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March 20, 2012

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

Dear Mr. Muller:

The (your organization) would like to express concern with the report submitted by the Bay Area Stormwater Management Agencies Association (BASMAA) titled *Trash Load Reduction Tracking Method (TLRTM)*. This report offers several trash load reduction "credits" that would circumvent the legislative process and are based upon unreliable assumptions and unscientific methodology.

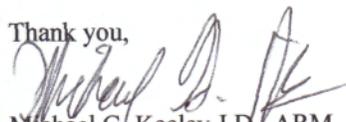
The *TLRTM* report assumes a percentage reduction in trash discharges by implementing certain programs such as plastic bag bans, expanded polystyrene foam (EPS) bans and taxes on single-use food and beverage containers. These percentages were arbitrarily assigned. This report states outright that the recommended percent reductions are simply "based on discussions among BASMAA Trash Committee members." Despite claiming to represent the interests of "stakeholders," there were no representatives on this committee from industry or local commerce and retail.

As background, a ban on EPS products, for example, would result in cost increases to the restaurant community and government facilities since all alternative products are more expensive. Whether it is EPS or an alternative, any material can be littered and a ban on one would only result in the switch to another. Litter does not discriminate between materials. Furthermore, many restaurants prefer EPS because it best protects the integrity of their product – it effectively keeps hot food hot and cold food cold.

We strongly support policies that are based on objective data and sound methodology that lead to measurable, verifiable, reliable, and plausible conclusions. Unfortunately, this report falls significantly short and if adopted could significantly harm businesses and consumers while not making any environmental difference. The public is reliant on the regulatory process to serve their best interests. The proposal by a few at the expense of many without any reliability is in our view poor public policy.

Please do not adopt regulations such as these "credits" that are not based on objective, scientifically sound methodology.

Thank you,

  
Michael G. Keeley J.D., ARM  
President

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