



September 12, 2012

Mr. John Muller
Chair, San Francisco Bay Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Request for Workshop and Corrections to BASMAA Baseline Trash Load Methodology and Trash Reduction Tracking Method

Dear Chairman Muller:

At its June 2012 meeting, the Regional Board expressed serious reservations about the methodology used to develop BASMAA's proposed "credits" for MS4 permittees. The Board requested additional review of two documents¹ that underlie the "credit" approach, and asked that a workshop be held later this year to correct the documents.

The American Chemistry Council's Plastics Division (ACC) urges the Board to schedule the workshop as promptly as possible, and we commit to participate. We remain deeply concerned that some of the trash load reduction approaches proposed by BASMAA will not actually reduce trash loads, and of course, do not meet legal requirements for permit conditions. We pointed out a number of critical flaws with the approaches in our March, 2012 comments, including that:

- The baseline methodology in the Baseline Trash Loads (BTL) document lacks a credible scientific foundation.
- Both the baseline methodology in the BTL document and the tracking method in the Reduction Tracking Method (RTM) document arbitrarily allow Permittees to artificially inflate their baseline trash loads and then claim "reductions" that are not attributable to new or enhanced trash reduction measures, in contravention of both the MRP and the Clean Water Act.
- The unprecedented trash generation reduction "credit" system established by the tracking method in the RTM document accounts for actions aimed at reducing trash generation in an arbitrary manner, divorced from actual data, real-world impacts, and efficacy.

¹ Preliminary Baseline Trash Generation Rates for San Francisco Bay Area MS4s, February 1, 2012 (located at www.swrcb.ca.gov/rwqcb2/water_issues/programs/stormwater/MRP/02-2012/BASMAA/Baseline_Trash_Loads.pdf;) Trash Load Reduction Tracking Method Assessing the Progress of San Francisco Bay Area MS4s Towards Stormwater Trash Load Reduction Goals Technical Report (Version 1.0), February 1, 2012 (located at www.swrcb.ca.gov/rwqcb2/water_issues/programs/stormwater/MRP/02-2012/BASMAA/TL_ReductionTracking_Method.pdf)

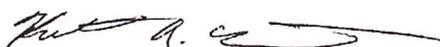


- The credit system arbitrarily promotes measures targeting two particular types of trash—single-use plastic bags and polystyrene foam food ware—to the exclusion of other measures and forms of trash.
- The implementation of the baseline methodology in the BTL document and the tracking method in the RTM document via the permittees' Short Term Plans, which rely on those documents, requires analysis under the California Environmental Quality Act (CEQA). To our knowledge, none of the Permittees have begun the CEQA process, either individually or collaboratively through BASMAA.

If the Board does not wish to proceed with the recommended workshop, we urge the Board to promptly reject, and publicly articulate its rejection of, the proposed trash load reduction credits, which will better allow MS4 permittees to spend their time and resources on development of litter reduction approaches that will be both effective and legally sound.

ACC continues to strongly support real, technically supported solutions to litter prevention and management. We would be pleased to provide any additional information requested. Please feel free to contact me at keith_christman@americanchemistry.com or by telephone at (202) 249-6610 if I can further assist.

Sincerely,



Keith Christman
Managing Director, Plastics Markets
American Chemistry Council

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

Attachments:

- Comments of the American Chemistry Council, "Preliminary Baseline Trash Generation Rates for San Francisco Bay Area MS4s" Technical Memorandum and "Trash Load Reduction Tracking Method: Assessing the Progress of San Francisco Bay Area MS4s Towards Stormwater Trash Load Reduction Goals" Technical Report (Version 1), Submitted to the San Francisco Bay Regional Water Quality Control Board on March 20, 2012
- Technical Assessment of BASMAA 2012 Documents, conducted for ACC by Environmental Resources Planning, LLC, Steven R. Stein, Project Manager, Submitted to the San Francisco Bay Regional Water Quality Control Board on March 20, 2012.

