



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

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San Francisco Bay Regional Water Quality Control Board

1515 Clay Street, Suite 1400

Oakland, CA 94612

January 14, 2019

Attn: Dale Bowyer, Chair Young and Members of the Board

Re: Comments regarding Cease and Desist Order No. R2-2019-xxxx

Dear Mr. Bowyer, Chair Young and Members of the Board,

This responds to Cease and Desist Order No. R2-2019-xxxx proposed to be issued to the California Department of Transportation (Caltrans), regarding the persistent failure of Caltrans to adequately maintain their 25,000 acres of right-of-way (ROW) within the San Francisco Bay Area, and has resulted in rubbish, refuse and other solid wastes entering waters of the State. Enforcement of the Cease and Desist Order is critical as Caltrans has failed to develop an adequate plan of action despite issuance of a Notice of Violation back in December 2016. The Citizens Committee to Complete the Refuge fully supports the San Francisco Bay Regional Water Quality Control Board's (SFBRWQCB) efforts however we believe the Cease and Desist Order must be strengthened to protect waters of the State, given the failure of Caltrans to produce an action plan in a timely manner.

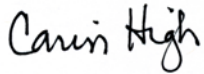
1. Implementation of Trash Controls – As we read the Order, it appears Caltrans has until 2026 to meet full trash capture equivalency for 3,720 acres. The Order notes in Item 14 that Caltrans has identified 3,720 acres of ROW as “very high and high generation areas” in its trash generation assessment and 8,820 acres as being “moderate trash generation areas.” Does this mean that the total acreage of “very high,” “high” and moderate trash generation areas is 12,540 acres? If this is the case, the timeline proposed by this Order seems totally inadequate. It is not unreasonable, given the negative impacts of trash on the Bay ecosystem, to expect a focused effort targeting those trash generation areas that produce the highest levels of potential pollution to the waterways of San Francisco Bay. The target should be at minimum full trash capture equivalency for 8,130 acres by June 30, 2026, including the 3,720 acres of highest trash generation and half of the acreage of areas producing moderate levels of trash generation. Full trash capture should be expected for no less than 12,540 acres by 2028.

3. Prepare and Submit a Trash Generation Map – We believe three months from the date of the effective date of this Order should be an adequate time frame to provide a Trash Generation Map that at least identifies Very High, High and Moderate categories of trash generation and all significant trash generating areas.

4. Prepare and Submit a Trash Control Implementation Workplan - We are opposed to a deadline of December 31, 2019 for submission of a Trash Control Implementation Workplan. A deadline set so far out into the future could allow more than a year of continued non-compliance to transpire should Caltrans fail to meet this deadline. As with the trash generation map, we believe three months should be an adequate time frame to produce at minimum, a draft workplan.

We hope the Board will approve this Cease and Desist Order with the recommendations made above. It is vital that the aquatic resources of San Francisco Bay are protected from the degradation of continued inputs of trash from Caltrans' right-of-ways. Many areas of significant ecological importance such as the San Francisco Bay National Wildlife Complex of Refuges lie immediately adjacent to major roadways and are adversely impacted by trash blown from the roadways and stormwater runoff. We thank the SFBRWQCB staff and Board for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink that reads "Carin High". The signature is written in a cursive, slightly slanted style.

Carin High
CCCR Co-Chair