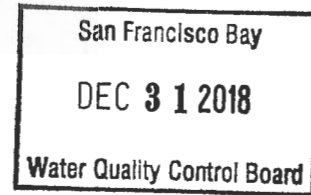




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901



DEC 28 2018

Mr. Dale Bowyer
San Francisco Bay Regional Water Quality Control Board
1515 Clay St., Suite 1400
Oakland, CA 94612

Re: Draft Cease and Desist Order to Caltrans (No. R2-2019)

Dear Mr. Bowyer:

EPA is writing to provide comments on the draft Cease and Desist Order (Order) recently proposed for comment by the San Francisco Bay Regional Water Quality Control Board (Water Board). We support the Water Board's efforts to ensure Caltrans achieves necessary, measurable trash reduction in the San Francisco Bay Area. We are encouraged by recent efforts by Caltrans and municipalities such as Oakland, San Jose and San Pablo to begin collaboration on trash capture installations in areas that have been mutually identified to be high priorities for trash reduction.

We understand the draft order would require Caltrans to address a maximum of 3,720 acres of Caltrans jurisdiction by 2026. The draft order indicates that 8,820 acres have been identified through improved visual assessments as significant trash generating areas, rated between moderate and very high. EPA expects that to achieve "full trash capture equivalency" as set forth in the statewide trash amendments that Caltrans will need to eventually address all 8,820 acres, and we note the Order requires this by December 2030. We recommend that the Board consider significantly increasing the acreage of moderate and high-trash generating areas required to be addressed by 2026 in the Order. An alternative compliance schedule to consider would be to require a benchmark of 100 acres within a year of the month the order takes effect to demonstrate readiness by Caltrans, and then step up by increments of approximately 1000 acres in the following years with a goal of 6000 acres by the end of 2024.

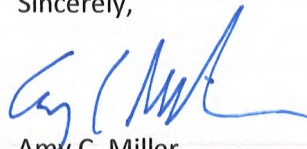
Increasing these goals would help ensure that Caltrans makes more timely progress in addressing significant trash generating areas within its jurisdiction and would make Caltrans' trash control obligations more commensurate with the Bay Area cities' obligations under the municipal regional stormwater permit (MRP). For example, we note that the 76 Bay Area cities have been steadily making investments in trash reductions pursuant to their stormwater permit requirements, most achieving a 70% reduction in 2017, with the mandate of "no adverse impacts" by 2022. Moreover, increasing the area Caltrans is required to address under this order would create greater incentives for Caltrans to partner with Bay Area cities to identify trash control options and implement projects that benefit both Caltrans and the neighboring cities. We expect that such technical and financial partnerships between Caltrans and Bay Area cities will be necessary to enable the cities to meet the 2022 target set in the MRP.

The Order also identifies a commitment for Caltrans to produce and annually update a trash generation map to track progress. EPA supports creating this map for the purposes of having a way to track annual progress and encourages as much overlap with the existing BASMAA maps as possible for comparability over time. The maps should also be publicly accessible. Furthermore, we recognize the effort to implement and track compliance with the Order will be a long-term workload for the Regional Board. In addition to review of documents submitted, EPA encourages Board staff to perform site inspections and continue to hold meetings with Caltrans throughout the term of the Order to ensure compliance obligations are met. EPA is available to discuss how we may be able to assist Regional Board staff in this effort.

Lastly, certain terms in the Order such as “full trash capture equivalency” and “full trash capture standard” could be subject to misinterpretation. It would be prudent to identify if the terms are being used in ways that are consistent with the definitions in Statewide Trash Amendments Staff Report (Section 2.4.1 Permitted Storm Water Dischargers) or more interchangeably. We recommend citing the appropriate documents or creating a definition section in the Order for key terms used in the Order.

We value our partnership with the Water Board in implementing the Clean Water Act and continue to offer our services and technical expertise to improve San Francisco Bay waters. Should you have any questions, please contact me at 415-947-4198.

Sincerely,



Amy C. Miller
Acting Director, Enforcement Division