



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
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**OFFICE OF THE
REGIONAL ADMINISTRATOR**

JAN 12 2016

Tom Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-100

Subject: USEPA Clean Water Act Approval Action on State Trash Water Quality Standards

Dear Mr. Howard:

Pursuant to section 303(c) of the Clean Water Act ("CWA") and 40 C.F.R. Part 131, I am pleased to approve California's groundbreaking water quality standards aimed specifically at curbing water pollution by trash throughout the state.

Section 303(c) of the CWA requires the U.S. Environmental Protection Agency to approve or disapprove new or revised state water quality standards. The standards subject to today's action were adopted by State Water Resources Control Board Resolution 2015-0019 on April 7, 2015 as part of Amendments to the Water Quality Control Plan for Ocean Waters of California to Control Trash (Appendix D of the Staff Report) and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries of California (Appendix E of the Staff Report) (collectively the "Trash Amendments" or "Amendments"),¹ and approved by the California Office of Administrative Law on December 3, 2015. The standards are in the form of the following narrative water quality criteria (referred to as "water quality objectives" by applicable California law and the Amendments):

For the Ocean Plan: "Trash shall not be present in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance."

For the Inland Surface Waters and Enclosed Bays and Estuaries Plan: "Trash shall not be present in inland surface waters, enclosed bays, estuaries, and along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance."

¹ The public process leading to Resolution 2015-0019, which included notice of opportunity for public comment, public meetings, and written response to comments, is consistent with the procedural requirements of CWA section 303(c) and its implementing regulations, including 40 C.F.R. §131.20.

The narrative criteria apply to all surface waters of the state.² While existing narrative criteria in the Ocean Plan and individual regional Basin Plans refer only in general and varied terms to trash-related pollutants (such as floatables, foam, and sediments), these criteria define “trash” as “[a]ll 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.” As noted in the State Board’s Final Staff Report for the Trash Amendments, this new definition of trash is meant to be inclusive: it encompasses both “litter” in the California Government Code and “waste” in the California Water Code and has no size limitation. Its coverage ranges broadly from plastic bags and bottles, expanded styrene, cigarette butts, cardboard, green waste, to smaller forms of trash such as preproduction plastic pellets.

Together, the water quality criteria for trash approved by EPA today³ mark California’s - and the Nation’s - first articulation of a uniform water quality standard to address the far reaching impacts of trash of all types as a specific pollutant on a statewide scale. This is a milestone development in breadth of scope and clarity of focus towards our collective goal of trash-free waters, especially given California’s considerable size, population, and coastline. With EPA’s approval action, these narrative water quality criteria take effect for CWA purposes and are to be implemented and complied with through the National Pollutant Discharge Elimination System (NPDES) permits - the chief federal point source pollution control mechanism.

The Trash Amendments further couple the trash criteria with a comprehensive program of implementation built on the substantial experience developed at regional and local levels, especially the Los Angeles Region. Although this implementation program is not part of today’s Section 303(c) approval action, it is worth highlighting here.

Much trash is generated on land and transported to waterways, riverbeds, shorelines, seafloor, and oceans via storm drains. The implementation program tackles this problem by prohibiting the discharge of trash through tailored and practical land-based controls and making them enforceable and reportable NPDES storm water permit requirements for municipal separate storm sewer systems, the California Department of Transportation, and industrial, commercial and construction activities. Under this scheme, California’s municipalities and other applicable storm water permit holders must comply with the prohibition either by installing full trash capture systems in high trash-generating areas, or by demonstrating full capture system equivalency with a combination of trash capture devices and institutional and structural controls, such as increased street sweeping, educational outreach, and low impact or multi-benefit development. Rigorously implemented, these measures will advance statewide consistency in meeting the narrative trash criteria.

² The exceptions are waters within the Los Angeles Water Quality Control Board with existing total maximum daily loads for trash.

³ EPA has initiated consultation on this approval action with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7(a)(2) of the Endangered Species Act and retains the discretion to revise the approval in the unlikely event that the consultation results in the need for further EPA action.

Trash has widespread adverse effects on aquatic and marine habitats and life, public health, navigation, commerce, and recreation. The enormity of trash accumulating in our oceans has made marine debris a pressing global environmental challenge. I commend the State Board for its leadership in making the Trash Amendments a statewide regulatory mandate and a national model, and your staff for their tireless fact-finding and public engagement work in the years leading to the Amendments. I look forward to our continued cooperation to rid our rivers, lakes and marine environments of trash.

Sincerely,



Jared Blumenfeld

cc: Felicia Marcus, Chair, State Board
Rik Rasmussen, Division of Water Quality, State Board

