



COMMUNITY DEVELOPMENT AGENCY

LONG RANGE PLANNING DIVISION

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-4650, Fax (530) 642-0508

Date: February 24, 2015

To: El Dorado County Board of Supervisors

From: Brendan Ferry, Principal Planner

Subject: El Dorado County Storm Water Program Overview, Proposed Trash Amendments and Amendments to the Storm Water Quality Ordinance

Executive Summary

The Community Development Agency (CDA), Long Range Planning Division (LRP), recommends the Board receive a presentation on the County's Storm Water Management Program, proposed Trash Amendments, and amendments to the County's Storm Water Quality Ordinance.

El Dorado County's Storm Water Management Program (Program) is a comprehensive water quality protection effort involving many County Divisions. LRP is tasked with managing the Program and coordinating work among the responsible Divisions, including Transportation, Development Services, Environmental Management, Facilities and LRP. The Program is divided into two subprograms, one for the West Slope and one for Lake Tahoe.

The West Slope Program primarily focuses on implementing the requirements outlined in the State of California Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/order_fi nal.pdf This Permit requires the County to address high priority water quality issues identified within the urbanized areas of the West Slope of El Dorado County in order to enhance and protect water quality.

The Lake Tahoe Program primarily focuses on implementing the requirements outlined in the State of California Phase I Municipal NPDES Permit.

http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/2011/docs/r6t_2011_101a1.pdf This Permit requires the County to reduce fine sediment particle (less than 16 micrometers in diameter) and nutrient discharges to Lake Tahoe within the framework of the Lake Tahoe Total Maximum Daily Load (TMDL).

Additionally, the State Water Resources Control Board (SWRCB) is proposing amendments to the Statewide Trash Policy that would require the implementation of a consistent statewide approach for reducing environmental issues associated with trash. An overview of the upcoming

requirements associated with the Trash Amendments is included in this staff report and the attached presentation.

Finally, LRP will introduce preliminary amendments to the County's existing Storm Water Quality Ordinance proposed to help meet West Slope Permit Legal Authority requirements.

Background and Discussion

Storm Water Program Overview

Storm water from urban runoff is one of the leading causes of pollution in creeks, rivers, and lakes. In fields and forests, most of the rain water that falls is absorbed by the soil where it can be taken up by plants and trees or enter groundwater. However, developed areas contain impermeable surfaces like rooftops, parking lots, and streets that cause rainwater and snowmelt to flow, creating storm water runoff that collects pollutants. Storm water that flows from those impermeable surfaces and into storm drains or other conveyance structures without first flowing through best management practices (BMPs), such as grass lined swales or detention basins, goes untreated directly into our creeks, rivers, lakes, deltas and eventually, the ocean.

Storm water is a resource and is ultimately part of the hydrologic cycle, along with our potable water, so it is imperative to keep it as clean as possible. Storm water can become polluted by pesticides, paint, fertilizers, pet waste, litter, oil and other automotive fluids, metals, eroded soil and household chemicals. Even small amounts of pollutants that accumulate on roads, parking lots, and sidewalks can be transported into nearby streams and rivers. Identifying sources of storm water pollution and keeping this pollution away from storm drains and ditches is the best and most economical way to keep storm water clean – which ultimately protects our vital water resources.

Storm water pollution is controlled by the Federal Clean Water Act (CWA) amendments of 1987. The amendments authorized the U.S. Environmental Protection Agency (EPA) to expand the NPDES Program in the CWA to cover storm water discharges (CWA Section 402). In California, under the authority of the Porter-Cologne Water Quality Control Act of 1969, the SWRCB and the nine Regional Boards beneath it, have the responsibility of managing NPDES Permits under the auspices of EPA. The NPDES Program is a permitting mechanism that requires the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. Ultimately, the SWRCB has complete authority over State water rights and water quality policy.

El Dorado County is covered under two SWRCB Regional Boards. The West Slope Phase II MS4 NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB) (Region Five). The Lake Tahoe Phase I Municipal NPDES Permit is administered by the Lahontan RWQCB (Region Six). The current West Slope NPDES Permit was adopted by the SWRCB on February 5, 2013. The Permit became effective on July 1, 2013 for a term of five years and focuses on the enhancement of surface water quality within high priority urbanized areas. The current Lake Tahoe Municipal NPDES Permit was adopted and took effect on December 6, 2011 for a term of five years. The Permit incorporated the Lake Tahoe TMDL and the Lake Clarity Crediting Program (LCCP) to account for the reduction of fine sediment particles and nutrients discharged to Lake Tahoe. Additionally, El Dorado County

is an active permittee in other NPDES Program arenas including the Industrial General Permit (IGP) and the Construction General Permit (CGP) for numerous County projects.

Essentially, both of the County's Municipal NPDES Permits focus on the following Program Elements:

- 1) *Program Management*: Includes conducting overall Program Management, Legal Authority development, Fiscal Analysis, and Enforcement Response Planning.
- 2) *Education and Outreach*: Includes targeting different audiences, such as students, homeowners, business owners, etc. and conducting staff training.
- 3) *Public Involvement*: Includes involving the public in the development and implementation of storm water related activities including volunteerism, public comment and activism in the community.
- 4) *Construction*: Includes preventing construction site discharges of pollutants and impacts on beneficial uses of receiving waters.
- 5) *Illicit Discharge Detection and Elimination*: Includes detecting, investigating and eliminating illicit discharges, including illegal dumping.
- 6) *Post Construction*: Includes developing standards to guide project proponents on how to permanently control post construction site runoff through permanent BMP implementation and maintenance.
- 7) *Pollution Prevention/Good Housekeeping*: Includes preventing or reducing the amount of pollutant runoff from Permittee operations, including from roadways and County owned and operated facilities.
- 8) *Water Quality Monitoring*: Includes conducting either receiving water monitoring or BMP effectiveness monitoring in order to answer critical management questions.
- 9) *Program Effectiveness Assessment*: Includes tracking and assessing program effectiveness to document permit compliance and adaptively manage the program.
- 10) *Annual Reporting*: Includes developing and submitting timely annual reports.

On the West Slope, the County must successfully implement the above-mentioned Program Elements, protect water quality, and reduce pollutants in storm water discharges within its jurisdiction to the maximum extent practicable (MEP) in order to be in compliance.

In Lake Tahoe, the County must successfully implement the above-mentioned Program Elements, and because Lake Tahoe has a TMDL, the County must also meet its average annual load reduction targets for fine sediment, total nitrogen and total phosphorus in order to be in compliance.

West Slope Permit Implementation Update

The West Slope portion of the County successfully completed Year One Permit deliverables on June 30, 2014. The CDA is actively collaborating to produce Year Two deliverables, which are due June 30, 2015. Year Two of the MS4 Permit intends to ensure Permittees implement and manage a successful storm water program by establishing enhanced plan review policies, inventory standards, and enforceable monitoring standards to confirm compliance prior to, during and following development or re-development activities. Year Two requirements primarily include: expanding public outreach programs, ensuring adequate legal authority, developing a water quality monitoring project, creating training modules for plan check and field

inspection staff, standardizing Storm Water Management Plan review procedures, enhancing construction site inspection programs, and developing and enforcing operation and maintenance standards for storm water treatment facilities installed on private and public properties.

Lake Tahoe Permit Implementation Update

The County's Lake Tahoe Program is currently within its fourth year of the five year Permit term. Staff will submit the Annual Report for Year Three work by March 15, 2015. As mentioned above, the Lake Tahoe Program is primarily focused on limiting fine sediment, nitrogen and phosphorus discharges to Lake Tahoe. Under the LCCP, the County is responsible to meet average annual load reduction targets from its jurisdiction. The first Permit term, which ends on December 5, 2016, requires the County to reduce its fine sediment particle loading to Lake Tahoe by 10%, its total nitrogen loading by 8% and its total phosphorus loading by 7%. The County is currently beta testing the LCCP Tools, which include the Pollutant Load Reduction Model (PLRM), the Road Rapid Assessment Methodology (RAM), the BMP RAM and the Credit Accounting Platform (CAP). The County must utilize these Tools in order to quantify, declare and certify its annual credit attainment. The County has focused for many years on implementing source control BMPs and storm water infiltration basins under the Lake Tahoe Environmental Improvement Program (EIP). These water quality BMPs will give the County the majority of its load reduction credits in order to meet the requirements of the current Permit term. Moving into the future, the County will continue to implement targeted storm water infiltration features, but we will focus heavily on enhancing maintenance and operations on our roadways. We have done considerable work to date on improving our winter roadway abrasives strategies and on enhancing our high efficiency sweeping program. These efforts will continue to advance as our credit requirements continue to escalate.

Proposed Trash Amendments

The SWRCB is proposing an Amendment to the Water Quality Control Plan for 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. Together they are collectively termed as the "Trash Amendments". The SWRCB also prepared a Staff Report/Substitute Environmental Document (SED) to meet California Environmental Quality Act (CEQA) compliance requirements. The Trash Amendments will be incorporated into all NPDES Permitting programs including Phase I and Phase II MS4s, CGPs, and IGPs well as Waste Discharge Requirements (WDRs) and waivers to WDRs. The Trash Amendments will require the implementation of a consistent statewide approach for reducing environmental issues associated with trash in state waters. The provisions in the proposed Final Trash Amendments include the following six elements: 1) narrative water quality objective, 2) applicability, 3) prohibition of discharge, 4) implementation provisions, 5) time schedule, and 6) monitoring and reporting requirements.

Following the adoption of the Trash Amendments, Permittees will be required to commit to one of two Tracks to achieve compliance with the Trash Amendments. Track 1 generally includes the installation and operation and maintenance of full capture systems for priority areas within their jurisdiction. A portion of the definition of a full capture system included in the SED states "a treatment control (either a single device or a series of devices) that traps all particles that are 5 millimeters (mm) or greater". The 5 mm threshold would capture trash as small as cigarette

butts. Track 2 includes the implementation of a combination of full capture systems only in high priority areas, institutional controls, and/or other treatment controls to achieve near full capture system equivalency. Track 2 also requires a monitoring plan to assess and confirm the effectiveness of the selected controls and compliance with full capture system equivalency.

The time schedule for achieving full compliance with the Trash Amendments is ten years following the effective date of the first implementing NPDES permit or 15 years after the effective date of the Trash Amendments. The Trash Amendments require the completion of interim milestones such as average load reductions of ten percent per year. Also, any new development must be built to immediately comply with the Permittee's selected Track. For permittees who elect to comply with Track 2, an implementation plan is required to be submitted within 18 months of receipt of the applicability notice from the SWRCB.

Timing of Potential Amendments

The proposed Draft Trash Amendments were released for public review in June 2014. The SWRCB provided oral and/or written commenting opportunities in July and August 2014. LRP submitted written comments (Attachment A) on the Trash Amendments during this period to the SWRCB. The SWRCB received 76 written comment letters; 41 of these letters were submitted by cities and counties located throughout California, many sharing the same concerns expressed by LRP staff. Official Trash Amendment documents, public comments, and contact information can be accessed on the SWRCB's website:

http://www.swrcb.ca.gov/water_issues/programs/trash_control/documentation.shtml

On December 31, 2014 the SWRCB released a Notice of Revised Documents stating the proposed Final Trash Amendments were available online for review. The notification included a sentence stating "The Board is not providing a written comment period for the revisions made to the proposed Final Trash Amendments and proposed Final Staff Report, and written comments will not be considered. The public may provide oral comments to the proposed final documents at a meeting at which the State Water Board will consider adopting the Proposed Final Trash Amendments and approving the SED, the date of which is not currently scheduled". On February 12, 2015 the SWRCB released a Notice of Public Meeting scheduled for April 7, 2015 to consider the adoption of the proposed Final Trash Amendments (Attachment B).

What the Proposed Amendments Mean to the County

Due to the rural nature of El Dorado County, Track 2 of the Trash Amendments appears to be the responsible and most appropriate option. A fiscal analysis for the implementation of the Trash Amendments was prepared and is provided by the SWRCB in the SED. The projected cost to implement Track 2 of the Trash Amendments for MS4 Permittees is \$4.09 per capita per year at year 10 for Phase I Permittees (this would apply to the Tahoe Basin) and \$7.77 per capita per year at year 10 for Phase II Permittees (this would apply to the West Slope). Given these assumptions, which are not verified nor endorsed in anyway, this could cost the County approximately \$122,700/year in Lake Tahoe and \$1,165,500/year on the West Slope. IGP compliance costs are anticipated to increase by \$3,671.00 per site and no expected increase is anticipated for CGP projects.

As active permittees of the CGP, IGP, and Phase I and II Municipal Permits, staff anticipates the Trash Amendments will present many physical and financial challenges for the County. Both Track 1 and 2 options will substantially increase the current program implementation costs among many County Divisions and could potentially divert resources from other core County programs and services in order to remain in compliance. Additionally, flooding and traffic hazards for the general public and maintenance staff are a significant safety concern.

Staff will continue to follow the Trash Amendments through adoption and will update the Board and seek direction as necessary.

Storm Water Ordinance

In order to meet the West Slope MS4 Permit - Legal Authority requirement (Section E.6), the County must certify that it possesses adequate legal authority to implement all components of its Permit. The County has already adopted a Storm Water Quality Ordinance that provides this legal authority for the Lake Tahoe Basin (Ordinance No. 4992 - Section 8.79 of the County's Code of Ordinances). Because the Legal Authority requirements are nearly identical in the County's West Slope and Lake Tahoe NPDES Permits, staff recommends amending the existing Storm Water Quality Ordinance, which is currently applicable only to the Lake Tahoe Basin, to include the West Slope. Staff is currently evaluating whether the amended Ordinance should apply to the entire West Slope boundary or to just the urban boundary within the West Slope, which was submitted to the RWQCB when we applied for coverage under the General Order. LRP staff has been and continues to meet with key stakeholders on the required amendments, which currently are relatively straight forward, to obtain pertinent feedback to be potentially incorporated into the Ordinance. LRP staff anticipates returning to the Board in May 2015 for Ordinance adoption.

Recommendation

The Community Development Agency, Long Range Planning Division, is recommending the Board receive a presentation of an overview of the County's Storm Water Management Program, future Trash Amendments and Storm Water Ordinance amendments.

Reason for Recommendation

This presentation is offered to provide the Board and public information on the County's Storm Water Management Program and upcoming changes to it.

Next Steps

LRP staff will continue to meet with key stakeholders on the required Ordinance amendments and will return to the Board in May 2015 for Ordinance adoption.

Clerk of the Board Follow Up Actions

None

Contact

Brendan Ferry, Principal Planner
CDA Long Range Planning



COMMUNITY DEVELOPMENT AGENCY

LONG RANGE PLANNING

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Phone (530) 621-4650, Fax (530) 642-0508

ATTACHMENT A

August 1, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – 1st Draft Amendments to Statewide Water Quality Control Plans to Control Trash

The County of El Dorado (County) appreciates the opportunity to comment on the State Water Resources Control Board's Draft Amendments to Statewide Water Quality Control Plans to Control Trash (Draft Amendments). As an active Permittee of the Construction General Permit, Industrial General Permit and Phase I and II Municipal Permits, the County is committed to continuing to help the State achieve water quality goals. We intend to work with the State to adopt the most appropriate and cost effective procedures for our rural area to prevent trash from entering receiving waters. However, the County has identified several serious concerns and uncertainties within the Draft Amendments that have the ability to significantly derail the County's current Storm Water Management Program. Those concerns and uncertainties are outlined below.

County Concerns, Comments, Questions and Requested Clarification Language:

1. Overall, the requirements outlined in the Draft Amendments will pose a significant fiscal impact on the County, which is a major concern of ours. The County utilizes general fund dollars for its Storm Water Management Program, and with the limited dollars available, the Board of Supervisors has to decide which core services are sacrificed in order to implement the Storm Water Management Program. The fiscal analysis within the Draft Amendment Report estimates that the installation and maintenance costs of this new program could range between \$8 - \$10 per person per year. The County has approximately 180,000 residents, so using that logic – this program could cost the County \$1.8 million per year. That is a completely unsustainable amount of money for the County to spend and would no doubt trump all other water quality priorities that the County has. The ability to develop a property fee to fund this new program is limited by Proposition 218 which requires a two-thirds voter approval. Today's voter climate has demonstrated repeatedly that increased fees are not supported for any program of this nature. Grant funding to satisfy regulatory requirements is also difficult to obtain. The scale of the Draft Amendments should be tailored and scaled to different community types so that a more appropriate level of effort is required that is more financially feasible to achieve.

2. Due to the rural nature of the County, Track 2 appears to be a more appropriate Track for the County to follow. However, many of the requirements for Track 2 require data collection, management, analysis and reporting which will do nothing to directly improve water quality conditions. The staffing required to implement these requirements appears to be substantial based on the current version of the Draft Amendments. Proposed monitoring requirements will generate data that may be difficult to interpret, with the results potentially not being applied in any meaningful way to improve water quality.
3. The County encompasses approximately 1,805 square miles of rolling hills and mountainous terrain, which in many areas includes dense evergreen and deciduous vegetation. Many of the County's urban areas traverse through these woodland and grassland habitats and current storm drain systems/conveyance infrastructure have the potential to become compromised with various types of vegetated litter and debris. Screening drain inlets (DIs) to a 5 millimeter standard will increase that potential which will create significant flooding, nuisance and overflow erosion hazards throughout the County. Maintenance of accessible screened DIs throughout the County would compromise resources and funding dedicated to various obligated urgencies and necessities of the County.
4. Many the central and easternmost portions of the County range in elevations between 2,000 to over 6,000 feet above mean sea level and are subject to snow and ice conditions between the months of December through April. DIs located within these elevations are subject to snow and freezing temperatures and based on experience will most likely be inaccessible for maintenance throughout the winter season. If DIs are screened to a 5 millimeter standard and become obstructed with vegetative litter and debris due to maintenance inaccessibility, runoff throughout the winter months and during the ice and snowmelt periods will produce significant safety hazards, damage to infrastructure and consequential erosion.
5. The Phase I Permit in the Lake Tahoe Portion of the County focuses on a Fine Sediment Total Maximum Daily Load (TMDL). Thus, the number one priority and the majority of the County's financial resources there are dedicated to capturing and removing fine sediment particles prior to their discharge to Lake Tahoe. This is a significant and costly exercise that is of great importance to the preservation of that important natural resource water. If the Draft Amendments are adopted as drafted, resources will need to be diverted from the TMDL to address controlling trash and Lake Tahoe's famed clarity could be jeopardized.
6. The Draft Amendments may be in conflict with the Delta Regional Monitoring Plan (RMP) and the currently in production Municipal Region-wide (Region 5) Storm Water Permit due to the requirement to elevate trash as a priority. The driving force behind the Region-wide Permit is the ability for municipalities to prioritize pollutants and localized areas of water quality concern to develop a

phased program to include evaluation of constituents, corresponding remediation standards and follow up monitoring for those identified priority areas. The Draft Amendments would require participants to redirect efforts and funds to trash, which could eliminate funding for addressing one or all other identified priority pollutants and areas of concern. The ability for the County to prioritize our resources on critical water issues and maximize staff resources will result in achieving the greatest outcome for the environment within and downstream of the County. The County is actively pursuing the possibility of participating in the Region-Wide MS4 Permit and the Draft Amendments will significantly alter the discussions moving forward regarding priorities.

7. The County feels that source control is the best way to deal with trash in our waterways. A focus on source control of plastic trash, especially compared to full capture provisions of the Draft Amendments, is consistent with State legislative and agency goals for reducing solid waste and associated generation of greenhouse gases (GHGs). There should be additional focus on source control added to the Draft Amendments.
8. How will the Draft Amendments provide relief for the County when managing trash resulting from the County's homeless demographic? Known encampments are located on non-County owned property and are typically near surface waters. In 2011, the County conducted a survey and 90 persons were identified as meeting HUD's definition of homelessness and 130 were identified as meeting the expanded definition of homelessness.
9. How will the Draft Amendments provide relief for the County from windblown, vehicle blown, animals, accidents, and/or illegal direct dumping into or near surface waters which all can significantly contribute to trash accumulating in receiving waters? Full capture systems and institutional/source controls will be ineffective for preventing these types of discharges.
10. Due to the Draft Amendments enforcing the issue of trash, how possible would it be to require solid waste providers to share the responsibility for installation, operation, maintenance and enforcement of full capture systems and fee collection?

General Concerns, Comments, Questions and Requested Clarification Language for Proposed Trash Amendments to Water Quality Control Plan for Ocean Waters of California (Appendix D) and Proposed Trash Amendments to Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Appendix E)

1. Chapter II.C.5 / Chapter III.B – The County is in favor of “shall not accumulate” language and is not in favor of a “zero trash limit”. The County feels a zero trash limit establishes unrealistic goals.
2. Chapter III.L.2(2) / Chapter III.B.3.a(2) – The County is in favor of the Track 2

option remaining in place, with modifications. The County does not feel full capture systems are the only approach for effectively managing trash.

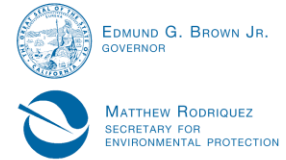
3. Chapter III.L.6.b / Chapter III.B.7 – The County would like to see more guidance on the Track 2 monitoring methodology. The County feels there is a need for a standardized methodology for proving effectiveness. Additionally, the County would like to see language in the Draft Amendments to address how the Track 2 Implementation Plans will be evaluated. In what units will trash be measured? The County is unable to accurately estimate what the actual cost of implementation and program maintenance will be based on the current Draft Amendments.
4. Chapter III.L.2(2) / Chapter III.B – The County would like the flexibility to apply to both Tracks 1 and 2, with amendments, due to different land use areas located throughout the County's MS4 boundaries. This would allow the County the ability to reduce monitoring requirements if we find Track 1 to be the best approach in one or more areas of the municipalities.
5. Chapter III.5 / Chapter III.B.6 – The County is in favor of the time extension language provided for regulatory source controls requiring extensive jurisdictional ordinance adoption time.

The County remains committed to enhancing water quality and will work with the State and Regional Water Board to develop regulations that are fiscally responsible and effective for our Storm Water Management Program. If you have questions or concerns, please contact me at (530) 573-7905 or Dave Defanti at (530) 621-5342.

Sincerely,



Brendan Ferry
Storm Water Program Manager



 State Water Resources Control Board

NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION

PROPOSED FINAL AMENDMENT TO THE WATER QUALITY CONTROL PLAN 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 AND PROPOSED FINAL STAFF REPORT INCLUDING THE SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will hold a public meeting to consider: (1) adoption of the proposed Final Amendment to the Water Quality Control Plan 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 (ISWEBE Plan) (collectively referred to as the “Trash Amendments”), and (2) approval of the Final Staff Report, including the Substitute Environmental Documentation. The State Water Board is not providing a written comment period for the revisions made to the proposed Final Trash Amendments and proposed Final Staff Report released on December 31, 2014; therefore written comments will not be considered. Interested parties may provide oral comments at the public meeting. The date, time, and location of the public meeting for consideration of adoption is:

Tuesday, April 7, 2015 – 9:00 a.m.
 Joe Serna Jr. - CalEPA Headquarters Building
 Coastal Hearing Room
 1001 I Street, Second Floor
 Sacramento, CA 95814

BACKGROUND

Trash is a significant pollutant in California’s waters that adversely affects beneficial uses, including but not limited to uses that support aquatic life, wildlife, and public health. At present, there are 73 water bodies on the California’s 2008-2010 Clean Water Act (CWA) section 303(d) list of impaired waters for trash or debris across the state. Of the 73 listings of water bodies impaired for trash or debris, only 16 Total Maximum Daily Loads (TMDLs) have been adopted. A consistent statewide approach to controlling trash discharges into waters of the state is needed.

Since 2007, the State Water Board has been developing proposed Trash Amendments with extensive public participation including: a Public Advisory Group, 14 focused stakeholder meetings, technical peer review, a public workshop on July 16, 2014, and a public hearing on

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

August 5, 2014. The State Water Board received 76 timely comment letters. Based on comments received during the public workshop, the public hearing, and comment letters, State Water Board distributed electronically to the public and posted to its website the proposed Final Trash Amendments and corresponding Final Staff Report on December 31, 2014.

The provisions in the proposed Final Trash Amendments include the following six elements:

- (1) A narrative water quality objective,
- (2) Corresponding applicability,
- (3) A prohibition of discharge,
- (4) Implementation provisions,
- (5) A time schedule, and
- (6) Monitoring and reporting requirements.

The proposed Trash Amendments will be implemented through National Pollution Discharge Elimination System (NPDES) storm water permits (Municipal Separate Storm Sewer System Phase I and Phase II, Department of Transportation, Industrial General Permit, and Construction General Permit), Waste Discharge Requirements (WDRs), and waivers of WDRs. The Trash Amendments are proposed to apply to all surface waters of the state, with the exception of those waters within the jurisdiction of the Los Angeles Regional Water Board with trash or debris TMDLs that are in effect prior to the effective date of the Trash Amendments. The objective for the proposed Final Trash Amendments is to provide statewide consistency for the Water Boards' regulatory approach to protect aquatic life, public health, and other beneficial uses, and to reduce environmental issues associated with trash in state waters, while focusing limited resources on high trash generating areas.

DOCUMENT AVAILABILITY

The proposed Final Amendments to the Ocean Plan, Part 1 Trash Provisions of the ISWEBE Plan, and the proposed Final Staff Report are available on the State Water Board's website at: http://www.waterboards.ca.gov/water_issues/programs/trash_control/documentation.shtml.

A hard copy of the proposed Final Amendments and proposed Final Staff Report can be received by mail by contacting Ms. Johanna Weston at johanna.weston@waterboards.ca.gov or (916) 327-8117.

Subsequent notice will be provided concerning the availability of the State Water Board's written responses to all written comments timely submitted.

PROCEDURAL MATTERS

At the public meeting at which the State Water Board will consider adopting the proposed Trash Amendments, interested persons will have an opportunity to comment on the proposed Final Trash Amendments and proposed Final Staff Report. Given the extensive public participation provided on the prior draft documents, **comments on the proposed Final Trash Amendments and proposed Final Staff Report will be limited to the proposed revisions made to the Draft Trash Amendments and Draft Staff Report** (distributed and posted on December 31, 2014). There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions.

To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to:

http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml

FUTURE NOTICES

The State Water Board will hold the public meeting for the consideration of adoption at the time and place noted above. Any change in the date, time, and place of the public hearing and consideration of adoption will be noticed on the Lyris e-mail list. Any person desiring to receive future notices concerning the proposed Trash Amendments **must subscribe** to the Lyris e-mail list by marking the box for "Trash Plan" (located under the section title, "Water Quality Topics").

The subscription form is located at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

The State Water Board encourages use of its electronic mailing list. Persons who require notice by regular mail must submit such request to the State Water Board contact identified below.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna Jr. - CalEPA Headquarters Building (CalEPA Building) and public parking information, please refer to the map on the State Water Board's website at:

<http://www.calepa.ca.gov/EPAldg/location.htm>. The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. A broadcast of the meeting will be available via the Internet and can be accessed at:

<http://www.calepa.ca.gov/broadcast/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

CONTACT INFORMATION

Please direct any questions about this notice to Ms. Johanna Weston at (916) 327-8117 or johanna.weston@waterboards.ca.gov, or Ms. Stacy Gillespie, Senior Staff Counsel, at (916) 341-5190 or stacy.gillespie@waterboards.ca.gov.

February 12, 2015

Date



Jeanine Townsend
Clerk to the Board