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TRASH AMENDMENTS BRIEFER

Enforceable Water Quality Objective – What is the Trash Amendments Goal?

Trash¹ shall not be present in ocean waters, inland surface waters, enclosed bays, estuaries, along shorelines or adjacent areas, in amounts that adversely affect beneficial uses or cause nuisance.

Coverage – Who Must Comply?

- ◆ **Municipalities** - With priority land uses.
- ◆ **Caltrans** - Will comply with the Trash Amendments using Track 2 in the following areas: highway on and off ramps in high density areas; rest areas; state highways in priority land uses; and high used mainline highway segments.
- ◆ **Industrial Facilities** – Outright prohibition of the discharge of trash unless the Permittee can demonstrate the inability to comply with the prohibition. If the industrial site cannot comply with the outright prohibition, it must show compliance through either Track 1 or Track 2.
- ◆ **Construction Sites** – Have an outright prohibition of the discharge of trash.
- ◆ **Alternative Land Uses** – The Regional Board may determine that specific land uses (such as schools, parks, stadiums, campuses, or roads leading to landfills) generate a substantial amount of trash and are required to comply with either Track 1 or Track 2.
- ◆ **Trash Hotspots** - A Regional Board may regulate non-point discharges from specific areas, such as high use campgrounds, parks, beaches, and homeless encampments. [See Trash Hotspot Materials]
- ◆ **Existing Trash Programs** - Waters within Los Angeles are exempt from the Trash Policy because they are covered by the Trash TMDLs. The Bay Area Regional Program must comply with the Trash Amendments, but within the compliance deadlines set forth in the Regional Program.

Timing – When Must Permittees Comply?

- ◆ The Regional Board shall incorporate the Trash Amendment requirements when they re-issue municipal stormwater permits. [See Permit Timeline]
- ◆ Initial Planning – Within the first 18 months the Water Boards shall issue a 13383 Order requiring

Permittees to state whether they are going to comply via Track 1 or Track 2. If Track 2 is chosen the Permittee must develop an implementation plan that includes the combination of BMPs, an explanation of how those BMPs will achieve full capture equivalency, and a monitoring plan to demonstrate compliance.

- ◆ Permittees have 10 years from the effective date of the stormwater permit to come into compliance with either Track 1 or Track 2.
- ◆ The Water Boards shall require achievement of interim milestones (ideally 10% reduction annually).
- ◆ In no case shall the final compliance dates be later than December 2, 2030.

Compliance Pathways – How Do Permittees Comply?

- ◆ **Track 1:** Install and maintain full capture systems² for 100 percent of storm drains in priority land uses.
- ◆ **Track 2:** Install and maintain a combination of BMPs that could include: full capture devices, stormwater capture devices, other treatment controls such as trash cans or street sweeping, and institutional controls such as single-use plastic ban ordinances or educational programs.
 - ◆ The State Water Board expects Track 2 Permittees to prioritize and install full capture systems where it is not cost-prohibitive.

Compliance Monitoring – How Do Permittees Demonstrate Compliance?

- ◆ **Track 1:** Must submit O&M reports annually. No further compliance monitoring is required.
- ◆ **Track 2:** Must demonstrate full capture system equivalency³ through monitoring reports that answer the following questions:
 - 1 What BMPs have been used and in what locations?
 - 2 How many full capture devices have been installed and what is the coverage area served by them?
 - 3 What is the effectiveness of the combined BMPs?
 - 4 What is the decrease in trash discharged from the MS4?
 - 5 What is the decrease of trash in the receiving water?

[See monitoring memo for recommendations on how NGOs should advocate for monitoring requirements in their local stormwater permits.]

Priority Land Uses – Where Does the Trash Amendments Apply?

- ◆ The Trash Amendments only apply to priority land uses.
- ◆ Priority Land Uses include:
 - ◆ **High-Density Residential** – land uses with at least 10 units/acre.
 - ◆ **Industrial** – land uses zoned for industrial.
 - ◆ **Commercial** – land uses zoned for commercial.

- ◆ **Mixed Urban** – land uses where high density residential, industrial, and/or commercial are intermixed.
- ◆ **Public Transportation Stations** – land uses such as train and metro stations, and bus stops.
- ◆ **Equivalent Alternative Land Uses** - A Water Board may allow a priority land use to be substituted for another land use where the Permittee demonstrates that the substituted land area generates trash equivalent to or greater than the priority land use.

Preproduction Plastics – What about Nurdles?

- ◆ The Trash Amendments require the Industrial General Permit to contain an absolute prohibition of preproduction plastics discharged from industrial facilities that manufacture preproduction plastics or use preproduction plastics for manufacturing.
- ◆ The Trash Amendments expand the Industrial General Permit absolute prohibition on preproduction plastic discharges to include transporters of preproduction plastics.

For more information, contact Sean Bothwell, sbothwell@cacoastkeeper.org.

FOOTNOTES

- 1 Trash is defined as all improperly discarded solid material 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.
- 2 Full Capture Systems are defined as a treatment control, including a stormwater capture device, that traps all particles 5mm or greater.
- 3 Full Capture System Equivalency – is a trash load reduction target that is set by determining the trash load that would be reduced if full capture systems had been installed.



For more information, please contact
CALIFORNIA COASTKEEPER ALLIANCE
Policy Director Sean Bothwell
sbothwell@cacoastkeeper.org 949-291-3401