



Terry Young, Chair
San Francisco Bay Regional Water Quality Control Board
1515 Clay St
Suite 1400
Oakland, CA 94612

January 14, 2019

Re: Tentative Order for Caltrans Trash Control Implementation

Dear Chair Young and Board Members,

Thank you for the opportunity to comment on the Tentative Order for Caltrans Trash Control Implementation. Save The Bay has worked for over a decade to prevent trash from impacting Bay water quality and wildlife. While the Municipal Regional Stormwater Permit is achieving progress by holding local agencies responsible for their share of Bay pollution, Caltrans has not complied with its stormwater permit and has delayed significant implementation for years, even after formal notice of violation from you. As written, the Tentative Order will not adequately reduce trash flows to the Bay from Caltrans roads and does not ensure compliance with the Federal Clean Water Act. You should make significant changes to strengthen the Order, accelerate its implementation, and increase the trash generating acreage treated in the next few years.

Cities and counties are required to implement 80 percent full trash capture or equivalent actions in their MS4 by July of this year. Much of their progress to date by has occurred over the past four years with the installation of hundreds of trash capture devices across the region, and other trash control strategies. In the same time period, Caltrans has been in repeated violation of its stormwater discharge requirements and has yet to develop an acceptable trash control plan for thousands of acres of agency right-of-way in the Bay Area.

This draft order fails to hold Caltrans accountable for the same trash control requirements you impose on our cities and counties. The order's protracted timeline and inadequate treatment acreage requirements will hamper cities' ability to meet their permit requirements in a timely manner, while continuing to decrease beneficial uses and enjoyment of the Bay by residents and visitors.

We strongly urge you to revise the draft order in the following ways:

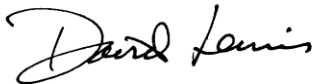
- **Require Caltrans to install full trash capture or implement actions equal to full trash capture according to the following timeline:**
 - 1,150 acres by 2020
 - 2,750 acres by 2022
 - 6,000 acres by 2024
 - All significant trash generating area—no less than 8,820 acres—by 2028

In their April 2018 draft of this order, Regional Board staff included these interim deadlines for full trash capture or equivalent in 2022 and 2024 and a final deadline for full trash capture in all significant trash generating areas by 2028. We see no reason to establish a slower compliance timeline, as trash has been fouling the watershed and Bay waters for far too long.

- **Require Caltrans to submit a trash generation map and initial work plan within 3 months of order adoption.** This order is already long overdue and Caltrans has already failed for the last four years to submit sufficient plans despite your repeated requests. You should require Caltrans to submit a detailed and explicit plan immediately that includes a specific commitment to provide implementation funds in current and future budgets.
- **Remove references to potential time extensions.** Bay Area municipal permittees do not have this option and have diligently identified solutions to a variety of feasibility issues. Caltrans must be required to comply with the Clean Water Act and the deadlines and requirements of your final order, and should collaborate with cities and counties to meet those deadlines and requirements.
- **Require Caltrans to include operation and maintenance (O&M) funding in cooperative agreements with municipalities.** In addition to capital costs, maintaining large trash capture devices over their lifetime is a major expense that municipalities should not bear alone.

Our shared vision for a Bay free of trash has the force of law, regulations and approved permits. But that objective can only be achieved if all responsible agencies are held to the same strong standards for compliance and accountability. Equal application of these requirements will ensure continued enjoyment of the Bay by all, and will protect the ecological health of a resource that our region depends so deeply upon. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director