DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS–49
SACRAMENTO, CA 94273–0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711
www.dot.ca.gov

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TAB 24

August 5, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Subject: Comment Letter – Trash Amendments

Dear Ms. Townsend:

The California Department of Transportation (Caltrans) appreciates the opportunity to provide comments on the Draft Amendments to Statewide Water Quality Control Plans to Control Trash (proposed Trash Amendments) and the Draft Staff Report, including the Draft Substitute Environmental Documentation (SED).

Caltrans looks forward to working with the Board as the rules are finalized to improve trash control in a manner that is cost effective and maintains safety. Caltrans understands and agrees with the State Water Board that trash is a significant pollutant of California's waters that can adversely affect beneficial uses. We appreciate including Caltrans on the trash amendment workgroup and recognizing the uniqueness of Caltrans. Comments are offered to improve the trash amendment and to address Caltrans concerns:

1) Caltrans provides mobility to the public and primary concern is the safety of the traveling public and our maintenance staff. The trash amendment assumes it is feasible to install drop inlet trash controls. The trash amendment needs to recognize that installation of devices for litter control is not always feasible due to concerns for safety to the traveling public (hydroplaning, flooding, etc.) and safety to the Maintenance staff, traffic delays, etc. The amendment needs to recognize that retrofit may not be feasible in all high-density residential, commercial, and industrial areas if safety is deemed a concern. Institutional controls should be considered as an alternative control to full capture where drop inlet trash controls are not feasible.

2) Caltrans participates and has invested in statewide and regional litter campaigns (e.g., Keep California Beautiful, Litter Day, CHP Litter campaign, Don't Trash California), studies, and outreach (partnerships with local communities) over the past decade. Public

education (if proven effective for trash reduction) should considered as an alternative measure to full capture where drop inlet trash controls are not feasible.

3) This amendment will require resources beyond current retrofit requirements incorporated in the Caltrans MS4 Permit (e.g., ASBS, TMDLs, Region-specific requirements). Meeting the 10-year compliance schedule may not be feasible with current fiscal constraints. Caltrans requests that the statewide trash amendment timeline be consistent with the 20-year compliance schedule required for meeting TMDL compliance requirements in the recently amended Caltrans Permit (May 2014 incorporation of TMDL requirements). Aligning all retrofit commitments and maintenance needs would be more cost-effective and an efficient approach to address all trash requirements statewide. The State Water Board should consider a prioritization of the high priority areas through investigation. Not all on- and off-ramps, rest areas, roadway segments within industrial/commercial areas may warrant retrofits for full trash capture devices.

4) Resource allocations for Caltrans are subject to change and Caltrans requests to include language not penalizing the agency if budget constraints prevent from meeting 10-year deadline. Language similar to the Caltrans MS4 permit should be added, "The Department may request an extension of time for compliance based on lack of funding. The request for an extension shall require a demonstration and documentation of a good faith effort to acquire funding through the Department's budgetary process, and a demonstration that funding was unavailable or inadequate." This would allow the Department to collaborate with the State Board for alternative measures or timelines if costs exceed original estimate.

Detailed comments are provided in the attachment. If you have any questions, please contact me directly at (916) 653-4446.

Sincerely,

G. SCOTT McGOWEN, P.E.
Chief Environmental Engineer

cc: Katrina Pierce, Division Chief, Environmental Analysis, Caltrans
Tom Howard, SWRCB Executive Director
Jonathan Bishop, SWRCB Chief Deputy Director

Attachment

ATTACHMENT

Caltrans comments on Draft Staff Report for Proposed Trash Amendments – June 2014.

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1. **Page 11, Table 1.** *"Implement a plan with a combination of full capture systems, other treatment controls, institutional controls, and/or multi-benefit projects with same performance results of Track 1 with the MS4 jurisdiction/significant trash generating areas/facility/site."*

   Comment: Caltrans is concerned with the implementation of full capture devices as recommended by the State Water Board staff. Our major concern is that these devices may not be compatible with the structural controls required for subsequent TMDL compliance identified within Attachment IV of the Caltrans NPDES Permit (Order 2012-0011-DWQ). We are also concerned about the implementation schedule.

   Recommendation: Full capture devices should not be limited to those listed in the trash amendment. If treatment controls are feasible, Caltrans will implement devices that will address TMDLs and trash compliance (e.g., Media Filters, Infiltration basins, Detention devices, and other devices that may capture trash and treat for other pollutants). This amendment will require resources beyond current retrofit requirements identified within Caltrans NPDES Permit (Order 2012-0011-DWQ). Therefore, Caltrans recommends that the State Water Board revisit the compliance schedule and extend the proposed 10-year compliance deadline to be consistent with the 20-year TMDL compliance milestone. This would enable Caltrans to apply public funds more efficiently, installing devices that would be effective in treating multiple pollutants causing impairment to the water body.

2. **Page 11, Table 1.** *"Develop and implement set of monitoring objectives that demonstrate mandated performance results, effectiveness of the selected combination of treatment and institutional controls, and compliance with the equivalency to Track 1"*

   Comment: Caltrans has established goals and metrics for demonstrating progress in meeting TMDL requirements in Attachment IV of our Permit. One purpose of Attachment IV was to standardize how Caltrans complies with NPDES requirements statewide, including standardizing monitoring and reporting requirements.

   Recommendation: Caltrans recommends that the amendment include a provision to allow Caltrans to report progress toward meeting the requirements of the amendment consistent with Attachment IV of our Permit.

3. **Page 11, Table 1.** *"Overview of Proposed Compliance Tracks for NPDES Stormwater Permits"*

   Comment: There is a need to allow public education and other non-structural controls, and not focus solely on structural full capture devices. Over the past decade, Caltrans has invested in litter campaigns, such as "Keep California Beautiful," "Litter Day," the "California Highway Patrol Litter Campaign," "Don't Trash California," and many other studies and outreach programs, including partnerships with local communities. In addition, Caltrans implements adopt-a-highway and other trash reduction programs that have a significant impact on reducing trash in the state.

   Recommendation: Caltrans recommends that the State Water Board incorporate such language within Track 2 compliance to allow Caltrans to continue its non-structural trash reduction programs statewide (including public education, Adopt-A-Highway, institutional controls, and other trash reduction practices) instead of solely requiring retrofit with full capture devices.

4. **Page 14, Section 2.4.1.** *"Significant trash generating areas may include areas such as: (1) highway on- and off- ramps in high-density residential, commercial, mixed urban, and industrial land uses; (2) rest areas and park-and-rides; and (3) state highways in commercial and industrial land uses."*

   Comment: Caltrans is concerned that the majority of the high trash generating areas identified within the trash amendment have already been incorporated within Attachment IV (TMDL) watersheds. Caltrans is concerned that the amendment includes another layer of prioritization that will not be consistent with Attachment IV of our Permit and may not result in environmental benefit.

   Recommendation: Caltrans recommends that the State Board place a provision in the trash amendment that allows Caltrans to implement trash control practices within high priority TMDL areas as described and to be consistent with Attachment IV of our NPDES Permit.

5. **Page 17, Section 2.8** *"At present, the Los Angeles Water Board oversees a full capture system certification process. For statewide consistency, the State Water Board would take responsibility for the certification process for full capture systems, but those full capture systems previously certified by the Los Angeles Water Board would remain certified for use by permittees as a compliance method ... The process for the certification would follow a similar process established by the Los Angeles Water Board ... with certification approvals directed to the State Water Board."*

   Comment: Caltrans has concerns with how the State Water Board intends to manage the certification of full capture systems. There are several types of BMP devices capable of removing trash; therefore, the State Water Board should expand its list of approved full capture devices. Caltrans is also concerned with the emphasis of vortex separators, as this is not consistent with concerns of standing water and vector concerns.

   Recommendation: Caltrans requests that the State Water Board revise the language to state that any type of BMP capable of removing trash as required by the stated criteria in the Trash Amendments will serve as an acceptable full capture device. Caltrans also requests that the State Water Board provide a revised, expanded list of approved full capture devices including the addition of media filters, infiltration devices, detention devices, and other devices proven effective for trash capture.

6. **Page 72, Section 4.5.** *"For MS4 Phase I and Phase II permittees high trash generating land use areas or what the proposed Trash Amendments refer to as "priority land uses" would include: high density residential, commercial, industrial, mixed urban, and public transportation areas."*

   Comment: Caltrans is concerned with the use of the term "public transportation areas" throughout the Trash Amendments. Public transportation areas could refer to the Caltrans roadways statewide, in addition to priority land uses.

   Recommendation: Caltrans requests that the State Water Board revise this statement to clarify the meaning of "public transportation areas" in relation to "priority land uses."

7. **Page 85, Section 5.1.2.** *"Treatment controls likely to be used for compliance with the proposed Trash Amendments may include installation of catch basins or inserts within existing catch basins."*

   Comment: Caltrans provides mobility in a safe manner to the traveling public. What can be installed for litter control is not always feasible (e.g., inlet screens, etc.) due to concerns for safety to the traveling public (including hydroplaning, flooding, etc.) and safety to the Maintenance staff, traffic delays, etc.

   Recommendation: Caltrans requests that the State Water Board recognize that structural BMP retrofits may not be feasible in all areas, such as on freeways through high-density residential, commercial, and industrial areas due to potential safety concerns. The amendment should incorporate flexibility to address potential safety concerns and alternative trash controls, such as those identified within comment 3 above, should be recognized as a substitute to full capture retrofit.

8. **Page C-19, Section Table 8. Existing Trash Control Expenditures in Perspective.** *"Statistic: Caltrans Division of Maintenance; Budget/Value: $12.7 billion; Annual Expenditures on Trash Control: $52 million; Conclusion: Caltrans spends **0.41%** of their annual budget on litter removal (approximately $1,040 per lane-mile)."*

   Comment: This statement does not take into consideration that Caltrans has invested in capital resources for installation of trash control devices to address the trash TMDL compliance in the Los Angeles Region. Addressing the trash amendment will cost Caltrans significantly more than $1,040 per lane-mile when considering the whole life costs of trash control expenditures.

   Recommendation: Delete either the inaccurate statement or add a caveat that Caltrans has invested a significant amount of resources on litter removal and the whole life costs of litter removal as experienced in the Los Angeles Region has been much more than $1,040 per lane-mile.

9. Table 30, Page C-51, inaccurate cost estimation on Caltrans capital and maintenance costs.

Table 30. Incremental Capital Costs and Operation and Maintenance Estimates for Caltrans

Factor	Estimates
Centerline Miles of Roadway	15,147
Centerline miles in Urban areas.	5,990
Percent of subject miles requiring structural controls	20%
Affected Miles	1,198
Drop inlets per mile	36
Total number of drop inlets	46534
Total Capital Cost (@ $800 per drop inlet)	$34,502,400
Annual Operation & Maintenance Cost (@ $342 per drop inlet per year)	$14,749,776

Comment: Caltrans disagrees with the estimation of the annual cost. The Trash Amendment cost will be significantly more for the following reasons: 1) An $800 drop inlet screen is infeasible for highway application due to safety concerns (e.g., flooding, hydroplaning causing accidents to the traveling public and inability for Caltrans Maintenance staff to maintain the inlet safely). 2) The high priority areas noted in the trash amendment of high-density residential, commercial, industrial, on/off ramps will likely be more than 20 percent of the urban areas.

Recommendation: Either delete or correct the table. The incremental capital, operation and maintenance costs for Caltrans are significantly underestimated. Additional annual costs include operation and maintenance costs, capital outlay support, traffic controls, environmental documentation, etc. Caltrans looks forward to working with the Board to refine the cost estimates.

10. Reporting needs to be streamlined.

Comment: Caltrans would like to minimize the use of limited resources spent on reporting.

Recommendation: Caltrans reporting for the trash amendment should be incorporated with the Caltrans TMDL Status Reporting efforts and simply limited to listing the areas where trash reduction has been achieved. No BMP performance, trash reduction calculations should be needed.