



March 9, 2021

The Honorable James McGrath, Chair

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Chairman and Members of the Board:

This letter serves as a follow up to our previous comment (dated February 9, 2021) regarding the *Trash Control Implementation Workplan for the San Francisco Bay Region* submitted by Caltrans on December 31, 2020. We have reviewed the San Francisco Bay Regional Water Quality Control Board's (Regional Board) staff response from February 26, 2021, and are in agreement with the many substantive and significant deficiencies in the staff's letter, which reflected issues that Save The Bay has highlighted. However, in light of the years of pollution San Francisco Bay has already suffered from Caltrans' Clean Water Act violations over many years, we encourage you require Caltrans to correct these deficiencies much more rapidly.

The Regional Board issued its cease and desist order (CDO) to Caltrans two years ago, following more than four years of Caltrans failing to comply with the Regional Board's permit requirements. The staff's letter underscores that Caltrans remains on a path toward non-compliance by not putting forward a plan that will meet the trash reduction benchmarks mandated by the Regional Board.

When the Regional Board issued a conditional acceptance of Caltrans' 2019 workplan, it stated reservations that "substantial additional work is needed for Caltrans to demonstrate it will achieve trash control benchmarks beyond 2020"¹. That message was reiterated when Save The Bay met with Regional Board staff and Caltrans District 4 staff in March, 2020. Unfortunately, Caltrans still has not completed that work, despite consistent feedback from Regional Board staff.

We therefore disagree with the staff's recommendation that outstanding deficiencies in Caltrans' workplan should be resolved upon submission of the next workplan, due by December 31, 2021. Given Caltrans' extensive history of failing to comply with this Board's directives, and the Board's clear guidance for the most recent workplan, the Board should require corrective action by Caltrans sooner — by June 30, 2021 at the latest.

San Francisco Bay continues to be impaired by illegal trash pollution from Caltrans roads as the agency has failed to comply with its permit for more than 6 years. Staff have determined that the agency's current submission keeps it on a path toward non-compliance. The health of the Bay and the credibility of the Regional Board's compliance regime depend on swift corrective action.

Sincerely,

A handwritten signature in black ink that reads "David Lewis".

David Lewis
Executive Director

¹ https://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2020/March/7_ssr.pdf