



VIA EMAIL TO: commentletters@waterboards.ca.gov

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

August 5, 2014

Re: Comments - Proposed Amendments to Statewide Water Quality Control Plans to Control Trash

Dear Ms. Townsend,

The City of Escondido ("City") respectfully submits the following comments on the Proposed Amendments to Statewide Water Quality Control Plans to Control Trash (Proposed Trash Amendments). The City appreciates the opportunity to comment and supports the State Water Resources Control Board (State Water Board) in its efforts to improve water quality throughout California. The City has made steady improvements to our Municipal Separate Stormwater Sewer System (MS4) permit compliance program and is actively contributing to watershed planning in two coastal watersheds (Carlsbad Watershed and San Dieguito Watershed).

Escondido is a mid-sized city in San Diego County (Region 9) with approximately 143,000 residents. The City has completed trash assessments in concrete and natural channels and receiving waters as part of a regional effort to include trash observations in dry weather monitoring data.¹ Escondido performed approximately 580 site visits from 2008-2012. Ninety-seven percent of monitoring site visits resulted in an "optimal" or "suboptimal" rating for trash, indicating little or no trash visible on first glance. Escondido had no sites categorized as "poor" and only 3% of site visits were considered "marginal". In addition the City has already taken significant steps to address trash through the installation of trash barriers at two creek locations.

Escondido has over 2,000 inventoried stormwater infrastructure points within the priority land uses designated in the proposed amendments; these include outfalls into the concrete-lined Escondido Creek flood control channel, MS4 cleanouts, curb inlets, outlets, and other features which may need to be assessed in the context of these regulations. While the City has not completed an in-depth analysis of the optimal course of implementation, initial estimates suggest that purchase and installation costs for Track 1 would be approximately \$5 million over ten years (not including the significant costs of regular inspection and maintenance). The Proposed Amendments do not identify a funding source for this, so presumably the City will be required to fund it out of its budget. Similar to other jurisdictions, the City is still recovering from the economic downturn and this would be a significant burden to city finances unless permanent alternative funding sources are established.

¹ **Optimal** = On first glance, no trash visible. Little or no trash (<10 pieces) is evident when area is closely examined for litter and debris. **Suboptimal** = On first glance, little or no trash visible. After close inspection small levels of trash (~10-50 pieces) evident in evaluated area. **Marginal** = trash is evident in low to medium levels (~51-100 pieces) on first glance. Evaluated area contains litter and debris. Evidence of site being used by people. **Poor** = Trash distracts the eye on first glance. Evaluated area contains substantial levels of litter and debris (>100 pieces)



The City submits the following comments on the Proposed Trash Amendments:

1. The City requests that the State Board incorporate more flexible language that will keep trash as a legitimate concern but allow cities to address at an appropriate level for their watershed and their population. Escondido has very few locations with trash or debris concerns (see above) and strongly recommends that the State Water Board include language which will allow trash assessment data to be used to modify the City's approach, regardless of priority land uses. While the City appreciates the intent of Track Two to add such flexibility to the Proposed Trash Amendments, the proposed language is not clear enough as to provide guidance for the City's situation.
2. As San Diego Region municipalities embark on Water Quality Improvement Plans for all Region 9 watersheds, the City is concerned that the Proposed Trash Amendments do not acknowledge the current watershed management efforts underway, including pollutant prioritization, goal setting, and strategy development. The watershed planning process allows municipalities to focus scarce resources on solutions to address the highest water quality priorities. The Proposed Trash Amendments should be modified to recognize and integrate with such efforts, perhaps with a third compliance track.
3. The City requests that a standard methodology for municipalities to measure trash is established in the Trash Amendments, as no such guidance currently exists. Furthermore, the City anticipates that much of the data collection required for this effort will come from MS4 and catch basin insert cleaning and maintenance which removes a significant amount of trash & debris from the environment. The equipment used to perform this work (typically a vactor truck) removes an *intermingled* volume of trash, plant debris, and sediment from catch basins. It is of utmost importance that the State and Regional Water Boards recognize that it is not feasible to separate the items within catch basins for separate tracking and reporting purposes.
4. City's engineers are concerned about the full capture size limit of 5 millimeters (mm). Vegetation and debris transported in large volumes during storm events cause blockages in trash capture devices and may cause localized flooding. This consideration increases the cost of installing full trash capture devices because underground catch basins may need to be resized to accommodate potential flows.
5. The Proposed Trash Amendments should clarify whether municipalities would be able to switch tracks throughout the course of implementation. This may provide a buffer should practical experience, budget constraints or economic considerations force the city to reassess, for example, purchase and installation of full capture devices under Track 1.
6. The City views these amendments as an unfunded mandate. The implementation costs alone are onerous, and the maintenance of capture devices will be an ongoing and even larger expense than installation costs. The State should commit to offer implementation grants for small and medium-sized jurisdictions during the initial period (ten years after incorporation into Regional MS4 Permits).
7. The City recommends that comprehensive recommendations regarding full capture devices are presented as part of the guidance. It will provide reassurance to the City that a method for full capture accepted in another region can be transferred to our region. This will avoid burdensome and lengthy approval processes and reduce redundancy across different Regional Boards.
8. The City is concerned that sources of trash from non-MS4 sources will be attributed to the City's compliance responsibility under these amendments. Such sources include: littering on highways under CalTrans management, homeless encampments and/or dumping directly in receiving waters, Phase II



MS4 properties, and School District properties. The Proposed Trash Amendments should address how material from these other sources will be accounted for.

9. Please consider the attached technical comments on the staff report and amendment language.

Thank you for your time and consideration of these comments. The City of Escondido is willing to work collaboratively with the San Diego Regional Water Quality Control Board to address how these guidance documents are incorporated into the MS4 Permit. If you have any questions, please contact Alicia Appel: aappel@escondido.org or (760)839-4528.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward N. Domingue". The signature is stylized and includes a large, circular flourish at the end.

Edward N. Domingue, P.E.
Public Works Director/City Engineer
City of Escondido

Document Reference (Doc, Section, Pg.#)	Comment
Draft Staff Report, Section 2: Project Description, Pg. 18	"No other agency approvals are expected to be required to implement the Proposed Amendments." When the Sediment Quality Objectives were adopted, EPA Region IX had to approve the amendment. Why is that not true with these amendments?
Draft Staff Report, Section 4: Analysis of Issues and Concerns, Pg. 65	The Proposed Amendments trash definition should include the size minimum of 5 mm similar to that as presented in Consideration 3 of Section 4.1. "Trash means all improperly discarded solid material over 5 mm in size from any production, manufacturing, or processing operation including, but not limited to products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials." Inclusion of a 5 mm minimum would provide consistency with compliance requirements for full capture devices.
Proposed Amendments to the Ocean Plan, Chapter III.L.2.d, Pg. D-4	III.L.2.d allows permitting authorities to determine that other, specific land uses generate substantial amounts of trash and require permittees to implement Track 1 and Track 2 for those land uses. If a permitting authority adds new priority land uses during the duration of the compliance period, it could be difficult for a permittee to achieve compliance with the Proposed Amendments if the areas they are required to address change while they are attempting to address those areas. We recommend adding language to the Proposed Amendments requiring a permitting authority to consider revisions to the final compliance date of the Proposed Amendments if new priority land uses are added during the duration of the compliance period.
Proposed Amendments to the ISWEBE Plan, Chapter IV.B.3, Pg. E-2 and Chapter III.L.2.a of the Ocean Plan.	As drafted, the Proposed Amendments would supersede existing stakeholder-based watershed planning efforts, effectively determining, without validation, that trash is the highest priority and potentially requiring the refocusing of resources from stakeholder developed priorities. We recommend including language stating: <u>A MS4 Permittee may request that compliance requirements for trash be established through a watershed prioritization and planning process outlined in MS4 permit requirements. This prioritization process would allow for evaluation of the trash in the context of other watershed priorities and provide a mechanism for modifying or reducing the requirements for compliance in accordance with the procedures outlined in the MS4 permit and an approved watershed plan. Through this process, monitoring data could be utilized to demonstrate that trash controls are not necessary for all priority land uses.</u>

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<p>Proposed Amendments to the ISWEBE Plan, Chapter IV.B.3.a.(1)/IV.B.3.a.(2) and Chapter III.L.2.a.(1)/Chapter III.L.2.a.(2) of the ISWEBE Plan and Ocean Plan, respectively</p>	<p>The Proposed Trash Amendments appear to require implementation of Track 1 or Track 2 for any storm drain that captures any runoff from a priority land use. This would trigger compliance requirements for a storm drain even if only a very small portion of a priority land use drains to the storm drain.</p> <p>Recommendation: Recommend adding language to Chapter IV.B.3.a.(1)/IV.B.3.a.(2) and Chapter III.L.2.a.(1)/Chapter III.L.2.a.(2) of the ISWEBE Plan and Ocean Plan, respectively stating that permittees must address catchment areas where the priority land uses are greater than 25% of the total catchment area.</p> <p>Track 1: Install, operate and maintain full capture systems in their jurisdictions for all storm drains that captures runoff in catchment areas where priority land uses comprise >25% of the land area in the catchment; or</p> <p>Track 2: Install, operate, and maintain any combination of full capture systems, other treatment controls, institutional controls, and/or multi-benefit projects within either the jurisdiction of the MS4 permittee or within the jurisdiction of the MS4 permittee and contiguous MS4s permittees, so long as such combination achieves the same performance results as compliance under Track 1 would achieve for all storm drains that captures runoff in catchment areas where priority land uses comprise >25% of the land area within the catchment.</p>
<p>Proposed Amendments to the ISWEBE Plan, Chapter IV.B.7.b, Pg. E-6</p>	<p>Demonstration of performance under Track 2 should not be limited to monitoring as demonstrating effectiveness of trash BMPs through monitoring is extremely difficult. Permittees should be allowed to propose the method of demonstrating performance in their plan. In addition, receiving water monitoring should not be required since other sources contribute trash. While a permittee may want to conduct receiving water monitoring to demonstrate performance, it should not be mandated in case other methods are appropriate (e.g. pounds of trash removed through a control measure). Numeric trash data, no matter the metric (pieces, weight, volume), are an unreliable way to determine BMP effectiveness. Monitoring programs in the Los Angeles Region have shown that trash accumulation is highly variable leading to an inability to discern any trends in data. Permittees must have the flexibility to identify non-numeric monitoring measures to demonstrate effectiveness.</p>