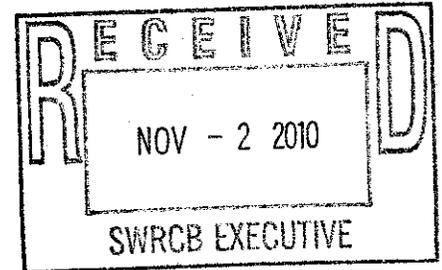


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November 2, 2006

Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Proposed Statewide Policy for Trash Control

Dear Ms. Townsend:

The following comments are submitted in response to the September 27, 2010 notice regarding the scope of environmental information that should be considered in a statewide policy for trash control.

I believe the proposed policy offers a good opportunity for the State Board to take a fresh look at the trash issue. It would be wrong to conclude that we have found workable solutions and need only learn from what has already been done. My perspective on the trash issue was formed over 30 years service on the staff of the San Francisco Bay Regional Water Quality Control Board.

1. Stormwater and Trash Funding

Point source municipal pollution is mostly addressed today through POTWs that were built through federal, state and local construction funding, and are operated and maintained through user fees. This model has been mostly successful, but it does not apply to stormwater or the trash it contains. Changes in the law are necessary, and should be sought. One example of needed change is a bill previously introduced but not passed that would have created an exception from the two thirds (supermajority) vote requirement for flood control and stormwater infrastructure fees.

Without a user fee funding base, cities will continue to resist all elements of the stormwater program, and will continue to implement solutions that are cheap in the short run and worthless in the longer term (see below). Until the funding issue is addressed, the stormwater and trash programs will continue to be a source of conflict rather than progress.

2. The Role of Product Bans or Reformulations

Experience shows that product bans or product reformulations have been inexpensive and highly effective for protecting our waters from pollutants. The success stories include reformulated detergents for minimizing discharge of harmful nutrient inputs, the abolition of leaded gasoline and the dramatic reduction of lead from our air and stormwater runoff, the banning of nondegradable chlorinated pesticides like DDT and the recovery of impacted species like the bald eagle, the limiting of asbestos-containing compounds from automobile brake pads, and the use of lead-free ammunition of some hunting applications.

The State Board should be alert to opportunities for extending this intelligent and cost-effective approach, especially if the alternative is the expenditure of much larger sums of public money.

A recent, unsuccessful example is legislation to ban single use plastic bags, which had the support of the Governor, passed the Senate, and died in the final days in the Assembly based on a well funded scare campaign by bag manufacturers. I urge the State Board to lobby within the administration and outside of it to get this legislation passed. No other single action will result in so much benefit at so little cost for trash reduction.

In the longer term the State Board should lead the way in seeking packaging, especially for food items, that breaks down naturally over a period of time in water.

3. Devices for Trash Exclusion and Trash Removal

Trash exclusion and removal devices installed throughout the state by local governments have been mostly a waste of public money. In most cases the designs selected by cities have put low near-term construction cost ahead of long-term durability and ease of maintenance. Already we have a legacy of non-working junk cluttering our stormwater inlets and storm drains. It would be worse than wrong to keep going down this path.

There are devices on the market that really work. They effectively remove trash, are designed to be cleaned easily using vacuum trucks, and have a lifespan of 50 years or more. There are hundreds of such installations in California. Such devices have been installed by the City of Oakland to protect Lake Merritt from trash, and have been a notable success. However, such devices cost more up front than most municipal stormwater devices that have been installed to date.

4. Leveraging Flood Control Infrastructure

In some urban areas storm sewers have been constructed to depths below the elevation of receiving waters to maintain gravity drainage for most of the service area. Stormwater pump stations are used to move stormwater and the trash it contains up to surface water elevations.

Also, parts of California with flat terrain and poor drainage have long had man-made stormwater retention basins to minimize local flooding. Typically stormwater and the trash it contains is pumped into these shallow basins during storm events and is discharged afterwards by some combination of soil infiltration, pumping, and gravity release. In most cases these basins have other uses in dry weather, such as for playfields.

For both of these cases, existing flood protection infrastructure should be integrated into trash removal solutions. This might be especially attractive if trash removal requirements are made somewhat less stringent during peak runoff events. Making full use of existing flood control infrastructure should be a key element in a trash removal policy. This would be much easier to do if a fee system for both stormwater and flood control were implemented (see #1 above).

5. Land Use and Trash

For over 30 years I commuted by bicycle to and from the San Francisco Bay Regional Water Board's office in Oakland. This meant many hours riding next to the curb, observing the litter that ends up there. One lesson I learned is that trash loadings are exceptionally variable, from near zero on some residential streets to very high near schools, fast food restaurants, and shopping areas.

This variable loading means that trash removal devices can be targeted to high load areas, and need not be used for most of the urban landscape. In formulating a trash policy, staff should not accept objections based on the assumption that the same solutions need to be implemented everywhere.

6. Defining Trash and Pollutants We Need to Remove

The term trash usually refers to pollutants we can see – the cigarette butts, food containers etc. The Informational Document rightly notes that trash includes substances that settle. Here it should be stressed that trash can include pollutants that are associated with sediments found in stormwater, and that some trash removal technologies can remove such polluted sediments. It would be wrong to fall into 'silo thinking' that would ignore the pollution benefits of trash removal devices that remove polluted sediments. Trash removal technologies and the criteria for evaluating such technologies should include all the benefits conferred by a given technology.

In closing let me reiterate the need for a critical look at the trash control efforts that have gone before, and to learn from what has worked and what has not. I believe most of what has not worked is rooted in the lack a reliable revenue stream in the form of user fees.

Yours truly

(signature)

Lawrence P Kolb

commentletters - Added Comment on Trash Policy

From: Lawrence Kolb <lpkolb@gmail.com>
To: <Commentletters@waterboards.ca.gov>
Date: Tuesday, November 02, 2010 3:55 PM
Subject: Added Comment on Trash Policy

I would like to show for the record that I concur with the comments submitted by Roger James dated November 2, 2010.