

MRP 3.0 Trash Work Group

Meeting Summary

April 23, 2019

1:00pm – 3:30pm

EOA Conference Room

1410 Jackson Street, Oakland, CA 94612

I. Introductions and Agenda Review

Attendees introduced themselves and the work group reviewed the agenda. Chris Sommers presented the goals of the meeting. No modifications were made to the agenda.

Keith Lichten added that he would like participants to try and draw a distinction between permit compliance and solving the trash problem. The problem is defined as trash impacts in receiving waters. Permit compliance is demonstrating that discharges through MS4 are not impacting receiving waters. The framework used to determine compliance should lead to turning all applicable land areas green on maps (i.e., low trash generation). Participants briefly discussed that turning all land areas to green may be challenging for some Permittees and that to address the overall problem, source control credits and creek cleanup and direct discharge offsets are needed.

II. Trash Load Reduction Framework

The group agreed to briefly discuss each of the major components/subprovisions and get a general sense of perspectives on each to help focus future discussions:

1. Baseline Trash Generation Maps

A. Refinements to Trash Generation Levels on Baseline Maps

MRP Permittee representatives expressed that they would like to have the opportunity to refine their baseline maps during MRP 3.0 to reflect new and improved information on trash generation for specific properties. This information primarily is associated with 1) the identification of properties that are not contributing trash to the public ROW, rather are directly connected to the Permittee's MS4; or 2) the removal of Caltrans ROW that is currently identified as "jurisdictional" on Permittee maps, but is Caltrans responsibility for trash controls.

Land areas not draining to the public ROW and are directly connected to Permittee MS4s were not adequately identified on original Permittee baseline maps. Baseline trash generation was either assigned to these maps based on trash in the public ROW or via the modeled trash rates for specific land uses/income levels. Now that Permittees evaluated these properties more closely via the requirement in MRP 2.0, some of these land areas are not generating the same level of trash as illustrated on their baseline maps. Refining the baseline maps would allow for this new/improved information to be incorporated into the maps. Permittee representatives suggested that rather than taking credit for this reduction via On-land Visual Trash Assessments (OVTAs), refining the baseline would be more appropriate since there have been no known changes in trash control measures on these properties. Additionally, taking credit for the change in generation as a trash reduction would require Permittees to increase their level of OVTAs needed to demonstrate the reduction. Amanda Booth provided an example of a gated community that is low trash generating (green) but it was originally identified on the City of San Pablo's map as moderate generation (yellow) because of the lower income and multi-family land use. Rather than having to assess the property 3x each year to demonstrate the reduction from moderate to low, it would be more accurate and require far less resources to change the City's baseline map for this

property to green, to reflect what it actually is and reduce the resources the City needs to expend to address (non-existent) trash on this property.

General Agreement – Water Board staff are generally acceptable to Permittees amending baseline trash generation maps based on new or improved information regarding baseline trash generation.

Next Steps – Permittees to propose a process to document the refinement and information used to justify the refinement of baseline maps based on new/improved information.

B. Removing Caltrans ROW from Permittee Baseline Maps

Permittee representatives indicated that Caltrans ROW that was initially identified on Permittee baseline maps as under the jurisdiction of Permittees, should be made “non-jurisdictional” and the associated trash load should be removed from the Permittees responsibility. This would generally include the state highways, such as El Camino Real, that serve as arterial roads through Permittee land areas. Caltrans has identified these State Highways as their ROW and Caltrans is now required to reduce trash from all of its ROW by 2030.

Water Board staff indicated that they want Permittees to be working closely with Caltrans and Permittees will soon be receiving a request from Water Board staff to identify opportunities for collaboration with Caltrans.

Permittee representatives indicated that they would also like Caltrans to work more closely with Permittees and share the burden of not only the capital costs of mutually-beneficial full capture systems, but also the costs associated with the planning, design and operation and maintenance. Permittee representatives asked whether Caltrans has the capacity to execute 70+ agreements with Permittees and Water Board staff indicated that Caltrans says that it has the capacity. A number of Permittee representatives shared their experience in working with Caltrans to-date on trash capture projects.

Other issues related to collaborations with Caltrans were also discussed, including trash reduction milestone timelines not lining up and PCBs and mercury reductions were briefly discussed.

General Agreement – The group agreed to continue discussing how to address Caltrans ROW on baseline maps. Water Board staff are open to revising the maps to make Caltrans ROW “non-jurisdictional”, but everyone needs to be clear about how the load reduction math would be calculated so that there is no confusion.

Next Steps - Permittees to propose a process to document the map refinements and information used to justify the refinement of baseline maps based on new/improved information on Caltrans ROW.

2. **Trash Full Capture Systems**

A. Minimum Acreage Requirements

Permittee representatives asked whether there was still a need for the requirement to install and maintain a minimum level of trash capture systems. Water Board staff indicated that since all Permittees have far surpassed the existing requirements, they don’t see a need to continue this requirement in MRP 3.0.

General Agreement – Remove provision C.10.a.ii (Mandatory Minimum Full Trash Capture) from MRP 3.0.

Next Steps – Do not include mandatory minimum full trash capture requirements in MRP 3.0.

B. Full Capture Requirements for Non-population Permittees and Reductions for Trash Booms/Curtains

Permittee representatives representing non population-based Permittees asked for clearer language in MRP 3.0 about their requirements for trash capture. MRP 1.0 had requirements, then MRP 2.0 did not. MRP 1.0 required boom/curtains or outfall-based systems. Although useful, booms/curtains have many regulatory hurdles as well as trash reduction calculation procedures due to the varying effectiveness of the systems, including considerations of the length of time the booms/curtains are deployed.

Permittee representatives requested that specific language be added to MRP 3.0 to better account for trash reduction associated with trash boom/curtains.

General Agreement – Continue to discuss the benefits of trash booms/curtains in receiving waters and how best to account for associated reductions.

Next Steps – Permittees to provide additional information on the benefits of trash booms/curtains and discuss at a future meeting how to best account for these controls.

C. Accounting for Structural Treatment Controls that are Less than Full Capture

Chris indicated that the MRP is rather binary in its current accounting process (i.e., full capture or low generation via OVTAs) and that this rubric doesn't allow for the accounting for many types of enhanced stormwater treatment measures that intercept trash, including trash racks, green infrastructure, and curb inlet screens. Therefore, trash is being reduced from stormwater, but many actions are not being quantified. Chris posed the question, *How can trash reduction credit based on performance studies that indicate less than full capture or equivalent for a single control measure be incorporated into the MRP accounting scheme?* Water Board staff indicated that they have an interest in giving credit for these actions and that we collectively need to figure this out.

General Agreement – Continued discussion is needed to agree on how best to account for these types of actions.

Next Steps - Chris will outline what types of actions should be included in the discussion and what studies are currently underway to evaluate the effectiveness of these actions.

D. Full Capture System Certification

- Water Board staff indicated that the certification process is now being handled via the State Water Resources Control Board (State Water Board) and that Water Board staff will continue to work with the State Water Board staff on issues that arise regarding the certification process.

General Agreement – Agree to reference State Water Board certification process in MRP 3.0.

Next Steps – Incorporate reference to State Water Board certification process in MRP 3.0 language.

- Water Board staff brought up issue with certain types of inlet-based devices that they feel have been installed in a problematic manner in the past. Staff want to continue to discuss how best to address these issues. Permittee representatives suggested that the group focus on what changes need to be made to future installations and how we can move forward rather than focus on the systems that are in the ground and were installed consistent with the approval process in the Bay Area. Water Board staff indicated that Permittees will likely need

to inventory these devices and report to Water Board staff in the future so that they can determine whether this is a big issue.

Next Steps – Since a topic for MRP 2.0 implementation, Kirsten Struve will agendaize for a future Trash Subcommittee meeting.

E. Mosquito/Vector Control

Chris indicated that the group identified that requirements for communication to county mosquito and vector control should on the location and types of full capture systems installed by Permittees should be included in MRP 3.0.

General Agreement – In concept, the group agreed that requirements to notify county mosquito and vector control districts about the locations and types of full capture systems once installed should be included in MRP 3.0.

Next Steps – Incorporate requirement into MRP 3.0 language.

F. Systems Downstream or within Receiving Water Bodies

Permittee representatives asked whether Water Board staff are planning to continue to address systems that are downstream or within receiving waters on case-by-case basis or will language be included in MRP 3.0 to address this situation. Water Board staff stated that in some cases, systems downstream of receiving waters would be allowed but, similar to the situation in Vallejo, other actions would also need to be implemented upstream of the system to ensure impacts upstream are addressed.

General Agreement – Continue to discuss language that could be incorporated in the MRP to address these situations.

Next Steps – Agendaize for a subsequent meeting to discuss further.

G. Other Control Measures/On-land Visual Trash Assessments

Chris stated that a discussion about the adequate frequency and geographical extent of assessments are needed to adequately claim reductions associated with other control measures. This will likely require some level of statistical analysis, which is currently underway and will be shared at a future work group meeting.

Chris suggested that an additional question is what level of excursion from an “A” OVTA score 100% of the time should be allowed and still be considered to have achieved low trash generation/full capture system equivalency. Chris made the analogy of allowances given for excursions from water quality objectives in receiving waters. Similar to the frequency/extent analysis above, decisions around allowances for excursions will likely require some level of statistical analysis, which is currently underway and will be shared at a future work group meeting.

Water Board staff indicated that they want to make data informed decisions and are open to receiving the statistical analysis planned and further discussion at the work group.

General Agreement – Continue to discuss frequency, extent and excursion topic at a future work group meeting and receive the statistical analysis currently underway.

Next Steps – Chris to provide a presentation of the statistical analyses underway at a subsequent work group meeting.

3. Source Control Credits and Offsets

Limited time was available in the meeting to discuss the benefits of source controls and how to best account for them in MRP 3.0. The limited discussion on the benefits of creek/shoreline cleanups and direct discharge programs did occur and the following key points/perspectives were expressed by attendees:

Participants indicated that creek/shoreline cleanups and direct discharge programs could be viewed as addressing sources that are not regulated by the MRP. Water Board staff indicated that they do have the authority to regulate these discharges and that in the future, a permit or waste discharge requirements for non-stormwater sources of trash may be developed, but not before the MRP is reissued. Water Board staff understand that trying to tackle the enormous issue of trash generated by homeless encampments through a stormwater permit is very challenging and will likely not be the long-term solution.

Water Board staff indicated that they understand that cleanups in receiving waters are part of the trash reduction tools that municipalities can use, but struggle on how to best include it in the compliance framework.

Permittee representatives expressed their interest in continuing to attain trash reduction credit for these actions due to their environmental and community outreach benefits. Some Permittee representatives also suggested that for some communities, trash hot spot cleanups do not yield significant trash volumes and therefore may not be the best use of resources. The idea of possibly making hot spot cleanups optional, but keeping the load reduction offsets if a Permittee choose to use them was suggested.

Water Board staff indicated that the main focus of the MRP is to control pollutant discharges through the MS4 and the focus of the trash provision is to get to 100% reduction from stormwater. Permittee representatives indicated that Permittees can't get to 100% reduction by installing full trash capture systems everywhere since these systems don't capture all trash. Therefore, offsets allow for additional trash reduction that wouldn't be achieved if trash capture was the sole control measure implemented by a Permittee.

General Agreement – Continue to discuss the benefits and how to best account for creek/shoreline cleanups and direct discharge programs.

Next Steps – Chris to agendize source control credits for next meeting. Permittee representatives to present additional information on the benefits and costs of offset programs, in comparison to alternative controls that reduce or intercept trash prior to reaching receiving waters.

III. Prioritization of Additional Topics

The Work Group agreed to prioritize the following topics for the next Work Group meeting:

- Source Control Credits
- Mandatory Trash Hot Spot Cleanups
- Full Capture System O&M requirements
- Trash Load Reduction terminology
- Receiving water trash monitoring
- Creek/Shoreline Cleanup Offsets and Ratios
- OVTA Frequencies
- Definition of a "Consistent A" OVTA score (i.e., low trash generation/green on maps)
- Data Tracking/Reporting

IV. Next Steps and Schedule

- Chris will update the perspectives matrix based on the discussion and agreements at the April 23rd meeting.
- The next meeting of the MRP 3.0 Trash Work Group will occur May. Chris will send out a doodle poll for identify a date.

Meeting Attendees

Attendee	Agency	In-person or via Phone
Chris Sommers	EOA/BASMAA facilitator	In-person
Keith Lichten	SF Bay Water Board	In-person
Dale Bowyer	SF Bay Water Board	In-person
Zach Rokeach	SF Bay Water Board	In-person
Ali Kalyan	SF Bay Water Board	In-person
Derek Beauduy	SF Bay Water Board	Phone
Kirsten Struve	Valley Water	In-person
Rinta Perkins	City of Walnut Creek	In-person
Carrie Sandahl	City of Mountain View	Phone
Sara Scheidt	City of San Mateo	Phone
Jim Scanlin	Alameda County Clean Water Program	In-person
Sharon Gosselin	Alameda County	In-person
Reid Bogart	San Mateo Countywide Water Pollution Prevention Program	Phone
Liz Neves	City of San Jose	Phone
Amanda Booth	City of San Pablo	In-person
Beth Baldwin	Contra Costa Clean Water Program	In-person
Ben Livsey	City of Oakland	In-person
Kristin Hathaway	City of Oakland	In-person
Shelia Tucker	West Valley Clean Water Program	In-person
Kathy Cote	City of Fremont	Phone
Jennifer Harrington	Vallejo Flood and Wastewater	In-person
Joanne Le	City of Richmond	In-person