

**Response to Comments on May 11, 2015 Tentative Order  
Provision C.10. – Trash Control**

<b>Commenter</b>	<b>Provision No.</b>	<b>Key Word(s)</b>	<b>Comment</b>	<b>Response</b>	<b>Proposed MRP Revision</b>
ACCWP(16), Berkeley(15), Hayward(8), Livermore(7), Oakland(1,2), SCVURPPP (88)	C.10.a.	Schedule for 70% and 100% trash reduction should be extended	Still determining which Best Management Practices (BMPs) are most effective, need more time for results of studies of inlet screens, for instance. Changing the street sweeping program requires a long lead time. Also, a longer time frame, 100% in 2025 would be consistent with the Amendment to the State Ocean Plan and Caltrans Permit.	The results of the BMP evaluations will be known this winter, so there is adequate time to meet the trash reduction limits by 2017. These are long-standing targets which have been in place since 2009 and reflect a 13-year process to reach the 2022 goal of clean receiving waters. This is longer than the as the 10-year process incorporated into the recent Statewide Trash Amendment, and thus is consistent with the Amendment's compliance time. The Trash Amendments to the Ocean Plan and the Inland Surface Waters, Enclosed Bays and Estuaries (Amendments), which require full capture systems in priority land uses or full capture system equivalency, specifically allow this Board to establish an earlier compliance deadline than the Amendments. (See footnote 2 in both Amendments.)	None
ACCWP(17),	C.10.a.	Make deadlines	The reduction targets should be	See response above. In	None

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Berkeley(17,18), Fremont(2), Hayward(7), Oakland(3)		consistent with Statewide Trash Plan and Caltrans deadlines	changed to July 1, 2020 for a 70% reduction and July 1, 2025 for 100% reduction. The 2025 deadline is consistent with the Statewide Trash Plan. For larger and more heavily trash-impacted jurisdictions it may be impossible to achieve required reductions, even within the extended timeframe. Similar to State's requirements for reducing solid waste to landfills under AB 939. AB 939 was passed in 1989 and required a 50% reduction in waste within 11 years (2000). As with trash, it was very difficult to establish a baseline even though the solid waste stream is much easier to measure than litter in the environment. Local and regional jurisdictions are now (26 years later) trying to achieve a 75% reduction. In addition, waste management agencies are not subject to the same funding constraints as stormwater programs are under Prop 218.	addition, there is not sufficient rationale for changing the targets for trash reduction at the current time. The Permittees are making progress toward the limits and that progress is being driven, in part, by the reduction targets. It is likely that the result of providing additional time would be reduced resources devoted to the trash reduction issue. The compliance targets have been in place and projected since 2009, giving permittees adequate time to allocate resources to achieve the required reductions.	
ACCWP(18), Berkeley(16)	C.10	Caltrans has until 2025 to meet its reduction targets	Another reason to extend the compliance dates is that many of the highest trash problem	Various entities will have different permit schedule details based upon when	None

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			<p>areas are along Caltrans roadways. Caltrans has until 2025 to meet its reduction targets under the Caltrans statewide permit. Revised schedule would also line up with Caltrans' schedule and make it much easier to coordinate with Caltrans.</p>	<p>permits were created. Adding time to permit requirements any time a new entity is permitted with a trash requirement is counterproductive. Additionally, we are working with Caltrans as they develop and implement their trash control plan. A significant element of that plan is for Caltrans to coordinate with the permittees, which they have already begun.</p>	
<p>ACCWP(19), Berkeley(19), Clayton(53), Dublin(15), Fremont(6), Hayward(10), Livermore(9), Oakland(4,5) San Pablo (32)</p>	<p>C.10.b.iv</p>	<p>source control increase to 15% or 20%</p>	<p>The Alameda Countywide Storm Drain Trash Monitoring and Characterization Project ACCWP demonstrated an 8% reduction from existing source control actions. These source control efforts should be encouraged by increasing the maximum offset to at least 15%. Other permittees suggest removing 5% credit cap on source control measures or increasing source control credit to 20% to fully credit existing bans and incentivize future source control actions.</p>	<p>The compliance value for source control has been increased to up to 10%. This value takes several issues into account. In particular, it encourages efforts to complete source control, which requires an investment of permittee staff time. It also is intended to reflect on-the-ground benefit that is not otherwise measured by the permittees via their on-land assessment. This benefit includes reduction via source control in trash that is discharged directly (i.e., not</p>	<p>Increase source control value to up to 10%</p>

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				via the MS4) to receiving waters, as well as incremental reductions in low trash generation rate areas and in other areas, where those reductions are not sufficient to shift the status of the area from one category to another.	
ACCWP(20), Berkeley(20), Livermore(10), Oakland(10), SCVURPPP (92)	C.10.c.i.	Additional Creek and Shoreline cleanup maximum offset should be increased to 20%	Municipalities spend a tremendous amount of resources to clean up trash from in and around local creeks and the Bay shoreline. This trash is directly impacting local waterways; trash is often deposited along these waterways through mechanisms other than discharge from the municipal storm drain system (e.g. wind). Cleanup efforts should be encouraged by increasing the offset to at least 20%	This offset value has been increased to up to 10%, to better reflect the potential benefit to receiving waters that may result from these cleanups. That offset value also reflects expected benefits due to increased citizen stewardship of receiving waters due to their involvement in cleanup events. Increasing the offset value to 20% or more creates less of an incentive for permittees to focus on source control and other actions that are necessary to eliminate trash discharges by the 2022 target.	Increase cleanup offset value to up to 10%
ACCWP(21), Berkeley(21)	C.10	No visual assessment for compliance	The Visual Assessment Protocol has not been vetted sufficiently to be used as a Permit compliance tool for the following	Visual assessment is the primary means of determining the outcomes of trash control measures. The	None

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			<p>reasons: 1) The temporal and spatial variation is not well understood or quantified</p>	<p>current method is a straightforward approach using a visual guide that is similar to other kinds of visual assessments (e.g., estimating residual dry matter in grazed landscapes and Manning's <i>n</i> in open channels). The visual assessment logic is simple, in that trash present on the area being assessed has a significant likelihood of discharging to the storm drain and ultimately to receiving waters—or, from the opposite perspective, if the area being assessed is clean, then it is unlikely to be a source of trash to receiving waters. Permittees are free to develop and propose other assessment methods for consideration, but no other major assessment tools have been proposed to date. We understand that the Permittees may make such proposals in the future.</p>	

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ACCWP(22), Berkeley(21.a)	C.10	Visual assessments subjective	2) There is an element of subjectivity to the visual trash assessments that cannot be eliminated;	We disagree. Permittees may develop photo samples or other means of directing staff to consistently visually assess trash source areas. Visual assessment has proven to be a useful means of determining the outcomes of trash control measures. Permittees are free to develop and propose other assessment methods for consideration, but no other major assessment tools have been proposed to date. We understand that the Permittees may make such proposals in the future.	None
ACCWP(23), Berkeley(21b)	C.10	Trash generation categories too broad	3) The definitions of generation rate categories (i.e., Very High, High, Moderate, and Low) are too broad to detected actual trash reductions in many cases	Major changes are the ones that matter for compliance, and four categories are sufficient to gauge those major changes. Ultimately, all areas must be moved to a low trash generation rate or have full trash capture devices (or the equivalent). Additionally, the Permit provides a means of addressing this partial shift issue via the opportunities for compliance and offset value.	None

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ACCWP(24), Berkeley(21c), Dublin(14), Oakland(8,9)	C.10	Visual assessments imperfect, time consuming, too burdensome as specified	Visual assessment covering 10% of trash management areas is burdensome. Decrease the required area. How to account for variations from one assessment to the next has not been determined. Conducting visual on-land assessments is subjective and time consuming; drawing staff and finite resources away from actual trash reduction efforts that directly improve water quality. Visual assessments should be used for only qualitative assessment during this permit term.	Visual assessment is a straightforward method that can be combined with other existing functions. For example, street sweeper operators could perform a visual assessment while operating a street sweeper. Presumably, the Permittees are performing street sweeping on more than 10% of trash management areas. Consistent training of employees and consistent application of trash reduction activities will lead to consistent reporting and trash reduction. This is the best method that the Permittees have put forward to assess trash generation areas, and has been put into practice with positive results on this scale by many permittees. Permittees can develop other methods for consideration, but no other major assessment tools have been proposed to date.	None
ACCWP(25), Berkeley(22), CC County(14), Dublin(13),	C.10	Mapping of private land	The requirement to map all private property down to 5,000 sq. ft. in moderate or higher trash generation areas should	We will revise this requirement so it does not mandate mapping but will allow other means for	Clarify mapping is not required and that other means to record location and status of

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<p>El Cerrito (5), Fremont(3), Livermore(8), Oakland(7), Emeryville(103), SMCWPPP(56), Belmont(18), Brisbane(9), Burlingame(19), East Palo Alto(14), San Bruno(19), San Mateo(15), SCVURPPP(55), San Jose(11,36), Santa Clara Co.(11), SCVURPPP (89)</p>			<p>be deleted.</p> <p>This mapping would require a tremendous resource intensive effort without any clear benefit. The requirement will lead private property owners to believe that the City is responsible for private drainages. It is often nearly impossible to determine how storm drains are plumbed at older developments. Maps of these private storm drain systems are hard to obtain and often non- existent or inaccurate. This requirement should be deleted. Other permittees recommend linking the mapping requirements to other deadlines (e.g., the 70% action level in 2017). Remove mapping provision. Alternatives proposed include using existing inspection programs or Permittees can identify high priority areas that generate moderate, high or very high levels of trash and are plumbed directly to their</p>	<p>recording location and trash generation status. The intent of the requirement is to create an understanding of which trash-prone areas are plumbed directly to the municipal storm drain, and confirm that trash discharges from these areas are sufficiently controlled. It is not intended to require Permittees to create parcel-specific storm drain maps for parcels of 5,000 ft<sup>2</sup> or greater. To clarify this, we revised the minimum parcel size for reporting to 10,000 ft<sup>2</sup>, although Permittees must still ensure trash generation is appropriately controlled across the area under their jurisdiction that discharges to the MS4, including smaller-sized parcels. Private property owners' potential incorrect perceptions of the Permittees' responsibilities is easily corrected through communication with them.</p>	<p>these parcels may be considered. Raise the affected parcel size to 10,000 ft<sup>2</sup> and larger.</p>

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			storm drain systems and implement BMPs to minimize trash discharges from these areas.		
ACCWP(26), Berkeley(23), Dublin(16), Oakland(6), SMCWPPP(60), Belmont(22), Burlingame(23), San Bruno(23), San Mateo(18), SCVURPPP (10), SCVURPPP(59), Mountain View(13), San Jose(43), SCVURPPP (93)	C.10.b.v.	The Receiving Water Observations requirement (C.10.b.v) should be removed	<p>The Receiving Water Observations requirement (C.10.b.v) should be removed until clear monitoring protocols are developed and adopted.</p> <p>Conducting receiving water observations is another requirement that will take significant resources without any clear benefit and will result in the diversion of resources from trash reduction efforts. No protocols have been established and there is tremendous variation in the amount of trash from site to site and over time depending on the timing and size of storm events. It is not clear that the data produced from this effort could guide future management actions. Trash could be from sources other than the MS4.</p> <p>Revise TO to state that the purpose is “to evaluate the level of trash present in receiving waters over time and, to the extent possible,</p>	The trash reduction target is no impact to receiving waters from trash by 2022. New tools for determining receiving water impact from trash will need to be developed in order to better make this regulatory determination at the relevant time. Permittees will be allowed to use this permit term to develop and test receiving monitoring tools and protocols to be used in the next permit.	Clarify purpose of receiving water monitoring and replace draft permit requirements with requirements to submit plan to develop monitoring tools and protocols and to submit report and proposed monitoring program before end of permit.

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			determine whether there are ongoing sources outside of the Permittee's jurisdiction that are causing trash impacts in receiving waters." Permittees express willingness to develop and pilot test a protocol during the permit term.		
ACCWP(27), Berkeley(24)	C.10	Monitoring grant	Through the Tracking California Trash Grant, BASMAA is working with Five Gyres to develop a protocol for sampling and quantifying trash discharged during storm events. The receiving water monitoring requirement should be removed from this permit and reconsidered once a protocol has been established. We also recommend that receiving water observations be used solely as trend monitoring of trash in the environment and not for compliance determinations.	We will revise the Permit to clarify that the Permit requires development and testing of receiving water monitoring tools and protocols during this permit term. Use of receiving water observations for compliance determination is not an issue since as stated in Provision C.1, compliance with Provision C.10 requirements will constitute compliance with trash receiving water limitations and prohibitions during this permit term.	Clarify purpose of receiving water monitoring and replace draft permit requirements with requirements to submit plan to develop monitoring tools and protocols and to submit report and proposed monitoring program before end of permit
ACCWP(54), Fremont(5), Hayward(9), SMCWPPP(58), Belmont(20), Brisbane(11), Burlingame(21),	C.10.b.i.a.	Full capture maintenance rates	This provision specifies maintenance frequencies based upon the trash generation rate of the surrounding land use. This is not the best approach as other factors such as the size of the catch basin, the number and	We agree that maintenance rates should be determined on the state of the device, not necessarily on the surrounding trash generation condition only. We have revised the language to give	Remove the maintenance requirements based on trash management area generation rate, but leave one additional

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San Bruno(21), SCVURPPP(57), Cupertino(5), San Jose(12,38,39), SCVURPPP (91)			type of trees in the area, and weather are more relevant factors. Permittees should have Permittee-specific maintenance programs; Permittees would then report on implementation of maintenance programs, adaption and any issues that need to be addressed. Maintenance frequencies based on trash generation are inconsistent with experience and knowledge of Permittees. Tailor maintenance to specific devices rather than surrounding TMA. Require only reporting on effectiveness of maintenance. Flooding may be hard to report, as it is an emergency situation.	more flexibility in this requirement. We have added one additional inspection/year for high and very high TMA devices.	required inspection per year for devices in areas with high and very high trash generation rates.
ACCWP(55)	C.10.b.ii.b.	Visual assessment only for curb and gutter	The draft permit requires on-land visual assessment of all Non-FTC management areas. The proposed visual assessment method is not appropriate for all types of trash reduction measures. The visual assessment protocol is designed for use along the road surface, curb, and sidewalk of public right-of-way. It is not designed to	Visual assessment is a straightforward method for assessing trash condition of urban landscapes, and can be easily transferred/adapted to other urban landscapes such as parking lots and dumpster areas. – We will consider alternative methods of assessment, but we have not seen any proposals on par with visual assessment.	None

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			be used on areas such as a parking lot of a large shopping center, or to assess trash management in and around commercial dumpsters.	It is important to assess contributing areas beyond streets because those areas also contribute trash to the storm drain and, ultimately, receiving waters. If those areas are not assessed, the status of a trash management area could inappropriately be determined to be lower than its actual contributions to receiving waters.	
ACCWP(56)	C.10	Full trash capture equivalence	The Permittees are currently evaluating combinations of management actions (e.g., street sweeping in combination with retractable inlet screens) to assess equivalency to full trash capture. If these prove to be equivalent, they should be allowed under this permit.	Provision C.10.b.ii already allows Permittees to implement and evaluate combination of actions. Provision C.10.b.ii.b.(iv) also allows Permittees to put forth evidence that certain sets of management actions when performed to a specified performance standard yield a certain trash reduction outcome reliably. If this evidence is presented and accepted by the Executive Officer, Permittees may claim a similar trash reduction outcome by demonstrating that they have performed these trash reduction actions	None

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				within certain trash management areas to the same performance standard accepted by the Executive Officer.	
ACCWP(80), CC County(15)	C.10	Impact of public outreach	<p>Public outreach can have a long-term impact on behavior. As Board Member Lefkovits mentioned, those who grew up with him still remember Smokey the Bear.</p> <p>Education programs for various levels of K-12 students and community-targeted education and outreach programs should be encouraged by being recognized as part of a trash reduction strategy and receiving credit (e.g. 5%).</p>	These programs play an important role in changing behavior and already are recognized as part of trash reduction strategy. The issue is how these actions can be given a compliance value. That occurs through outcome-based measurements, such as visual assessments, which document the effect the programs are having with respect to reducing trash on the urban landscape contributing to the Permittees' MS4s.	None
ACCWP(81)	C.10	Alternate compliance measurements	Board member Kissinger suggested that alternative approaches to compliance were needed. ACCWP agrees and would appreciate the opportunity to develop alternative approaches through discussions with Water Board staff and/or Water Board members.	C.10.b.ii already allows Permittees to implement and evaluate actions or combination of actions and the option to use alternative approaches to determine compliance.	None

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ACCWP(82)	C.10	BMP uncertainty	Staff presentation mentioned several best management actions Permittees could implement: increased street sweeping, especially to the curb; solar belly trash compactors; and volunteer cleanups. While these are all useful, they require significant resources and there is no guarantee that they will result in compliance with the Permit. Additional time is needed to come to agreement on how compliance can be achieved.	The results of the BMP evaluations will be known this winter, so there is adequate time to meet the trash reduction limits by 2017. These are long-standing targets which have been in place since 2009 and reflect a 13-year process. This is longer than the 10-year process incorporated into the recent Amendment.	None
ACCWP (83)	C.10	Deadlines difficult for trash challenged Cities	The Permit should provide special consideration to trash challenged communities. The date for accomplishing a 70% reduction should be extended to 2020. Even with the extension, some communities will not be able to meet the deadline. In the MRP Steering Committee meetings, WB staff stated that special consideration would be given to “trash impacted” communities. The Draft MRP does not provide that consideration.	The deadline for the 70% reduction is consistent with the reduction schedule established in the previous permit. Should some Permittees be unable to achieve the specified reduction, as with any enforcement, the Board would consider their efforts to meet it under in any potential enforcement action. If a Permittee has made significant efforts, but faces a much larger trash generation issue than most other Cities, some flexibility may be shown. As noted	None

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				above, Permittee efforts to reduce trash are driven, in part, by the reduction targets. Delays to those targets are likely to result in delays in reduction of efforts.	
ACCWP(84)	C.10	Phase II for K-12 Schools trash	Schools are often high trash-generation properties. Local jurisdictions have limited authority over schools. Some schools/districts are reluctant to host anti-litter education programs. The Water Board has the authority to have Region 2 K-12 schools covered under the Phase II stormwater permit. The Water Board should require at least litter reduction and anti-litter education under Phase II permits for K-12 schools.	We agree. We intend to work with school districts, and encourage Permittees to communicate with them.	None
ACCWP(85)	C.10	Phase II for BART trash	The WB should increase its regulatory oversight of BART under Phase II to ensure BART addresses litter at its stations and along its right-of-way. BART property is a significant source of litter. Jurisdictions have limited authority over BART.	We agree. We intend to work with BART, pursuant to its coverage under the Phase II permit, to ensure BART acts appropriately to reduce trash discharges associated with its system.	None
ACCWP(86)	C.10	Caltrans trash	Caltrans property is a significant source of litter. Local jurisdictions have limited	We are working with Caltrans, pursuant to their coverage under their	None

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			<p>authority over Caltrans property. Caltrans is covered under a statewide stormwater permit. The Water Board should require Caltrans to implement increased litter reduction activities.</p>	<p>statewide NPDES stormwater permit, to develop a trash reduction plan and to implement appropriate trash-reduction measures including coordination with the Permittees.</p>	
<p>CCWP(9), Clayton(49), Concord(6,32), Danville(5,32), El Cerrito(4,14,38), Hercules(5,19), Lafayette(5), Martinez(4,11,35), Moraga(3,26), Orinda(29), Pinole(25), Pittsburg(5), Pleasant Hill(5,28), San Pablo (28) San Ramon(5,35), Walnut Creek(5), Oakley(15), SCVURPPP(9), Mountain View(10), San Jose(10,35), Santa Clara Co.(10), BASMAA(8), SCVURPPP (54)</p>	<p>C.10.a.i.a.</p>	<p>Extend 70% deadline</p>	<p>Trash reductions have now become increasingly more challenging with higher percentage reduction goals. Furthermore, the trash reduction approach and accounting methodology for measuring trash reductions changed significantly during MRP 1.0, requiring a major redirection of Permittee efforts resulting in lost time and opportunities. Because of this, the proposed deadline of 70% reduction by July 1, 2017, must be extended. Various permittees propose a number of different extensions, including deletion of interim targets. Others suggest including trash reduction in permits for BART, Caltrans and school districts.</p>	<p>The current deadline for achieving 70% reduction of trash over 2009 levels is reasonable. There has been no substantial case put forward that this deadline is not practical. This is a long-established compliance target, in place since 2009. The 80% reduction in 2019 has been converted to a compliance limit in response to Save the Bay's and Baykeeper's comments and what Chair Young proposed and invited comments on at the July 8, 2015 workshop. The 60% target in 2016 is necessary to gauge progress. As noted above, Caltrans already has trash reduction requirements in its NPDES stormwater permit, and we will work with BART and school districts.</p>	<p>None</p>

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CCWP(10)	C.10	High \$ to comply	Meeting the higher percentage reduction goals will result in significant increases in capital, operating and maintenance costs for which some municipalities have not yet identified funding. Set timelines consistent with the Statewide Trash Amendments <sup>1</sup> - 100% - 2025.	The current deadline for achieving 70% reduction of trash over 2009 levels is reasonable. There has been no substantial case put forward that this deadline is not practical. This is a long established compliance limit. As noted above, the 13-year period allowed by the previous permit and this permit and projected into the next permit is greater than the 10-year compliance time established under the Statewide Trash Amendments.	None
CCWP(11)	C.10	Reduced credit	Challenge to meet the higher trash load reductions with changes to the formula that reduced the credit allowed for the beneficial efforts of source control and creek and shoreline clean-ups	The use of source control and creek and shoreline credits was excessive in the reporting of 40% trash reduction, often with little verification or documentation. Nevertheless, we recognize the value of these cleanups and source control in reducing trash discharge and in generating a sense of stewardship and ownership	Increase compliance value to up to 10% for source control, up to 10% for creek and shoreline cleanup, and up to 15% for direct discharge cleanups

<sup>1</sup> Amendments to the Statewide Water Quality Control Plans for the Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California

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				in participants. We have increased the compliance value and offset value of these topics.	
CCWP(12), CC County(8), Clayton(21,50), Concord(33), Danville(33), El Cerrito(15,39), Hercules(30), Martinez(12,36), Moraga(27), Orinda(6,30), Pinole(26), Pittsburg(6), Pleasant Hill(6,29), San Pablo (29) San Ramon(11,12,13,36), Walnut Creek(6), Oakley(15)	C.10.a.ii.b.	Private Parcel Mapping costs, trash control	Resource intensive tasks of annual mapping of trash control devices and storm drainage systems on private lands, including, in some cases, residential parcels. Permit requires local staff to map using dye tests and contracting with specialized survey companies in cases where maps do not exist. Permittees do not have the capacity or resources to perform these tasks. Already a topic of commercial stormwater inspections. Allow use of existing inspection system and authority. Integrate inspections and enforcement into Provision C. 4 (Commercial and Industrial Inspections).	We will clarify the management of trash on private lands does not require mapping, but only some means of recording location and trash control status of these parcels. Private lands must be inspected to know where these directly storm drained features are and to ensure they are cleaned of trash or have trash capture. We encourage the use of existing inspection programs and authorities. Permittees can prioritize this in various ways to integrate it into existing operations and make the activity as efficient as possible. Full trash capture on these private parcels is not required, but just one alternative.	Clarify the management of trash on private lands does not require mapping, but only some means of recording location and trash control status of these parcels.  Raise the affected parcel size to 10,000 ft <sup>2</sup> and larger.
CCWP(13)	C.10	Trash fees	Proposition 26, approved by California voters in 2010, has likely effectively eliminated the ability to use a regulatory fee for	Trash reduction fees are just one tool to provide resources for cleanup of businesses that are contributing a litter	None

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			stormwater management costs, without a balloted two-thirds majority approval.	burden on city streets.	
CCWP(56)	C.10.a.i.a.	Extend compliance deadlines	<p>Trash reductions become increasingly more challenging with higher percentage reduction goals. Furthermore, the trash reduction approach and accounting methodology for measuring trash reductions has changed significantly during MRP 1.0 requiring a major redirection of Permittee efforts resulting in lost time and opportunities. <i>Action desired: Extend 70% load reduction time schedule to the end of the permit term.</i></p> <p>i. <b>Schedule</b> - Permittees shall reduce trash discharges from 2009 levels, described below, to receiving waters in accordance with the following schedule:</p> <p>a. 70 percent <u>by November 30, 2020</u><del>by July 1, 2017</del>;</p> <p>and</p> <p>b. 100 percent or no adverse impact to receiving waters from trash by July 1, <del>2025</del><u>2022</u>.</p>	<p>The current deadline for achieving 70% reduction of trash over 2009 levels is reasonable. There has been no substantial case put forward that this deadline is not practical. This is a long established compliance limit. As noted above, the 13-year period allowed by the previous permit and this permit and projected into the next permit is greater than the 10-year compliance time established under the Statewide Trash Amendments.</p>	None

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CCWP(57)	C.10.a.ii.a.	Define overflow for full trash capture	Full trash capture devices discharges trash in large storm events. The language is problematic because a “large storm event” has not been defined.	Large storm event is defined in the full trash capture definition as greater than the 1 year 1 hour storm.	None
CCWP(58)	C.10.a.ii.b.	Mapping private lands	<p>This provision includes requirements to ensure that private lands plumbed directly to the MS4 are equipped with full trash capture devices or managed to a low trash generation rate, and requires mapping of those lands greater than 5,000 square feet by 2018. There is no distinction between residential and commercial/industrial properties though trash on these lands is being addressed through C.4 and C.5 programs. Permittees do not have the capacity to perform the proposed requirement, but can and will address trash issues on these properties through the C.4 programs.</p> <p><i>Action desired: Remove C.10.a.ii.b and instead integrate inspections and enforcement of high priority</i></p>	We will revise this sub-provision to clarify that mapping is not required and Permittees have until July 1, 2018, to accomplish documentation of private parcels that directly drain to the MS4. Permittees identify moderate to very high trash generation areas, parking lots, industrial lots and commercial lots that are plumbed directly to the storm drain, greater than 10,000 ft <sup>2</sup> .	Clarify that the Permittees have until July 1, 2018, to accomplish this documentation of private parcels that directly drain to the MS4 and that mapping is not specifically required. Raise the affected parcel size to 10,000 ft <sup>2</sup> and larger.

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			<i>private drainage areas into C.4 programs.</i>		
<p>CCWP(59), Clayton(56), Concord(39), Cupertino (4), Danville(9,39), El Cerrito(45), Hercules(36), Martinez(42), Moraga(33), Orinda(36), Pittsburg(7), Pleasant Hill(35), San Pablo 35), San Ramon(42), Oakley(15)</p>	C.10.a.iii.	C.3 structure overflow screen	<p>The Permit requires bioretention facilities to be equipped with a screen to qualify as full capture devices. Recommend that these facilities qualify as full trash capture. C.3 overflow screens may cause flooding and may not be necessary, as analysis shows C.3 overflow occurs at higher than 1 year, 1 hour flow. Requiring screening of overflow pipes is beyond Permittee’s authority because nearly all treatment facilities are privately owned and maintained.</p>	<p>We disagree that C.3 device overflow occurs at greater than the 1 year, 1 hour storm. We have reviewed the technical analysis and find that it only demonstrates that C.3 bioretention devices can contain this larger flow until the storage capacity in the surface pond of the device is full, which would occur within minutes of the start of a large storm. Screening is only necessary up to that overflow specification, not over the entire overflow pathway. Screening is only necessary on systems for which it is desired to claim full trash capture credit, and for such private parcels, the Permittees will be requiring the property owners to demonstrate that there is no trash discharge to the MS4. Thus it will be in the property owners’ interest to fix the overflow systems.</p>	None

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CCWP(60), CC County(9), Clayton(51), Concord(34), Danville(34), El Cerrito(40), Hercules(31), Martinez(37), Moraga(28), Orinda(31), Pinole(27), Pleasant Hill(7,30), San Pablo (30) San Ramon(37), Oakley(15)	C.10.b.i.a.	Full trash capture maintenance	Maintenance intervals of a full trash capture device should be based on device type, drainage area, characteristics of the land it drains (amount of trash, amount of vegetation, etc.) and inspections/monitoring. Some Permittees propose setting a minimum frequency (e.g. annually), to be adjusted based upon experience. Possibly specify inspection schedule but not maintenance. Maintenance also depends on manufacturers' recommendations.	We have revised this sub-provision to provide flexibility, and to specify inspection, not maintenance frequency. Permittees are expected to maintain devices as needed to maintain full trash capture function.	Revise to provide flexibility, and to specify inspection, not maintenance frequency. Devices must be checked annually unless located in a high or very high trash generation area, in which case one additional inspection is required.
CCWP(61), Clayton(52), Concord(35), Danville(35), El Cerrito(41), Hercules(32), Martinez(38), Moraga(29), Orinda(32), Pleasant Hill(31), San Pablo (31) San Ramon(38), Oakley(15)	C. 10.b.i.c, C.10.f	Full trash capture maintenance	Numerous factors beyond the control of Permittees may result in a device being found plugged or clogged even though the device is being maintained on a frequency found to be appropriate. Permittees request the language be modified to require Permittees to annually report that they have an operation and maintenance program designed to meet the full trash capture system requirements, and are implementing that program.	We agree that various factors will impact the efficacy of full capture devices. The requirement to certify adequate full capture maintenance is essential to ensuring that these devices are adequately maintained in order to function as specified, and that there is adequate reporting to document this maintenance.	None
CCWP(62,16),	C.10.b.ii.v.	More credit for	Permit language provides no	We will increase the source	Increase source

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CCC FCD(3),		other measures	<p>incentive for source control approaches as the maximum achievable reduction credit is fixed at a maximum of 5%. Need more flexibility and greater incentives for identifying the best and most cost effective combination of strategies. Action desired: Include language in permit that provides development of a proposed interim or temporary credit for significant actions that may result or significantly contribute in time to a generation rate change. Included in this may be education programs and outreach efforts.</p> <p>“C.10.b.ii.v. Permittees may put forth substantial effort to reduce trash loads in certain areas which may not be immediately apparent when performing the visual assessments. Permittees shall be allowed to put forth evidence of these efforts or programs, as well as supporting documentation on an allowable interim percent reduction credit for these actions, pending project completion and demonstration of achievement of the reduction in the trash load</p>	<p>control value to up to 10%. The value of other actions will be the outcomes which will be apparent through visual assessment. If compliance value is proposed for educational outreach, there must be assessment to demonstrate that there is sufficient impact from these actions.</p>	<p>control value to up to 10%</p>

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			generation rate.”		
CCWP(63), Concord(36), Danville(36), El Cerrito(42), Hercules(33), Martinez(8,9,39), Moraga(30), Orinda(33), Pleasant Hill(8,32), San Ramon(39), Walnut Creek(7), Oakley(15), SMCWPPP(59), Belmont(21), Brisbane(12), Burlingame(22), East Palo Alto(15), San Bruno(22), San Mateo(17), SCVURPPP(58), Cupertino(3), Mountain View(12), Palo Alto(7), San Jose(7,42), SCVURPPP(61), Mountain View(15), San Jose(8,45), Santa Clara Co.(13), SCVURPPP (95), Keep Coyote Creek Beautiful (1)	C.10.b.iv.	Need more credit incentive to tackle source control	Maximum value allowed for each action is arbitrary and inconsistent with our current knowledge of the benefits associated with these actions/programs. A TMA with very high trash generation rate may continue to be very high even though it is now on the lower end of the range of that rate as a result of the product ban. Without sufficient incentives for source control, there will be little incentive for Permittees to tackle other persistent and problematic litter-prone items such as cigarette butts, plastic bottles, metallic balloons, non-paper-based food wrappers, plastic cup lids and straws, etc.... Action desired: Edit section C.10.b.iv language increasing the maximum credit to 25% (some Permittees request 20%). Permittees will still be responsible for providing evidence to support the percentages claimed. Omit maximum percent reduction for direct discharge programs. Supporting evidence would be required to claim reductions	We will increase the source control value to up to 10%. This value takes several issues into account. In particular, it encourages efforts to complete source control, which require an investment of permittee staff time, and it also is intended to reflect on-the-ground benefit that is not otherwise measured by the permittees via their on-land assessment. This benefit includes reduction via source control in trash that is discharged directly (i.e., not via the MS4) to receiving waters, as well as incremental reductions in low trash generation rate areas and in other areas, where those reductions are not sufficient to shift the status of the area from one category to another. Compliance value for source control will also appear in the visual assessments of the trash management areas. These amounts of compliance value and offset are double	Increase source control value to up to 10%

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			associated with source controls.	the current amounts or more, but do not over value these efforts. These values will probably be removed in future permit cycles as the 100% goal is achieved, so should not compose too high a portion of any Permittee's compliance profile.	
<p>CCWP(64), Clayton(22,25,57), Concord(40), Danville(40), El Cerrito(46), Hercules(37), Martinez(43), Moraga(34), Orinda(37), Pleasant Hill(36), San Pablo (36), San Ramon(43), Oakley(15)</p>	<p>C.10.b.iv/ C.10.f.vi.</p>	<p>Receiving Water Monitoring</p>	<p>Clarify purpose of observations. It is not possible to definitely determine the source of all trash in receiving waters (upstream, windblown, direct dumping) and therefore these receiving water observations cannot and should not be linked to compliance with trash load reductions. There is no definition of the amount or location for this monitoring. Should this occur where there is full trash capture?</p>	<p>It is necessary to assess the impact of trash on receiving waters as the Permittees actions control trash towards the eventual goal of “no impact of trash to receiving waters”. Although it may be difficult in some instances, it is possible to under many circumstances to determine the source of trash in the receiving waters based on observation of nearby activities and observation of product packaging and labels. We will revise the Permit to clarify the purpose of receiving water monitoring and to require development of receiving water monitoring tools and protocols to determine receiving water conditions and to determine, to the extent possible, the</p>	<p>Clarify purpose of receiving water monitoring and replace draft permit requirements with requirements to submit plan to develop monitoring tools and protocols and to submit report and proposed monitoring program before end of permit.</p>

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				effectiveness of Permittee trash controls (which would include full trash capture systems) and whether there are other sources of trash in receiving water(s). The Permittees have the flexibility to self-determine locations and amount of this monitoring with justification. Use of receiving water observations for compliance determination is not an issue since as stated in Provision C.1, compliance with Provision C.10 requirements will constitute compliance with trash receiving water limitations and prohibitions during this permit term.	
CCWP(65), CC County(10), CCC FCD(2), Clayton(54), Concord(37), Danville(37), El Cerrito(6, 43), Hercules(34), Martinez(10,40), Moraga(31), Orinda(5,34), Pittsburg(8,33),	C.10.e.i.	Additional Creek and Shoreline Cleanup	The formula for calculating the reduction should be revised to have 3:1 instead of 10:1 offset and the maximum allowable percent reduction should be increased to 10%. Additionally, remove the requirement that creek cleanups must be conducted twice a year to claim the minimal percent reduction. Cleanup events should receive trash load reduction credit	We will raise the value of the offset to up to 10%, but the formula remains the same with a 10:1 internal offset to avoid over-compensation associated with the short-term benefit (volume) of cleanups compared to ongoing trash load discharges (average volume/time). The amounts of trash collected in these	Raise maximum offset to up to 10%

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Pleasant Hill(33), San Ramon(40), Oakley(15), SMCWPPP(61), Belmont(23), Burlingame(24), East Palo Alto(16), San Bruno(24), San Pablo (33), San Mateo(19), SCVURPPP(60), Mountain View(14), San Jose(9,44), Keep Coyote Creek Beautiful (2), Keep Coyote Creek Beautiful (3)			based on volume of collected trash.	cleanups are very large compared to the baseline numbers developed by BASMAA.	
CCWP(66), CCC FCD(1), Clayton(58), Concord(41), Danville(41), El Cerrito(47), Hercules(38), Martinez(44), Moraga(35), Orinda(38), Pleasant Hill(37), San Ramon(44), Oakley(15), SMCWPPP(62), Belmont(24), Burlingame(25),	C.10.e.ii.	Direct discharge	Direct discharge, (illegal dumping, homeless encampments) 10% maximum credit is too small. Offset should be 3:1 rather than 10:1. No justification for reducing formula offset to 3:1.	We will increase the maximum offset for this action to 15%. A 15% offset-cap based on the C.10.e.i formula provides a balance between incentive and reward for control of these non-storm drain system sources and the uncertainties associated with the simple formula.	Increase the maximum offset for this action to 15%

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East Palo Alto(17), San Bruno(25), San Pablo (37), San Mateo(20)					
CCWP(67)	C.10.f.i.	Map TMA actions	Mapping specific TMA actions too difficult and no benefit	We will revise this requirement to only require that maps are produced on request, or if the Permittees want to update their baseline map in 2016. This language does not require detailed mapping of actions, merely a description of areal extent of action if not the entire TMA.	Revise to only require that maps are produced on request, or if a Permittee wants to update its baseline map in 2016.

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CCWP(68), CC County(14), Clayton(59), Concord(42), Danville(42), El Cerrito(48), Hercules(39), Martinez(45), Moraga(36), Orinda(39), Pleasant Hill(9,38), San Pablo (38), San Ramon(45), Oakley(15)	C.10.f.ii.	Update trash map	Providing an updated map every year is too burdensome. Tie requirement to the 70% and 100% requirement.	We will revise this requirement to only require this map be generated and produced when requested, but no more frequently than annually. The trash generation area map is the primary reporting mechanism for the outcomes of trash reduction actions, so must accompany report of reduced trash generation.	Revise to only require map be produced when requested, and no more frequently than annually.
SMCWPPP(55), Belmont(17), Burlingame(18), Daly City(6), San Bruno(18), San Carlos(6), San Mateo(14)	C.10.a.i.	Extend 70% reduction deadline	Extend 70% reduction deadline to at least 2018 to allow more time to meet this difficult requirement	The 70% reduction by 2017 is reasonable, long established, and no Permittee has demonstrated that it is not achievable. The Permittees are making progress toward the limits and that progress is being driven, in part, by the reduction targets. It is likely that the result of providing additional time would be reduced resources devoted to the trash reduction issue. The compliance targets have been in place and projected since 2009, giving permittees adequate time to allocate resources to	None

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				achieve the required reductions.	
SMCWPPP(57), Belmont(19), Brisbane(10), Burlingame(20), San Bruno(20), San Carlos(7), San Mateo(16), SCVURPPP(56), Cupertino(4), San Jose(37), Santa Clara Co.(12), SCVURPPP (90)	C.10.a.ii.b.	C.3 full capture equivalence. Screens on overflow.	Water Board should find that C.3 treatment systems are equivalent to full trash capture without modification of overflow; remove requirement for screening. Outside the scope of the Permittees' authority because these are privately owned and maintained. Request removing the requirement for "screening" all Green Infrastructure treatment facilities installed and maintained consistent with provision C.3 and deem these facilities equivalent to full capture systems.	The flow standard for full trash capture of the 1 year, 1 hour storm is quite a bit larger than the 85 percentile annual storm runoff for the C.3.f. design storm. Partial screening of the overflow system may be necessary to prevent trash discharge through the overflow. This language does not require complete screening, and if other circumstances exist, such as sufficient vegetation to screen trash, screening may not be necessary. Private systems can be upgraded when the Permittees contact private owners about trash discharges direct to the MS4.	None
SMCWPPP(63), Belmont(25), Brisbane(13), Burlingame(26), San Bruno(26), San Mateo(21), SCVURPPP(62), San Jose(46)	C.10.f.v.b.	reporting	Permittees cannot make a determination of non-compliance, require submittal of updated trash load reduction plan if 70% reduction not met.	If 70% is not met by the Permittees own reporting, then non-compliance can be reported by the Permittee. This is terminology taken directly from the Code of Federal Regulations.	None

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SCVURPPP(55), San Jose(11,36), Santa Clara Co.(11)	C.10.a.ii.b.	Private drainages	Mapping of private drainages that discharge directly to MS4 too burdensome, not necessary to solve problem of controlling trash from these areas. Remove mapping provision. Alternatives proposed include using existing inspection programs or Permittees can identify high priority areas that generate moderate, high or very high levels of trash and are plumbed directly to their storm drain systems and implement BMPs to minimize trash discharges from these areas.	We will revise the requirement to only require that the location and status of these sites be recorded, not necessarily mapped. We will clarify that only rudimentary mapping, similar to the trash generation maps, is optional for these parcels. We will also raise the threshold to 10,000 ft <sup>2</sup> .	Revise to only require that the location and status of these sites be recorded, not necessarily mapped. Clarify that only rudimentary mapping, similar to the trash generation maps, is optional for these parcels. Raise the threshold to 10,000 ft <sup>2</sup> .
SCVURPPP (94)	C.10	Creek and Shoreline Cleanup	Increase Creek and Shoreline credit from 5% to 10%, reduce offset from 10:1 to 3:1, remove requirement for minimum of 2 X/yr cleanups.	We will increase the maximum offset to 10%, but will not make other changes. The increased offset better reflects the potential benefit to receiving waters that may result from these cleanups. That offset value also reflects expected benefits due to increased citizen stewardship of receiving waters due to their involvement in cleanup events.	Increase maximum offset to 10%

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Save the Bay (1)	C.10.a.i.	Failure to meet performance guidelines	If Permittee fails to meet performance guidelines, must submit plans for meeting mandatory reductions; suggest the following activities that warrant certification: street sweeping, regular on-land cleanup and/or additional full trash capture	Based on this and similar comments, we agree there needs to be more action and incentives for action. A permittee can theoretically not meet the 2016 performance guideline nor the 2017 compliance deadline, but there would be no real incentives to comply for the remainder of the permit term since there are no additional mandatory deadlines after 2017. This could make it even harder for that permittee to comply with the next permit's deadlines. As such, we will convert the 2019 performance guideline into a compliance deadline. We will also add language on efforts required if the compliance deadlines are not met.	Convert the 2019 performance guideline into a compliance deadline. Add language on efforts required if compliance deadlines not met.
Save the Bay (2)	C.10	Failure to attain mandatory reductions	Permittees who fail to meet compliance milestones almost ten years after impaired waters listing for trash must implement engineered solution (full trash capture equivalent); not another plan to attain compliance	We will add language on efforts required if compliance standards not met, but engineered solutions may not be feasible in all drainage areas.	Add language on efforts required if compliance deadlines not met.
Save the Bay (3)	C.10	Receiving Water	Require monitoring of creek	The focus of the	Clarify the receiving

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		Monitoring	banks and shorelines as soon as possible; refine the existing Rapid Trash Assessment, and use other tools to measure in-stream trash as soon as they are developed to begin monitoring trash in the first year. This will help Permittees find the most persistent and dominant sources of trash.	requirements in this permit term is on drainage area assessments with consideration of the types and sources of trash to inform and evaluate effectiveness of control actions. The trash hot spot cleanup requirements will also generate information. We will revise the Permit to clarify that the Permit requires development and testing of receiving water monitoring tools and protocols during this permit term.	water monitoring requirements
Save the Bay (4)	C.10	On-land visual assessment	Permittees should conduct visual inspections no less than twice per quarter in all medium, high, and very high trash generation areas, and that these inspections are conducted at the same locations each time.	The permit requires Permittees to conduct observations at a frequency consistent with known or estimated trash generation rate(s) within a trash management area and the time frequency of implementation of the control action(s) implemented or planned in the management area. Inspections twice per quarter or more may be needed or appropriate in some areas, but that frequency may be more than	None

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				needed or too often in others.	
Save the Bay (5)	C.10	Alternative to visual inspections	We support an alternative to on-land visual assessments that focuses on storm drain outfall monitoring. By measuring trash flowing directly from the MS4, confusion with loading from direct discharges and other sources is eliminated. Allow Permittees to develop and submit detailed protocols, which can be used following Executive Officer approval. Storm drain outfall monitoring should specify the proportion of outfalls that must be surveyed, required frequency of assessment, and data that must be included in submittals.	We will revise the Permit to clarify that the Permit requires development and testing of receiving water monitoring tools and protocols during this permit. The requirements will allow consideration of alternatives to receiving water monitoring, such as outfall monitoring. Consideration of the proportion of outfalls that must be surveyed, frequency of assessment, and data that must be included in submittals will be part of method and protocol development. We have insufficient information to specify these in advance of method and protocol development and testing. Also, there are accessibility, logistical and safety challenges with outfall monitoring that have to be considered.	Clarify the receiving water monitoring requirements
Save the Bay (6)	C.10	Visual assessment used unless other	Until direct outfall monitoring methods are developed and certified, permittees should	We agree monitoring methods should include visual observations at	None

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		monitoring can be proposed and accepted	be required to complete visual assessments. Storm drain outfall monitoring protocols should specify: <ul style="list-style-type: none"> <li>• The proportion of outfalls that must be surveyed</li> <li>• Required frequency of assessment</li> <li>• Data that must be included in submittals.</li> </ul>	outfalls where practical and feasibility. However, the focus of the requirements in this permit term is on drainage area assessments not outfalls, and we have insufficient information and no standard protocols to justify the requested specifications at this time.	
Save the Bay (7)	C.10	Source control	To incentivize future innovation around source control, we recommend allowing up to 15% credit for activities supported by consistent data demonstrating measurable reductions.	We will raise the value for source control actions to a maximum of 10%.	Raise the value for source control actions to a maximum of 10%.
Save the Bay (8)	C.10	Trash Characterization	We recommend requiring that both on-land and hot spot assessments include a list of dominant trash types.	Based upon the Permittees' presentations to the Board, Permittees are aware of the types of trash that is being collected, and make use of this information without the need to extensively record and report it.	None

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Save the Bay (9)	C.10	Direct discharge control credit	In addition to the information currently required by section C.10.e.ii, we recommend that permittees submit: <ul style="list-style-type: none"> <li>•An established funding and staffing plan</li> <li>•Description of interdepartmental and/or public-private, public-nonprofit collaborations.</li> </ul>	The suggested additions are an implicit part of the C.10.e.ii requirements to the extent they are relevant and necessary to support the required description of control actions in a proposed comprehensive plan.	None
Save the Bay (10)	C.10	Reporting database	Develop a web-based database for permittees to submit data from trash capture device maintenance, visual assessments, receiving water monitoring, trash hot spot clean-up, and other trash reduction activities.	We have not made changes to the permit, but support this concept. Ability to develop such a database is dependent upon sufficient resources.	None
CWA (1)	C.10	Standard for compliance unclear	There is no explanation of what “no adverse impact to receiving waters” means for 2022. This needs to be specified.	This permit establishes a schedule of trash reduction deadlines, anticipating a goal or target of “no adverse impact to receiving waters” in 2022. That is not a compliance standard at this point since it extends beyond the term of the permit. The receiving water monitoring work will assist in developing appropriate criteria for success for the next permit term.	None

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CWA (2)	C.10	Full trash capture equivalency.	Given that no determinations have been made concerning how much trash full capture devices allow down storm drains in large storm flows, there is no way to determine whether an alternate device is truly “full capture device equivalent”.	The standard is based on visual assessment, not full trash capture equivalency. There is no secondary standard.	None
CWA (3)	C.10	100% means no trash present	100% and “no adverse impact” should be something equivalent to no trash being present in receiving waters as demonstrated by visual and in-water monitoring.	See response to CWA (1).	None
CWA (4)	C.10	Full trash capture inspections and maintenance	No specification of when maintenance should occur. Full trash capture inspections should be after storm events.	We will leave timing of inspections and maintenance to the Permittees, but full trash capture functionality must be maintained.	None
CWA (5)	C.10	Source Control	Suggest revising the term “source control” to “source reduction.” Permittees should be encouraged to additional source control actions.	The term “source control” adequately conveys the intent that Permittees reduce the source of trash. We agree that reducing trash generation at the source is an important part of the solution; we will raise the value for source control actions to a maximum of 10%.	Raise the value for source control actions to a maximum of 10%.

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CWA (6)	C.10	Trash under 5 mm	The Permit does not control or regulate trash under 5 mm; recommend increasing credit for source control.	We will raise the value for source control actions to a maximum of 10%.	Raise the value for source control actions to a maximum of 10%
CWA (7)	C.10	Receiving Water Monitoring	Addition of receiving water monitoring is appropriate. Suggested inclusions: 1) outfall monitoring (2X/wet season); and 2) in water assessment based upon trash flux monitoring that grant work is defining. Permittees should continue to use RTA or equivalent methodology until this tool is available.	We agree that receiving water monitoring is appropriate. We hope Clean Water Action will work with Permittees as they develop appropriate monitoring methods during this permit term.	None
CWA (8)	C.10	Identify trash items	For visual assessments, photo documentation should be accompanied by a report that characterizes and quantifies the products in the photos.	Consideration of the types, sources, and quantities of trash items is an implicit part of the required assessments to the extent they inform they inform and evaluate effectiveness of control actions. Based upon the Permittees' presentations to the Board, Permittees are aware of the types of trash that is being collected, and make use of this information without the need to extensively record and report it.	None
CWA (9)	C.10	Compliance	Failure to meet the 2017	We will add language	Add language

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		failure consequence too light	mandatory deadlines and performance guidelines should result in a requirement to perform full trash capture or other specified measures to reach the mandatory reduction.	requiring definite plans for full trash capture or equivalent to make up any deficit.	requiring definite plans for full trash capture or equivalent to make up any deficit.
CC County (7)	C.10	Diversity and Geographic complexity of CC County – need more time	Need more time to develop individual strategies for 19 communities with demographic and geographic diversity; Water Board should consider specific community challenges when evaluating compliance.	The deadline for the 70% reduction is consistent with the reduction schedule established in the previous permit. Should some Permittees be unable to achieve the specified reduction, as with any enforcement, the Board would consider their efforts to meet it in any potential enforcement action. If a Permittee has made significant efforts, but faces a much larger trash generation issue than most other Cities, some flexibility may be shown. As noted above, Permittee efforts to reduce trash are driven, in part, by the MRP's reduction targets. Delays to those targets are likely to result in delays in reduction efforts.	None
CC County (11)	C.10	Stream cleanup trash area	It is inappropriate to assign trash rates for streams; upland areas	The permit does not assign trash rates for streams.	None

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			generate the trash. Need clarification regarding whether Permittees should assess the trash load (gallons/acre) and assign a trash rate category for the cleanup area or estimate the drainage area discharging into the cleanup area. The County proposes assessing the trash levels in the cleanup area prior to the cleanup event using reference pictures and repeating the process after the cleanup. Another option would be calculating the number of trash bags times a gallon volume divided by the number of acres.	Determination of volume of trash removed in cleanups is a standard practice. The formula in C.10.e.i provides a means to claim a trash load offset value based on volume of trash removed. The areas in the formula are predetermined based on a Permittee's 2009 total jurisdiction areas of very high, high, and moderate trash generation.	
CC County(12, 15), Clayton(55), Concord(38), Danville(38), El Cerrito(44), Hercules(35), Martinez(7,41), Moraga(32), Orinda(35), Pleasant Hill(34), San Pablo (34), San Ramon(41), Oakley(15)	C.10.e.	No credit for actions that don't change TMA a whole major step	No credit for trash reduction activities that fail to make a "quantum" or significant change in trash rate. Suggest intermediate or interim credit by allowing post treatment calculations of trash loads at the lowest rate for each category.	The existing evaluation and credit structure provides an adequate framework to assess compliance and progress toward performance goals. We agree that major changes <i>are</i> required to reach the mandatory reductions in this permit term and ultimate goal of no impact to receiving water in 2022.	None
Clayton (20)	C.10	Flexibility, \$	Maintenance costs for full trash capture are high (\$200 x 25 full	The existing permit language provides flexibility to meet	None

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			capture devices). Request greater flexibility in allowing alternative measures with less onerous reporting requirements so Permittees can comply in a cost feasible way	full trash capture or equivalent.	
Clayton (23, 26)	C.10	Inspect TMA upstream of full trash capture?	Eliminate the need for upland drainage area visual assessment for those drainage areas that have installed full trash capture devices. The only annual report information should be on the devices and target only devices that were not functioning properly.	There is no such requirement for visual assessment of drainages going to full trash capture. Visual assessment is only necessary where other methods of trash reduction are used.	None
Clayton(24), Concord(7), Danville(6), Hercules(6), Lafayette(6), Martinez(5), San Ramon(6)	C.10	Require private property owners in high and moderate trash areas to install full trash capture	Require private property owners in high and moderate trash areas to install full trash capture	Permittees have the ability through their stormwater ordinance to require property owners to prevent trash discharge	None
El Cerrito(16)	C.10	Credit for on-land cleanups	Volunteer “Green Teams” cleanup should be directly credited based on volume removed.	The only volume based compliance value is the offsets for creek and shoreline and direct dumping removal. The work of these volunteers should show up and be accounted for in visual assessments in the trash management areas.	None

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Emeryville (1)	C.10	On-land crews equivalent to full trash capture	Crews cover 2 miles/day of 19 miles of city streets – 7 hours a day, 7 days a week – at least as good as full trash capture.	If so, then visual assessment, perhaps by the supervising staff person of the crew, should demonstrate that fact.	None
Fremont (4)	C.10.a.ii.b.	Full trash capture on private lands	It is unclear whether local agencies have the legal authority to compel private landowners to retrofit properties with trash-capture devices in the absence of seeking a development permit or having to abate a nuisance. There is a wide disparity of drain shapes, sizes and depths, which may not support trash capture devices. Suggested approach is to allow structured method of updating private storm drain maps and increase trash capture coverage on a going forward basis.	Permittees are responsible for all sources of trash into their MS4. Permittee are not required to impose installation of full trash capture on private parcels, they only have to assure that these parcels are not a source of trash directly to the MS4. There are many ways to accomplish this, including using existing inspection programs, but not limited to these. Full trash capture is not the only method to control trash generated on these parcels. All of the trash control methods can be used.	None
Hayward (1)	C.10	No clear path to compliance	No clear and feasible path to load reductions.	We disagree. For trash, there is a clear path to compliance using either full trash capture or actions which make a clear impact using visual assessment to assess outcomes.	None

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Hayward (6)	C.10.a.	Benchmarks duplicative	Remove benchmarks which are duplicative of the Permittees detailed long-term trash reduction plan.	The benchmarks and compliance deadlines are necessary to track and assure progress.	None
Hayward (11)	C.10.e.	Add credit for Public Outreach	Public outreach should be credited towards trash reduction directly. If no credit for outreach, remove from C.7.	Compliance value for public outreach will occur as changes in TMAs that is verified by visual assessment. We will revise C.7 to eliminate the mandatory trash specific advertising campaign requirement.	Revise C.7.b - Advertising Campaigns requirement to provide flexibility and eliminate trash specific requirement.
Oakland(17,18,19)	C.10	Annual reporting too burdensome	Annual reporting for trash has grown and is too burdensome. Reduce and require only every other year.	The reporting currently required is the minimum that is needed to determine compliance with this provision. It would not be practical nor legal to platoon the annual reporting by the Permittees, as it is necessary to make compliance determinations on all Permittees in each year and required under 40 C.F.R. § 122.42(c).	None
Orinda (4)	C.10	Majority is Low Trash	Majority of the City is Low Trash Generating, with less than 5% of City land as high trash generating. Challenging to implement trash reducing measures in fruitful areas.	Orinda's task should be straightforward, to focus on the few high trash areas.	None

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U.S. EPA (10)	C.10	Receiving Water Monitoring	Clarify intent and expectations behind receiving water monitoring requirements. Permittees will pilot water column flux monitoring and decide whether to pursue further.	We will revise the Permit to clarify that the Permit requires development and testing of receiving water monitoring tools and protocols during this permit term, including water column flux monitoring.	Replace draft permit requirements with requirements to submit plan to develop monitoring tools and protocols and to submit report and proposed monitoring program before end of permit.
U.S. EPA (11)	C.10	Define sample stations	Define sample stations for receiving water monitoring within 2 years.	The revised requirement for Permittee to develop and test receiving water monitoring tools and protocols include determination of monitoring location.	Include determination of monitoring locations in revised receiving water monitoring requirements.
U.S. EPA (12)	C.10	Identify management questions for monitoring	Identify management questions for receiving water monitoring for trash.	We will specify the management questions in the revised receiving water monitoring requirements.	Add management questions to revised receiving water monitoring requirements.
U.S. EPA (13)	C.10	Trash tracker database	Evaluating trash reduction measures for compliance in the long term requires major data management. This should be done with a GIS platform database, such as the “Trash Tracker”, which can be continuously improved.	We agree that this approach would be the most efficient. We will pursue this with Permittees through development of annual report improvements.	None
U.S. EPA (14)	C.10	Set minimum monitoring	Set minimum monitoring requirements for reporting and	The current permit requirements are specific in	None

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		requirements for reporting and compliance.	compliance; requirements should be variable based on trash generation rates. The 2014 annual reports lacked definition to allow simple compliance determination	both visual assessment quantity and areal extent to determine compliance. The amount of visual assessment activity to adequately monitor a trash management area may not be related to the trash generation rate. The Provision C.10.b Outcome Demonstration requirements of this permit improve and simplify compliance determination.	
Cupertino (2)	C.10	Appreciate flexibility	Appreciate flexibility to use cost effective opportunities to reduce trash	Comment noted	None
Mountain View (11)	C.10	Underground parking garages should be deemed "Low"	Underground parking garages should be deemed "Low" trash generation	When assessing private parcels, a Permittee is free to make any such determination	None
San Jose (40)	C.10.b.ii.b.	C.10.b.ii.(v.) does not exist	C.10.b.ii.(v.) does not exist	We will change it to read C.10.b.ii.b.(iv.), which does exist.	Correct to read C.10.b.ii.b.(iv.)
San Jose (41)	C.10.b.ii.b.(iv)	How to obtain EO approval	How do Permittees obtain EO approval of proposals for other trash reduction assessments; timeframe for EO decision; whether a proposal may be considered accepted if no objection is received in a given timeframe (e.g. 30 days). Request deletion of EO	Default approval for relief of a permit requirement is not appropriate if there is no Executive Officer objection within a specified timeframe. We will add language to the permit that clarifies that a proposal must be under separate cover and sent to	Clarify that the submittals must be under separate cover and sent to the Executive Officer.

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			approval.	the Executive Officer. That will trigger a response. We expect a well-documented assessment demonstration will be reviewed and considered for approval in a timely manner.	
BASMAA (6)	C.10	Trash very difficult, long term problem	Trash very difficult, long term problem. There are many pathways for trash to get to waters. Solutions are long time scale. Solutions situation dependent.	Comment noted.	None
BASMAA (7)	C.10	Monitoring difficult	Monitoring to demonstrate progress in reducing trash very difficult because of variability. More data may not solve problem.	Comment noted.	None
SCVURPPP Legal (9)	C.10	Reference Discharge Prohibition A.1 and A.2  Nonjurisdictional /beyond NPDES; provide feasibility & economic analyses <ul style="list-style-type: none"> <li>• New requirement, thus unfunded mandate</li> <li>• Contains</li> </ul>	First, as per Legal Comment No. 4 (and since it covers both the wet and dry seasons), to reduce the potential for unnecessary litigation about it, at its outset, Provision C.10 should reference Discharge Prohibition A.1 in addition to A.2.  Second, as was true under the current MRP and noted under SCVURPPP Legal Comment No. 2, because Provision C.10	The commenter is correct that the third sentence should be revised to include Prohibition A.1 in addition to Prohibition A.2. Provision C.10 establishes requirements applicable to both stormwater and non-stormwater discharges of trash, and as such, the requirements should have applied to compliance with Prohibition A.1 for non-stormwater discharges of trash as well. The correction	Add reference to Discharge Prohibition A.1, for trash discharges.  Revised the permit to state the 100% trash reduction by 2022 requirement is a goal.

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		requirements beyond 5-yr permit term which should be stated as goals	<p>extends its requirements beyond the jurisdiction of the Clean Water Act as recently clarified by US EPA, it reaches beyond the NPDES program's confines and, to this extent, requires a not-yet-provided analysis of technical feasibility and economic reasonableness pursuant to Sections 13263 and 13241 of the Water Code as well as potential analysis under CEQA.</p> <p>Third, even if it was contemplated under the current MRP and is consistent with the prior long term vision of the Water Board, the increase of an actual trash reduction requirement from 40% to 70% from 2009 levels by July 1, 2017 in Provision C.10.a clearly represents a new requirement and/or calls for a higher level of service. It therefore constitutes an unfunded mandate and should be conditioned on the co-permittees' prior receipt of State- provided funding for the programs necessary to reduce</p>	<p>has been made.</p> <p>We disagree that Provision C.10 extends beyond the jurisdiction of the Clean Water Act under the stayed new rule on the waters of the U.S. To the extent the commenter is referring to C.10.e. Optional Trash Load Reduction Offset Opportunities, it contains no requirements and imposes no obligations on the permittees. Rather, it contains optional measures permittees may undertake (or not) and were put into the permit at the behest of the permittees who seek to offset part of their trash reduction requirements.</p> <p>The narrative water quality objectives in the Basin Plan for floating, settleable, and suspended materials, all of which pertain to trash, state that waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial</p>	

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			<p>trash loadings by an additional 30%.<sup>4</sup></p> <p>Finally, the requirement for achieving 100% trash reduction/no adverse impact by July 1, 2022 in Provision C.10.a (which is described as a “mandatory deadline” rather than as a long term target) illegally extends beyond the five year term of this NPDES permit cycle (see Water Code Section 13378) and should be deleted or restated to just represent an aspirational future goal.</p>	<p>uses; waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses; and water shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses, respectively. Since at least 1995, permittees have been subject to receiving water limitations prohibiting discharges from causing or contributing to a violation of any applicable water quality objective for receiving waters. And yet trash remains a pervasive problem in creeks and in San Francisco Bay, adversely affecting beneficial uses and causing nuisances. In 2009, 26 waterbodies in the region were listed under the Clean Water Act’s section 303(d) list as impaired by trash. In</p>	

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				<p>view of this background, requiring permittees to reduce trash by 70% from 2009 levels (a situation in which trash will still be discharged storm sewers in not insignificant amounts) by 2017 is neither a new requirement nor a requirement for a higher level of service, since permittees have since the 1990s been prohibited from discharging trash in amounts that cause or contribute to a violation of water quality objectives for receiving waters. (Violations of receiving water limits may occur irrespective of compliance with the iterative process set forth in permits to comply with the limits. State Water Board Order WQ 2015-0075.) They cannot now disavow this underlying requirement because the draft permit presently provides a schedule and a path for the</p>	

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				<p>permittees to meet this pre-existing requirement. Baykeeper maintains the draft permit is less stringent than the existing permit to the extent the draft now provides a safe harbor for trash discharges from storm drains. Accordingly, there is no unfunded mandate, and we decline to condition this requirement contingent on prior receipt of state funding.</p> <p>We will revise the draft permit to state the 100% trash reduction by 2022 requirement is a goal, since 2022 extends beyond the term of this permit. That said, the 2022 goal may be a requirement in the next permit.</p>	
Partnership for Sound Science in Environmental Policy (PSSEP) (1)	C.10	Value for Source Control needs demonstration of outcomes, and no substitute trash	To obtain compliance value for implementing ordinances for source control, Permittees should be required to demonstrate trash reductions attributable to those ordinances. Also, demonstrate that substitute litter does not occur.	San Jose has demonstrated that the implementation of their single use bag ordinance led to dramatic reduction of plastic throwaway bags in litter cleaned up by volunteers and city crews. The amount	None

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			No empirical data shows that the volume of trash reaching waterways has been reduced by product bans. It is inappropriate to provide regulatory incentives to Permittees to adopt product bans when there is no evidence of measurable reductions in litter surveys.	of reduction was 8%. They demonstrated extensive use of reusable bags in place of the single use bags. Foam foodware ordinances require replacement with non-floating and biodegradable items, which will not travel as far and will break down faster. The same is true of paper replacement items.	
PSSEP (2)	C.10.b.iv.	Source control. Must provide evidence that actions reduce trash by claimed value.	We appreciate staff's efforts to limit the availability of credits as well as to require permittees claiming those credits to make an affirmative and verifiable demonstration that such actions are actually reducing litter. Permittees must provide substantial evidence that these actions reduce trash by the claimed value.	Comment noted.	None
PSSEP (3)	C.10.b.iv.	Source control. Must provide evidence that actions reduce trash by claimed value. No reference to studies.	We believe the phrase "substantial evidence" is vague and confusing, and should be replaced with more appropriate language like "substantive and credible information" to avoid confusion with an unrelated legal concept; Permittees cannot meet their evidentiary burden merely by referencing studies in	We have made the change to "substantive and credible evidence." Reference to studies in other jurisdictions, if the ordinances are sufficiently similar and implemented in sufficiently similar manners, is adequate demonstration that source control has	Change to substantive and credible evidence.

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			other jurisdictions.	demonstrated value in the Permittee's jurisdiction.	
PSSEP (4)	C.10	Trash reduction and baseline calculation must be peer reviewed.	Permittees must demonstrate that their baseline trash calculation methods, as well as trash reduction calculation methods, have been peer reviewed and are generally accepted in the field.	The process of staff review and Board consideration is sufficient to determine the sufficiency and adequacy of the trash reduction accounting method, based on trash generation mapping. Peer review would add an additional and unnecessary cost burden to the process.	None
PSSEP (5)	C.10	Use garbage franchise agreements to install and maintain full capture systems	Adopt new stormwater fees or pursue other funding means for full trash capture controls such as garbage franchise agreements to install and maintain trash capture systems.	The Permit does not regulate the funding mechanisms Permittees may use to meet the requirements of the permit. We encourage and support creative means of financing or obtaining funding for better solutions.	None
Baykeeper (24)	C.10	Trash assessment protocols inadequate to determine compliance	The assessment protocols (developed by BASMAA) do not provide a mechanism for determining compliance with trash load reduction standards. This approach clearly is not working and the Regional Board must introduce specific permit requirements.	The current protocols, which we have developed in partnership with BASMAA, do provide an adequate method to determine compliance, using a combination of mapping of both full trash capture catchment areas and visual assessment outcome based measurement of other areas,	None

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				<p>which do not use full trash capture to reduce trash. As Permittees implement trash control actions, the mapping and visual assessments will provide feedback the Permittees can use to focus future efforts.</p>	
<p>Baykeeper (25)</p>	<p>C.10</p>	<p>Compliance assessment lacks detail</p>	<p>The specifications for receiving water observations, described in Section C.10.b.iii., lack sufficient detail for Permittees to follow and provide no basis from which Permittees can determine compliance with permit terms.</p>	<p>US EPA has recognized the difficulties inherent in monitoring stormwater - a variable and relatively unpredictable discharge. US EPA advises that the monitoring requirements for stormwater should be designed "1) to identify if problems are present, either in the receiving water or in the discharge, and to characterize the cause(s) of such problems; and 2) to assess the effectiveness of storm water controls in reducing contaminants and making improvements in water quality." This Permit exceeds these two criteria. Through receiving water monitoring and mapping and visual assessment, Permittees will be able to report on the causes of trash</p>	<p>None</p>

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				<p>in waterways as well as the success of trash control actions, the key criteria for determining compliance with the Permit. The receiving water monitoring described in this Permit is not intended to be used to determine compliance at this time. It is intended that Permittees will gain experience and develop methods for measuring trash in receiving waters, as well as an understanding of areas that require more trash control measures.</p>	
Baykeeper (26)	C.10	<p>“Trash generation areas” unrelated to receiving water quality</p>	<p>Baykeeper has serious concerns regarding the Draft MRP’s approach of demonstrating attainment of mandatory deadlines through the use of “trash generation areas,” which appear to be arbitrarily established and may have no correlation to the quality of receiving waters. Although the four Very High, High, Moderate, and Low categories have specific trash generation rates attached to them, there appears to be significant discretion and confusion regarding how the Permittees</p>	<p>Trash generation areas are not arbitrary; rather they are established in response to observations and specified criteria. With consistent training and application by Permittees, these criteria will provide Permittees with sufficient information to evaluate trash sources and effectiveness of control measures. There are only a few ways for trash to enter the storm drain system to then be discharged to receiving waters. If the street and sidewalk areas</p>	None

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			will categorize areas within their jurisdictions and calculate percentage discharge reductions.	are clean, there is a good likelihood that no trash will wash off of these areas to the storm drain system. In evaluating how to document the trash reduction outcomes of non-full capture actions, the best approach to date is the use of visual assessment on the urban landscape, coupled with the mapping of trash management area status.	
Baykeeper (27)	C.10	Establish compliance using loading at point of discharge	We urge the Regional Board to develop an alternate compliance standard based on trash loading at the point of discharge (see Appendix 1 of comment letter). This approach calls for end-of-pipe full capture devices, some of which have been evaluated by Permittees, to assess trash loading from representative discharge points. Such an approach has been endorsed by Region 4. The Regional Board may also wish to specify such an approach where Permittees discharge to a 303(d) listed waterbody for trash.	The Board's approach is consistent across all waterbodies in the region, recognizing the pervasiveness of trash. Because of the interconnected nature of many of the waterways, focusing on only 303(d) listed waterbodies was not logical. There are few end-of-pipe full trash capture devices deployed, certainly not enough to provide a representative sampling of the thousands of discharge points, and certainly not enough for use in compliance determination for	None

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				<p>the many Permittees. The Board, and the Permittees, are actively following trash control efforts in the Los Angeles region, and evaluating the effectiveness of those efforts. To the extent that end of pipe full capture devices are not cost prohibitive and are a more effective means of removing more trash per dollar spent, or are effective for monitoring at the end of pipe, Permittees have the flexibility to implement them.</p>	
Baykeeper (28)	C.10	Permit should describe observation and assessment protocols	Receiving water observations and assessment protocols must also be described in order to reduce uncertainty. Options for evaluating receiving water quality and load reduction performance include fixed line transects at known trash hot spots, end of pipe full capture, and installation of trash booms.	We will revise the Permit to clarify that the Permit requires development and testing of receiving water monitoring tools and protocols during this permit term, which will include consideration of uncertainties. Our understanding of fixed line transects at known trash hot spots means to count the trash items on the transect. This would be a new method. To date, Permittees have submitted data concerning the volume of	Clarify purpose of receiving water monitoring and replace draft permit requirements with requirements to submit plan to develop monitoring tools and protocols.

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				<p>trash removed and performed evaluations concerning the types of trash removed, in an effort to better pinpoint sources of trash and effectiveness of control activities. We are open to additional methods of evaluating the effectiveness of trash hot spot cleanups, provided they are consistent and result in verifiable, repeatable sampling and recordation methods. See response to Baykeeper comment 27 above about end-of-pipe full trash capture. Finally, trash booms may be a valuable piece of the trash control puzzle, but they only assess floating trash (as opposed to sinking), and can be swept out by larger storms. In proposing end-of-pipe and trash booms, Baykeeper indicates a preference for controlling trash at the receiving water. While these may also be important elements of the overall control strategy, it is our experience that significant</p>	

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				efforts in source control reduce the need for and reliance on these measures which, if they fail, may be much more catastrophic if they are the sole means of control as opposed to source control in the upper watershed.	
Baykeeper (29)	C.10	Permit should require mandatory reductions in all permit years	The Regional Board should revise the Draft MRP to state that the 60% reduction requirement for July 1, 2016 and the 80% reduction requirement for July 1, 2019 are mandatory deadlines.	We agree in part and will make the 2019 reduction of 80% a mandatory deadline. See Response to Save the Bay Comment 1. An additional reduction requirement in 2016 may force Permittees to focus on reporting rather than developing control activities. Substantial 2016 performance shortcomings will be caught by the 2017 mandatory deadline And factored into enforcement considerations.	Make the 2019 reduction of 80% a mandatory deadline.
Baykeeper (30)	C.10	Permit should not provide offsets for source control	No further offsets or credits should be provided in addition to what is already included in the Draft MRP.	The offset system is in place to encourage Permittees to undertake activities that may not have an immediate effect, but, over the-long term, will result in significant reductions in trash.	Increase the maximum offsets for source control to 10%, creek and shoreline cleanup to 10%, and direct dumping to 15% l.

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				<p>Removing the offset system at this point could lead to short-term litter removal efforts by Permittees as opposed to investments in long-term strategies that will control waste better and more cost effectively. This Permit represents an additional step in a process of going from extremely trash-impacted waterways to a goal of no trash. At this point in the process, the Permit is focused on actions that will prevent trash from entering the waterways; including not only engineered controls but also behavior modification. As Permittees implement these methods of control, offsets will become less meaningful and receiving water quality more telling of the effectiveness of the Permittees' efforts. We anticipate that the offsets will be unnecessary in the following Permit term, but are convinced by firsthand accounts of Permittees and third parties of the utility of</p>	

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				offsets at this point in the process.	
Baykeeper (31)	C.10	Non-compliance consequences should be strengthened	For Permittees who fail to meet performance guidelines, the Regional Board should (1) impose specific control actions to achieve attainment of the guideline, and (2) require the Permittees to demonstrate attainment within a specific time period (i.e., 6 months). For Permittees who fail to meet mandatory deadlines, the Regional Board should (1) require the installation of additional full trash capture systems to achieve the deadline, and (2) require the Permittees to demonstrate compliance with the deadline within a specific time period (i.e., 6 months) rather than the Draft MRP’s standard of “in a timely manner.”	The Board can employ a variety of enforcement approaches to obtain compliance. We prefer to retain the flexibility of these different approaches, rather than have the consequences of non-compliance predetermined.	None
Emeryville (1)	C.10	Credit value for BMPs.	A crew averaging ten County furlough workers and one City employee cover nearly the entire one-square-mile city each day, picking up trash. Emeryville has only 19 miles of street, which means that on average, each worker walks	Assessment of this method for trash removal should be possible using the visual assessment protocol.	None

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			about two miles of street each day picking up trash. Visual observations demonstrate that these frequent on-land cleanups are at least as effective as Full Trash Capture devices		
Water Board July 8, 2015 Hearing Transcript – Mayor Bob Simmons, Walnut Creek (1)	C.10	Obtain trash reduction from BART and public schools.	The Water Board should help the Permittees to obtain trash reduction from BART and public schools.	We agree.	None
Water Board July 8, 2015 Hearing Transcript – Council Member Morris, San Pablo (2)	C.10	Funding for Full Capture and Maintenance impacts City budget	Funding for Full Trash Capture and Maintenance will significantly impact the City budget. Need flexibility.	The permit provides flexibility. Full trash capture is not the only way to meet the requirements.	None
Contech (7)	C.10	Require regular trash removal for LID systems	LID systems, to be considered full trash capture, must have trash removed regularly to avoid visual or water quality impacts	Maintenance requirements for full trash capture devices are specified in another section, C.10.b.i.a., however, all full trash capture systems must be regularly maintained so that trash collected does not impact downstream receiving waters and so that the device functions properly to control trash.	None
Contech (8)	C.10	Different maintenance specs for different trash systems	Different maintenance specifications for trash capture systems with in-line vs. off-line trash storage. 25% screen plugging should trigger	Rather than create a list of maintenance specifications for each type of full trash capture system, we will allow Permittees to maintain all	None

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			maintenance.	such systems in a state that will function fully during each storm. These specifications are somewhat arbitrary and there is not yet sufficient information to base such specifications on.	
Contech (9)	C.10	Photos of maintenance	Add a requirement that before and after maintenance photos be collected and provided upon request of the Regional Board.	We will spot check maintenance of full capture devices. Taking thousands of photos, storing and labelling them will be very time consuming.	None
Contech (10)	C.10	Reference error	C.10.b.ii.b - Check reference in first sentence; no such section in permit.	We will correct the typo.	Change C.10.b.ii.b to C.10.b.ii.b.(iv.)
Contech (11)	C.10	Receiving Water or Storm Drain assessment	C.10.b.ii.b. - Add a receiving water monitoring based assessment of effectiveness of "other trash management actions", or add storm drain system inspection to the visual assessment actions.	We do not know how to effectively specify either of these ideas in a form to judge compliance at this time.	None
Contech (12)	C.10	Phase out credits, offsets	C.10.d, C.10.b.iv - Credits offered should be phased out over time; shoreline cleanups do not prevent discharges from MS4s.	The credit and offset values are only applicable during this permit term. They will be reconsidered and possibly not be included or phased-out in future permit reissuance.	None

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Contech (13)	C.10	Require full trash capture installation for non-compliance	C.10.f.v.b - Penalty for not meeting compliance deadlines - requiring installation of full capture systems in the watershed at an accelerated pace to bring the permittee into compliance.	Full trash capture, while effective in many circumstances, cannot be used everywhere. We prefer to have the full range of options for responding to non-compliance available.	None