



March 16, 2012

Mr. John Muller, Chair  
Attn: Mr. Dale Bowyer - [dbowyer@waterboards.ca.gov](mailto:dbowyer@waterboards.ca.gov)  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Dear Mr. Muller:

On behalf of the California League of Food Processors (CLFP), I am writing to express concerns about two reports prepared by the Bay Area Stormwater Management Agencies Association (BASMAA) titled *Preliminary Baseline Trash Generation Rates for San Francisco Bay Area MS4s* and *Trash Load Reduction Tracking Method (TLRTM)*.

The CLFP represents the \$13 billion dollar food processing industry in California. Our member companies include canners, freezers, dryers and dehydrators of fruits and vegetables as well as processors of snack foods, juice bottles, and a variety of specialty food products. There are thousands of food processing facilities throughout the State that create nearly 160,000 permanent jobs in California.

We strongly support sensible and workable efforts to reduce the amount of trash and litter that finds its way into streams, creeks and roadsides. Unfortunately, the draft report and suggested compliance measures fall terribly short, and raise many concerns. Our biggest concern is the baseline calculation methodology and the trash load reduction methods are severely flawed and riddled with assumptions rather than being founded on hard data.

A second, equally significant concern is the arbitrary and capricious nature of the trash reduction credits selected, the amounts of the credits to be granted, and the entire system by which the credits were selected/developed. We fail to see a fact-based or logical connection – merely unsupported assumptions – between the percentage reductions assigned to various trash “control measures” and the actual discharges that such measures would be expected to achieve.

For example, a 24% reduction credit is proposed as an award where a fee is placed on single-use beverage and food containers. This is completely arbitrary – there is absolutely no analysis or data presented as to how a fee—or what size of fee—on what products will yield what kind of trash reduction.



The regulatory process cannot be arbitrary and must be based on facts and data. The legislative process ultimately must have a rational basis to affect sound public policy. The credit approach proposed here is an abrogation of regulatory responsibilities and cannot stand. It usurps the role of the legislator whose separate responsibility is to effect sound public policy and take into consideration a wide range of factors such as the impact on local business.

I urge you to retract the proposed "credit system" with respect to the arbitrary awards given in exchange for product bans. Thank you in advance for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Trudi E. Hughes". The signature is written in a cursive, flowing style.

Trudi Hughes  
Director Government Affairs

copy: Members, San Francisco Bay Regional Water Quality Control Board