

# MRP 3.0 Trash Work Group

Meeting Summary

Tuesday, March 24, 2020

1:00pm – 4:00pm

Remote Meeting – Conference Call

## I. Introductions and Agenda Review

Chris Sommers (Work Group Coordinator) read off the names of attendees. There were no announcements or changes to the agenda.

## II. Meeting Summary and Tracking Matrix

Chris indicated that the tracking matrix had been updated and was available via the shared drive, set up for the C.10 Work Group ([https://eoainc-my.sharepoint.com/:f/p/csommers/EqsK3bsYOoVlrlG2vmTuLmUBT-K\\_17kaxEmxq7QQivFrDQ?e=JX0DmA](https://eoainc-my.sharepoint.com/:f/p/csommers/EqsK3bsYOoVlrlG2vmTuLmUBT-K_17kaxEmxq7QQivFrDQ?e=JX0DmA)), which includes all meeting agendas, meeting summaries, and the latest tracking matrix.

## III. Priority Topics for Discussion

### 1) Schedule for attainment of 100% load reduction (i.e., full capture or FCSE)

Derek Beauduy (Regional Water Board) provided information to the group on WB staff internal discussions regarding compliance deadline for the 100% trash load reduction goal. Currently the 100% goal is at 2022, but Water Board staff understand that some municipalities will not be able to achieve this goal by this timeline. Water Board staff will be proposing an interim milestone of 90% by 2022 and that the 100% trash load reduction compliance deadline be extended to 2025. Staff appreciate that this schedule may still be an issue for some cities. As discussed below, staff expect source control credits and offsets to change in MPR 3.0 so that will impact the types of actions that can be accounted for to get to the 90% and 100% goals. Additionally, Water Board staff understands that if Caltrans is to meet their requirements, they will need to work with municipalities to find collaborative projects, which could cause compliance timelines for some municipalities to be extended beyond the 2025 date. Water Board staff intend to be flexible and work through these compliance timelines to help facilitate collaborative projects. Keith Lichten added that staff assume that some Permittees will be challenged to meet the compliance deadlines in light of the proposed changes to offsets and credits. Staff will likely ask that those communities plan to describe via plans or reports how they will attain low trash generation levels or implement full capture systems.

**Next Step:** The work group agreed to digest the information provided by Water Board staff and continue discussions at future work group meetings.

### 2) Trash Reductions Offsets and Credits

- a) **Source Control Credits** - Chris provided background on the leadership that Bay Area communities have taken regarding the adoption of local ordinances to reduce trash at its source, and the stakeholder support and history of the source control credits to incentivize these actions. Chris expressed the need for continued accounting of source controls to be part of the framework adopted in MPR 3.0. Derek explained that Water Board staff are discussing a change in MPR 3.0, where some credit will be

considered for new source control actions, but it will only apply to the portion of trash remaining to be reduced after reductions from full capture systems and other control measures (via OVTAs) have been accounted for. Keith added that they recognize the value that source control measures have provided, but reduction credits for new actions will only be applied to areas that have not achieved trash full capture or low trash generation (i.e., Full Capture System Equivalent). Keith clarified that in their current thinking, source control actions that address single use plastic foodware would be considered new actions, allowed for credits, but that all credits for source control would be phased out by 2025. Zach Rokeach (Regional Water Board) mentioned that if a Permittee believes that source controls are effective in reducing trash, then it will help getting to the finish line via OVTA results, but there will be no separate automatic credit for source controls as there is in MRP 2.0 because there would be double counting of trash reductions if credits were to be allowed. Permittees expressed disappointment in Water Board staff's current thinking on this issue and communicated that it takes significant effort to ensure the current ordinances are effective and without the impetus provided via credits, these efforts may be reduced, causing more of these items to find their way into the environment.

**Next Step:** The work group agreed to digest the information provided by Water Board staff and continue discussions at future work group meetings and/or directly with Water Board members.

- b) **Creek and Shoreline Cleanup and Direct Discharge Offsets** – Water Board staff indicated that a total of 25% trash reductions are currently available via offsets outlined in MRP 2.0, and their current thinking is that offsets would be reduced to 10-15% in MRP 3.0. To obtain the creek and shoreline clean up offset, a Permittee would need to show a valid reduction in trash based on the cleanup of sites. At this time, there are two municipalities that are claiming the whole 25%. Water Board staff are envisioning that trash offsets associated with homelessness that are addressed by direct discharge programs will continue to be addressed by these program, however, similar to source controls, reductions would only be associated with the amount of trash remaining after full capture systems and other actions (via OVTAs) are accounted for, ultimately resulting in the phasing out of offsets during MRP 3.0. Kirsten Struve (Valley Water) asked about how the results of the pilot receiving water monitoring would factor into establishing the offsets and Keith said that they will have to address that over time and that direct discharge offsets are available to address trash associated with homelessness in lieu of a separate regulatory effort. San Jose staff explained the importance of the offsets and encouraged Water Board staff to reconsider and work with Permittees to find an agreeable middle ground on cleanup and direct discharge offsets in MRP 3.0. Keith indicated that staff are looking for each Permittee to fully control trash going through the MS4. He acknowledged the benefit of cleanups that occur in receiving waters and that these actions would be disincentivized by the proposed Water Board staff approach. Additionally, Keith stated that staff are willing to discuss with the Work Group how large of an offset would be available in MRP 3.0.

**Next Step:** The work group agreed to digest the information provided by Water Board staff and continue discussions at future work group meetings and/or directly with Water Board members.

- c) **Trash Boom Offsets** – Water Board staff stated that they recognize the benefit of booms, but the trash has already made it into the waterway, which is problematic. If there is trash on the booms, then upstream efforts are not working. Additionally, there may be issues with booms disrupting fish habitat. Chris asked whether existing booms or more booms should be installed in the next permit term and what Water Board staff envision the trash reduction benefit would be should new booms be installed. Attendees also indicated that trash booms may be capturing trash from other pathways than stormwater. Keith indicated that the reduction benefits of actions that remove trash that is already in a receiving water, such as booms, would need to be incorporated into a direct discharge control program, rather than a separate credit or offset, and that trash reductions associated with booms would need to be agreed upon on a case-by-case basis.

**Next Step:** The work group agreed to digest the information provided by Water Board staff and continue discussions at future work group meetings and/or directly with Water Board members.

### 3) Jurisdictional Areas

- a) **Addressing land areas with private inlets** – Water Board staff asked the question, “How will trash from these areas be addressed? Requiring full trash capture systems or other equivalent actions?” Keith went onto ask attendees, “What are actions that permittees are taking now appear to be working?” Chris described the Sunnyvale business inspection program, which appears to be successfully reducing trash levels on private properties. Keith appreciated this explanation and wondered if C.3 self-certification could also be a model for a program to ensure that these areas are at low trash levels. Chris mentioned larger cities may have issues implementing a separate program, which was confirmed by San Jose staff, for these properties that requires the installation of full trash capture systems. Chris went onto suggest that possibly a control measure-based approach that allowed private land owners to address their trash issues via controls other than full capture systems would be the best approach, similar to an Industrial/Commercial facility inspection program. Keith stated that he welcomes a proposal from Permittees on how to address these private properties.

**Next Step:** The work group agreed to discuss ideas among Permittee/Program staff and bring back concepts to the Work Group during a subsequent meeting for discussion.

- b) **Exclusion of Caltrans ROW on MRP Permittee baseline maps** – Chris indicated that Water Board staff had tentatively agreed that Permittees could remove the actual street area of State Highways from their baseline maps, as long as surrounding land remains. Chris indicated that this would help Permittees and Caltrans to work collaboratively on trash control projects. Keith agreed that this issue around jurisdiction should be solved collaboratively, also taking maintenance agreements into account. He went on to say that once trash is in the MS4, it’s the Permittee’s responsibility.

**Next Step:** Water Board staff agreed to discuss this concept internally and then provide more insight to Permittees at a subsequent Work Group meeting.

#### 4) Full Capture System Topics

- a) **Situations/conditions where installing systems downstream of a receiving water would be allowed** – Water Board staff stated that they want full capture systems installed upstream of waterbodies, but that they recognize the engineering challenges that may make it necessary to install systems downstream of a receiving water body, such as the case in Vallejo. Water Board staff said that they would agree to meet and confer with Permittees in cases where the location of a feasible full capture system is downstream of a waterbody. They envision that these discussions may need to include other agencies, as applicable.

**Next Step:** The group agreed to include language in MRP 3.0 that indicates in cases where systems can only be installed downstream of receiving waters, Water Board staff will meet and confer with a Permittee to discuss the situation and work towards a mutually agreeable outcome.

- b) **Green Stormwater Infrastructure (GSI) as Full Capture** – Chris briefly described that there was State Water Board guidance on this issue and there is other ongoing work that may support the trash reduction benefit evaluation of GSI facilities. Keith agreed that GSI may be beneficial for trash reduction, and he supports recognizing these benefits in trash reduction accounting. Keith cautioned that existing GSI facilities may need to be retrofitted to be deemed full capture systems. Water Board staff would like to see additional work on better defining the trash reduction benefits of GSI and are willing to incorporate the findings into the MRP as appropriate. The region, as a whole, need to agree on how to best address accounting for trash reduction via GSI.

**Next Step:** The group agreed to continue to discuss this issue and agendize this topic for a future Work Group meeting.

- c) **Full capture system operation and maintenance** – Derek indicated that the Water Board staff's position is that all full capture systems need to be adequately maintained and operated at all times. Underlying requirements included in MRP 2.0 would likely remain, and that are looking forward to working with the Work Group to better understand if maintenance requirements need to be more specific. Water Board staff see some challenges with insufficient maintenance, but they are not looking at wholesale changes to MRP 2.0. Chris suggested that Water Board staff should to look at annual report forms to see whether they currently provide information on compliance issues, determine whether the tracking and reporting is working, or whether there are other indicators that would provide better information to assist with compliance evaluations. Action Item: water board staff to further discuss

**Next Step:** Water Board staff agreed to internally review existing tracking and reporting requirements and then provide their perspectives to Permittees at a subsequent Work Group meeting.

#### **IV. Next Meeting and Prioritization of Future Discussion Topics**

Chris indicated that there are a number of follow up items from this meeting that would likely need time on the next meeting agenda, and there are topics that still need to be discussed that the Work Group didn't get to in today's meeting. Chris will update the meeting schedule and send back out to the Work Group members for discussion at the next meeting.

#### **V. Next Steps and Schedule**

- Chris will update the perspectives matrix based on the discussion and agreements at the March 24, 2020 meeting, and provide to the group.
- The next meeting of the MRP 3.0 Trash Work Group will occur on May 26<sup>th</sup>. Chris will send out a meeting request for the meeting.

**Meeting Attendees (see attached)**