



B A S M A A

Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

June 3, 2010

The Honorable Pedro Nava
Chair, Assembly Committee on Environmental Safety & Toxic Materials
State Capitol, Room 2148
Sacramento, CA 95814

**Subject: SB 346 (Kehoe) – Source Control of Copper Water Pollution –
Support As Proposed To Be Amended**

Dear Assemblymember Nava:

The Bay Area Stormwater Management Agencies Association (BASMAA)¹ strongly supports SB 346 (Kehoe), which will provide California's cities and counties with the tool they need to comply with stringent federal and state water quality mandates and avoid billions of dollars in costs and penalties. SB 346 requires that copper, an extremely significant aquatic pollutant, be reduced to a *de minimis* 0.5% by weight in vehicle brake pads sold in California by 2025. Peer-reviewed scientific studies have established that by far the most significant source of copper in urban watersheds is the fine dust generated from the use of brake pads.

Pursuant to the requirements of the federal Clean Water Act, the Regional Water Quality Control Boards in Los Angeles and San Diego have already imposed severe copper Total Maximum Daily Loads (TMDLs). Similar TMDLs are expected to be imposed on other urban watersheds across the state in the near future. The only technically and economically feasible way for municipalities to comply with these looming deadlines is to eliminate copper pollution at its source – vehicle brake pads – no later than 2025. Any attempt to try and remove copper already dissolved in stormwater in highly urbanized areas would most likely require condemnation of large tracts of land and construction of elaborate infrastructure. This could easily cost already fiscally strapped local governments billions of dollars statewide with no guarantee that these methods would actually succeed.

SB 346 provides industry with a generous timeline within which to develop and distribute safe and effective copper-free brake friction materials while also giving cities and counties the ability to demonstrate that they will meet their copper TMDLs in a timely manner without having to spend billions of dollars to do so. BASMAA and its 96 member agencies are pleased to support SB 346.

Very truly yours,

James Scanlin, Chair
Bay Area Stormwater Management Agencies Association

cc: Senator Christine Kehoe
Assemblymember Ira Ruskin

Bay Area
Stormwater Management

Agencies Association

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¹ BASMAA is a consortium of nine municipal stormwater programs in the San Francisco Bay Area representing 96 agencies, including 84 cities and 7 counties. The members of BASMAA are responsible for complying with the requirements of municipal separate storm sewer system (MS4) National Pollutant Discharge Elimination System (NPDES) permits issued by the San Francisco Bay Regional Water Quality Control Board (Water Board).