (858) 586-6600 ext. 25.

Sincerely,



Stephen Manganiello  
Director of Public Works/City Engineer