

**State Water Resources Control Board
Division of Water Quality
Trash Policy Public Advisory Group**

4th Meeting

10:00 AM - 3:00 PM
Tuesday, May 22, 2012
Cal/EPA Headquarters Building
1001 I Street
Sacramento, CA 95814
Room 2510

Meeting Notes:

<u>Name/ORG</u>	<u>Phone</u>	<u>Email</u>
Sean Bothwell/CCKA	949-291-3401	sbothwell@cacoastkeeper.org
Kirsten James/ Heal the Bay	310-451-1500	kjames@healthebay.org
Gary Hildebrand/LACDPW	626-485-4300	ghildeb@dpw.lacounty.gov
Miriam Gordon/CWA	415-902-5196	Mgordon@cleanwater.org
Leslie Tamminen/SGA	310-780-3344	leslie.tamminen@gmail.com
Marieta Francis/Algalita	562-598-4889	marieta@algalita.org
Geoff Brosseau/CASQA	650-365-8620	geoff@brosseau.us
Tom Reeves/City of Monterey	831-646-3448	reeves@ci.monterey.ca.us
Tim Shestek/ACC	916-448-2581	Tim_shestek@americanchemistry.com
Dominic Gregorio/SWRCB	916-341-5488	dgregorio@waterboards.ca.gov
Joanne Cox/SWRCB	916-341-5552	jcox@waterboards.ca.gov
Papantzin Cid/SWRCB	916-341-5536	pcid@waterboards.ca.gov
Adam Walukiewicz/SWRCB	916-327-7295	awalukiewicz@waterboards.ca.gov
Johanna Weston/SWRCB	916-327-8117	jweston@waterboards.ca.gov

The meeting began with an introduction and updates from the members. All the people were present in the room, except for Gary Hildebrand and Leslie Tamminen who called into the meeting.

Dominic Gregorio started with an update of the present and missing staff from the SWRCB. Since the last meeting, Dominic Gregorio has been promoted to the Watershed Ocean Wetlands Section Chief. An objective of his new position is to bring together SWRCB Units and Sections for increased communication and collaboration. Joanna Cox is new to the Trash PAG and a specialist in the Total Maximum Daily Loads (TMDL) Unit with expertise in TMDLs. Emily Siegel is currently on vacation but still part of the Trash PAG. Johanna Weston is the Sea Grant Fellow in the Ocean Unit is filling in for Emily. She also assisted with the finalization of the current draft SED/staff report. Papantzin Cid is the Stormwater GIS Student, and she provided GIS information for the Economics Section for the draft SED. Adam Walukiewicz is the attorney for the Trash Amendment. Mariela Paz Carpio-Obeso is the new Ocean Standards Unit Chief. While she is involved in the Trash Amendment work, she is currently conducting a site visit in Trinidad for ASBS monitoring.

Update from Gary Hildebrand

The LACFCD is proposing a parcel fee to collect monies for use by municipalities and the County to fund water quality improvement activities. The funds collected can be used to fund stormwater permit compliance efforts. A protest hearing will be held in November 2012. Assuming no majority protest and upon approval by the County Board of Supervisors, voting for the fee is proposed for May 2013. If approved, the fee could raise up to \$270 million a year starting in 2014. Part of these funds could be used for trash removal projects.

Update for from Geoff Brosseau

In the Bay Area, the trash provision includes 76 Phase 1 permittees. In 2009, the SF Estuary Partnership received \$5 million in American Recovery and Reinvestment Act grants. With those funds, they purchased full capture device systems: simple screens and vortex devices. SF Estuary Partnership works with the cities to install the full capture device systems. In addition to full capture device system deployments, studies/surveys in the catch basins are being conducted to provide a baseline trash number. Currently in the Bay Area, there is interest in the municipalities in source control measures as well as full capture device systems. There is also public campaign with social marketing occurring. The campaign is called BE THE STREET (<http://www.bethestreet.org/>) and the goal is to positively influence the rubbish rubbles (14-24 males who actively litter).

Update from Marieta Francis

The Japan Tsunami Debris Expedition has set sail via *SV Sea Dragon* with nine crew members. They will first attend a symposium in Tokyo. Then they will sail to Maui. The goal of the cruise is to study the spatial distribution of plastic pollution a year after the Japan Tsunami. In addition to the cruise, GIS maps (http://www.algalita.org/research/Maps_Home.html) are available on the website with three years of data (1999, 2009, and 2010). With the GIS Maps, one can compare samples between year according to variables such as sea state, types of trash, boat type. Currently, the 2009 study is not officially published but in press. The next phase for Algalita is to increase Citizen Science efforts and make that data available online.

After a round of introduction, Tom Reeves (new to the Trash PAG) asked for background on the Trash PAG and the Trash Amendment. Dominic Gregorio explained that the State Water Board thinks this is an important statewide problem. Action is currently being taken in other regions of the state: LA County has a Trash TMDL and the Bay Area has a trash reduction initiative. This Trash Amendment is to pre-empt the need for watershed by watershed TMDL, which is huge time and resource sink to create TMDLs. This Amendment is based on the LA County trash TMDL. The Amendment establishes two avenues for trash reduction. The first avenue is installing full capture devices, which must be certified by the SWRCB (5 mm traditional trash). If they are installed in industrial and high-use residential areas, then compliance is achieved. The second avenue is for cities to determine their dominate sources of trash and employ a combination of control devices and source controls for compliance. Both Geoff Brosseau and Tom Reeves think the why and the quantification of the problem needs to be more clearly stated within the draft SED.

Following the background of the Trash Amendment, the minutes from the April 18, 2011 meeting were approved after two corrections: spelling of Kirsten James's name and a paraphrased sentence by Miriam Gordon. The October 2011 meeting minutes are still in rough draft form since there were two versions of the minutes due to two note takers. The October 2011 meeting minutes will be emailed to Gary Hildebrand and Leslie Tamminen.

State Board Update on Policy Development

The Trash Policy is now going to be called the Amendments to the State Water Quality Control Plans. The Amendments are approvable by US EPA and thus comply with the Clean Water Act. The Trash Policy is now an Amendment because there are new water quality objectives which will be incorporated into the California Ocean Plan, Inland Surface Waters Plan, and the Estuary and Enclosed Bays Plans. These Amendments will not be incorporated directly in a Basin Plan, since it has to be conducted on a regional board by regional board basis. Although, the Basin Plans will reference the other Control Plans.

Leslie Tamminen inquired whether there will be one SED and all of the Amendments will come from the SED. Dominic Gregorio clarified that there will be one SED, and further the May 7th, 2012 Amendment draft will end up being cut up and moved into different parts of each of the State Water Quality Control Plans.

Leslie Tamminen then questioned about why the State Water Board is not using a numeric objective for trash. Leslie Tamminen thinks a numeric objective is legally stronger and more practical than a narrative objective. Dominic Gregorio thinks that numeric objective is very problematic and a narrative objective is the staff opinion. There needs to be more scientific studies and peer review conducted for a numeric objective. As a result, Geoff Brosseau thinks that developing the scientific justification for a specific numeric objective would be more

challenging than for a narrative objective. Tom Reeves thinks that narrative objective provides goal versus a hard edge number. Leslie Tamminen believes that goal is difficult to enforce for compliance and the only benefit is to save the SWB extra work. Miriam Gordon thinks a narrative objective is not enforceable, open to interpretation, and inconsistent by justification. Dominic Gregorio disagreed that stated that other narrative objectives are successfully enforced. Trash will be enforced through Performance Based criteria. Gary Hildebrand asserted that enforcement comes down to how the municipality will demonstrate compliance. Even with full capture devices, trash will still be in the receiving water, but by installing full capture devices in all catch basins within the MS4 system, municipalities are still in compliance. LA County is not conducting monitoring but does clean the capture devices and they are still working on installing 100% of the full capture devices. The City of LA doing partial and source controls while all the other cities in the county do full capture devices. Leslie Tamminen questioned whether this Amendment is less prescriptive than the LA TMDL. Gary Hildebrand explained that the LA County Trash TMDL has no distinction between land use and the Amendments focuses on land use areas. The statewide application needs to provide more options in flexibility.

Economic Costs Section of the draft SED

The Economic Costs Section is contracted out to ABT with Eloise Costello as the primary contact. They have the draft SED and draft Amendment. They were also provided with GIS land use information, with the regions conducting trash reductions separated out of the GIS analysis (i.e. LA County and the SF Bay area). Marin County was included in the GIS analysis, and SF is out because they have combined sewer flows. The SF sewer overflows have NPDES permits and they have collections.

The GIS analysis objective is to quantify the storm drains are within a linear road mile of Phase I and Phase II areas based on Land cover. The land cover criteria are separated into Low Density Residential (LU 22), High Density Residential (LU 23), and Commercial/Industrial (LU 24) areas.

For Phase I:

- Analysis based on Monterey (Tom Reeves) and Caltrans data found 32 to 36 catch basins per mile.
- Analysis based on LA data (Gary Hildebrand) 4.36 catch basins per mile. Gary Hildebrand and Dominic Gregorio think this number is really low. Gary Hildebrand thinks this might be because the city catch basins could have been left out. Papantzin Cid will work with Gary Hildebrand to get a better number.
- ~0.25 million drop inlets (not including Caltrans).
- ~\$300 per full capture system.
- ~\$65 million for the state for Phase 1 not including Caltrans.

Tom Reeves thinks these costs are optimistically low due to catch basin differences between Northern and Southern California. He also predicts tree leaf litter to be an issue, especially in Monterey, with the functionality of the full capture devices. Gary Hildebrand said that LA County has installed retractable screens used for non-storm events. They also conduct monthly inspections during the storm event months. They are still working on fine tuning the functionality of the full capture devices. Gary Hildebrand said that the \$300 per year per basin cost includes monthly inspection during storm season, 3-4 post storm inspections, and 1 year of maintenance.

For Phase II:

- ~132,000 drop inlets - only Phase I and Phase II but all land uses.
- ~600 miles.
- 36 catch basins per mile (multiplier).
- Need to relook at some other the numbers where there might be overlap on some Caltrans roads might be part of LA TMDL.

Miriam Gordon asked whether there will be a process for the input for the economic analysis. Dominic Gregorio replied that the Economic Cost will be part of the draft SED, and that will be available to public comment.

Amendment Schedule

This is a Board Priority Project for 2012-2013.

- July 2012 – Legal Review for Draft SED and Amendment.
- September 2012 – Draft SED and Amendment released to the public for comment.
- October 2012 – Release of Economic Cost Analysis.
- Mid. November 2012 – Public Hearing which includes a formal public comment period (comments will be responded too). After the Public Hearing, there will a release of an edited draft based on the public comments.
- March 2013 – Board Workshop (written public comments will be responded too).
- July 2013 – Final Release of the Draft SED.
- August 2013 – Board Adoption Hearing.

Miriam Gordon asked how does the Trash PAG move forward. Dominic Gregorio wants to stick to the schedule and want to get the oral/written inputs from the Trash PAG. For the Trash PAG, comments received by June 15, 2012 will be taken into consideration. In the comment email, it is requested to include Dominic Gregorio, Mariela de la Paz Carpio-Obeso, Emily Siegel, and Johanna Weston.

The Trash PAG broken for lunch at 12:30 P.M. and resumed at 1:00 P.M.

Post lunch Jonathan Bishop arrived to join the discussion. Dominic Gregorio provided an update review of the pre-lunch part of meeting. The primary issues addressed were: rationale for the Amendment, narrative versus numeric objectives, and differences between catch basins in Southern and Northern CA. After the update, specific questions and concepts were address by the group.

Miriam Gordon asked why the Amendment does not address the small trash in high density areas. Jonathan Bishop posed that the State Water Board is trying to address the large (>5 mm) in both size and contributions. He acknowledges that State Water Board is not fully addressing the small sized trash. He would like to see action be taken against the trash issue, instead of waiting to have an ideal trash Amendment. This Amendment is not perfect, but it is a step in the right direction. Tom Reeves thinks that it is not practicable to treat stormwater down to the very small particles.

Miriam Gordon advocated for requiring other measures to control the small fragments. She would like the Amendment to have more institutional measures on trash (beverage containers) that tends to break down to small pieces. Science is showing that small trash is a big issue in the marine environment. Geoff Brosseau agreed that source control works better to address small trash. Tom Reeves agrees that source control works for Monterey, but he questioned how source control would work with industrial areas. Jonathan Bishop agrees that source control is a positive mechanism, but he does not want to make a paper exercise for people to try and it not work. Tom Reeves thinks that small entities banning source items can lead to a big transformation in societal thinking on the issue.

Miriam Gordon suggested including institutional controls with full capture devices. Geoff Brosseau thinks institutional controls can be used as incentives. Kirsten James agrees and thinks institutional controls can be incentivized with time credits. Dominic Gregorio is very interested in creative ways add incentives to the Amendment. Sean Bothwell explained that employing institutional control would result in time credits to add to add to the compliance schedule. Leslie Tamminen supports time credits.

Tom Reeves agrees that time is good but it is important to develop a program results in institutionalize change the way we do business. He is most worried about plastics. Miriam Gordon agrees with Tom Reeves but does not want the Amendment to be too prescriptive for institutional controls. Jonathan Bishop does not want to lose the full capture devices (short term and relatively inexpensive). While the full capture devices are installed, the State Water Board can continue to work with finding the small trash and then change the business practices. Marieta Francis agrees with Jonathan Bishop with something is better than nothing. Gary Hildebrand supports removing the major sources and understands the need to incentives municipalities to have institutional controls. He said this Amendment would provide a good medium route.

How to address Caltrans being a Linear Feature (question from Scott Magurim – Caltrans via email)?

Leslie Tamminen thinks Caltrans should be treated as a high density area. Jonathan Bishop stated that the difficulty with Caltrans is they do not have a systematic statewide approach. They have 132,000 drop inlets. He thinks their high density areas could be on and off ramps versus the in between linear roads – thus hotspots. Dominic Gregorio likes the idea of hotspots. He is hesitant to have the Amendment based on 303d listing since many place should be listed. Jonathan Bishop thinks Caltrans should determine where the hotspots are, and the State Water Board could provide hotspot criteria. Caltrans is tricky since there are not catch basins. Tom Reeves suggested average daily traffic as a criterion. Jonathan Bishop suggested asking Caltrans to look at what they have done for trash work and which actions have been successful.

Scott Magurim asked (via email) how full captured devices are certified. Jonathan Bishop said that Region 4 Executive Officer (EO) had to certify each of the full capture devices. In the Bay Area, the staff made the decision of certification. The State Water Board will have to decide the approach for this Amendment. Gary Hildebrand explained that they installed devices and tested all of the devices in a standard catch basin in the Flood Control District. This report went to the EO for approval. Having the EO approve it provides a good level of confidence for the permittees. Tom Reeves thinks there needs to have vetting process since there will be many vendors with good and bad products. Gary Hildebrand supports Tom Reeves. He said the LA County data on the full capture devices can be used for this Amendment.

Kirsten James asked whether the Caltrans permit will be opened before the Amendment approval. Jonathan Bishop said yes the State Water Board will probably have the permit before the Amendment is approved and have a reopen clause. There will be reopening for multiple permits, which might also start with a 13133 Letter.

For High Density Areas in LA TMDL and Bay Area is full capture enough?

The group agrees that Landfills, high-use parks, sport facilities, and transit stations are areas that typically have high trash issues. Geoff Brosseau is concerned about the use of the word 'ALL' in VI.B.1.A of the Amendment. Jonathan Bishop said that legal staff will have to figure out the small holes/exceptions for 'ALL' or possibly could lend to source controls.

MEP (Maximum Extent Practical)

Tom Reeves thinks that the Economics are lacking in the SED for the MEP. He questioned to what extent municipalities will reach MEP. Jonathan Bishop believes there is a need for the Amendment to the State Water Quality Control Plans since urban areas produce trash and the trash runs into the waters through the storm drains. LA County and SF Bay have started to address the issues. This Amendment will blanket approach to the handle the issue to the rest of the state. State Water Board could write a policy to mandate regions to write trash TMDLs but that is inefficient.

How much time to compliance –Section IV.E of the Amendment?

Dominic Gregorio is thinking about 10 years for compliance (2 permit cycles). LA County had a 13 year TMDL compliance schedule, and SF Bay had a 12 year compliance schedule. Kirsten James stressed that it important to have percentages in the time frame. Sean Bothwell thinks that this section should not include a discussion with the permit cycle consideration, since permitting rarely occurs every 5 years. Dominic Gregorio agrees with Sean Bothwell. Gary Hildebrand questioned whether municipalities start working to compliance with adoption or included in the next permit cycle. Dominic Gregorio does not have an expectation and reopening a permit might be too staff intensive. Gary Hildebrand agreed for a 10 year compliance schedule but not to include the permit cycles.

General comments about the Amendment and draft SED

Miriam Gordon would like Part I and III of the Amendment to stress “no trash of any size”. Dominic Gregorio said that there is no size limit to the definition of trash. Miriam Gordon retracted the comments since size is included in the trash definition in the Issue/Alternative section.

Sean Bothwell said that sources controls which are in the draft SED should be included in the Amendment (Alternative to Issue 3).

Miriam Gordon thinks that the definition (IV.C of the Amendment) of institutional controls is a little sparse (include ideas like 'producer take back').

Sean Bothwell brought back the discussion on numeric versus narrative objective and the amount of work for each objective. Dominic Gregorio restated that numeric objectives take more scientific leg work and the State Water Board is not prepared for this Amendment.

Meeting notes and edited by Johanna Weston.