



**SAN MATEO COUNTYWIDE  
Water Pollution Prevention Program**

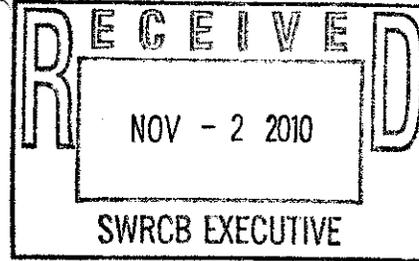
Clean Water. Healthy Community.

555 County Center  
Redwood City, CA 94063

P 650.599.1406  
F 650.361.8227  
flowstobay.org

November 2, 2010

CEQA Scoping Mtgs (10/7 & 14/10)  
Policy for Controlling Trash  
Deadline: 11/3/10 by 12 noon



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
Attention Joanne Cox

**Subject: Comments on Proposed Policy for Controlling Trash and Environmental Impacts**

Ms. Cox:

The State Water Resources Control Board (State Water Board) has an essential statewide role to play in preventing and controlling trash pollution. The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), which is a program of the City/County Association of Governments of San Mateo County (C/CAG), believes the creation of a well considered State Water Quality Control Policy for Controlling Trash in Waters of the State (Trash Policy) offers the State Water Board an opportunity to envision, plan, and fulfill its statewide leadership role.

This letter is organized into the following three sections. The first section identifies some statewide Trash Policy implementation activities that we recommend the State Water Board undertake. The second section offers some comments on the initial concepts expressed in the State Water Board's "Informational Document Public Scoping Meeting for Proposed Statewide Policy for Trash Control in Waters of the State" dated September 2010. The last section summarizes our conclusions.

**Role of the State Water Board in Enhancing Trash Control**

There are a number of essential trash water pollution prevention and funding activities that are currently not being implemented that the State Water Board is in a better position to implement than one of its Regional Water Boards or local public agencies. SMCWPPP strongly encourages the State Water Board to take on high priority statewide trash control activities that have been neglected and are best suited for statewide implementation.

The following describes the expanded role that the State Water Board should have in pursuing true source control for trash, seeking funding for trash controls, and conducting needed research. These activities should have a higher priority for the State Water Board than lower priority activities, such as refining some of the existing trash control water quality objectives or Basin Plan trash prohibitions that have been handled adequately by the Regional Water Boards.

**Trash True Source Control.** We believe that it is essential for the State Water Board to take the lead in identifying how to minimize the true sources of litter and trash that are polluting the state's waterways. One of the benefits of focusing on true source control for trash is that it would help solve trash water quality problems from multiple sources, not just municipal separate storm sewer systems.

The recent adoption of SB 346 provides an example of true source control for an important source of copper impairing and threatening to impair various waters throughout the state. This legislation will require brake pad manufacturers to reduce the use of copper to no more than 5 percent by 2021 and no more than 0.5 percent by 2025. In a similar fashion, the State Water Board should initiate trash true source control by working with manufacturers and users of items that end up becoming important sources of trash and litter in waterways. This collaboration should identify alternatives for reducing priority litter

generating uses and implement solutions by promoting the passage of appropriate legislation and facilitating the implementation of voluntary initiatives.

It is anticipated that achieving true source control will be more cost-effective than building and maintaining trash control devices on every storm drain system, and it will have a more widespread and sustainable effect on protecting beneficial uses. Working on true source control will also engage the people and organizations that are best suited for identifying creative and practical solutions to the trash water pollution problem. It is essential that the manufacturers of water quality-impairing trash products help to identify solutions for the water pollution their products are creating.

While the proposed Trash Policy includes some elements of source control, as described in the Comments and Suggestions Regarding the Informational Document section below, it does not propose to consider true source control.

**Trash Control Funding.** Another essential role for the State Water Board is to identify sources of funding for implementing trash controls and to pursue the legislative and/or voter approvals needed to secure adequate funding. Since litter and trash control is a statewide problem, it makes sense for the State Water Board to take the lead in seeking funding to solve this problem. To its credit the State Water Board has already taken some initiatives in this area through its awarding of ARRA grant funds for trash control projects, such as the \$5 million grant awarded to the San Francisco Estuary Partnership and ABAG for its trash demonstration project.

Adequate funding is essential to conduct trash research needed to identify effective solutions for trash pollution. Funding is also needed for the implementation of trash control activities be they for more public education, the construction and maintenance of appropriate trash control devices, or staffing additional trash clean ups. There is currently an inadequate level of funding available for trash control, and this will continue to hamper the implementation of trash control solutions.

The current approach of putting most of the funding responsibilities on the municipal separate storm sewer system dischargers has proven inadequate to achieve needed trash controls. For example, Caltrans is focusing its limited financial resources on meeting its trash control TMDL obligations in the Los Angeles Regional Water Board area, while trash problems from Caltrans' facilities in northern California are largely ignored.

**Research.** An additional essential role for the State Water Board is to undertake or sponsor research to better understand the trash problem in order to be able to identify more cost-effective solutions. Examples of the types of questions that should be addressed at a statewide level include the following examples:

1. What are the priority trash items impairing beneficial uses, such as plastic bags, plastic wrappers, preproduction plastic pellets, Styrofoam food containers, and cigarette butts and are these same items found equally important in different waterways? If not, are there discernible relationships between various land uses and the types of trash items that pollute local waterways?
2. What types of priority trash items could be reduced using various true source control tools, such as legislating outright bans or additional use charges, other disincentives, or requiring the use of alternative, less polluting wrappers and containers.
3. What level of trash is associated with measurable water quality impairment for different types of waterways and beneficial uses?
4. What degrees and types of trash loading may be tolerable without unreasonably affecting various types of beneficial uses?

5. How much litter and trash loading to waterways is associated with different sources, such as municipal separate storm sewer systems, direct deposition, and windblown litter, and do these different source types contribute differently to the types of beneficial use impairment?

### Comments and Suggestions Regarding the Informational Document

This section provides feedback on some of the information provided in the State Water Board's "Informational Document Public Scoping Meeting for Proposed Statewide Policy for Trash Control in Waters of the State" (Informational Document) dated September 2010.

**Unsupported Assertions in Background section.** The State Water Board's Informational Document contains many unsupported assertions. The following lists some examples: Pages 2 and 3 under Background concludes, "Trash in water bodies can threaten public health when water is used for recreational purposes." In addition, "Small and large floatable trash can inhibit the growth of aquatic vegetation decreasing spawning areas." "Trash can also impede the ability of fish to move water through gills, choking off the oxygen supply." While there may be some limited merit to these and other assertions, they are not supported in the Informational Document, and the limited conditions under which they may have some validity are not explained or supported by information. It is essential that the policy be based on a reasonable assessment of real information. Where there is a lack of crucial information to formulate State Water Board policy, these areas should be recognized and addressed step wise with further research or information gathering.

The Information Document should also include a fair reasoning of the information it presents. Again, in the Background section on Page 3, it states the following: "Trash ends up on beaches or collects in 'trash hot spots,' repelling visitors and degrading lake, riverine, and coastal waters aesthetics." Our experience is that a lot of trash ends up near or on waterways at locations that are particularly popular with visitors to those locations. Relatively trash free areas are a sign that people are not using an area or the area does not accumulate trash transported from popularly visited areas near and on waterways.

Under Existing Regulatory Structure on page 3 it is unclear why the extensive list of beneficial uses listed needs to be in the proposed policy. It is difficult to understand how trash has any plausible bearing on a number of the beneficial uses listed, and it is unclear why the Informational Document attempts to make such overreaching assertions. For example, what is the evidence that trash is having an unreasonable negative impact on "spawning, reproduction, and early development of fish, commercial and sport fishing, wetland habitat, and cold freshwater habitat?" The State Water Board's policy is likely to be less useful if it is based on faulty, poorly supported assumptions or it is tailored to address rare circumstances that do not merit inclusion in a statewide policy.

**Overly Limited Entities Affected by Policy.** The entities expected to be affected by the Trash Policy that are listed on page 4 under "Potential Elements Subject to Scoping Consideration" are stormwater and nonpoint dischargers. This overly narrow focus is repeated under the "Element 1: Water Quality Policy Statement" that would focus on "establishing a statewide water quality control policy that defines the MEP and BAT for cleanup and removal of trash from the storm drain system. . . ." This limited focus would totally ignore the problem caused by windblown trash, trash deposited directly into waterways, such as from recreational boaters and commercial shipping, and trash from homeless encampments. Working to establish true source control for trash will have broader and more sustainable benefits for water quality and residents of the state.

**Establish a Policy for Source Control for Trash.** One of the elements of the policy is to eliminate or reduce sources of trash. The policy would require: "Dischargers with MS4 NPDES permits would be

required to work with the public within their jurisdictions to eliminate potential sources of trash to storm water." As described above, one of the potential benefits of the State Water Board developing a Trash Policy would be for the State Water Board to work with the manufacturers of high priority water quality-degrading trash items.

The proposed inclusion of a "Policy for Source Control for Industrial Source of Preproduction Plastic Pellets" seems like a worthwhile item for inclusion in the statewide policy. It would also be worthwhile to include as part of this policy ways to not use preproduction pellets that are so small that "once spilled or released into the environment, their small size prevents effective cleanup" (Page 5 of Informational Document).

**Element 2: Water Quality Objectives.** The proposed policy would consider establishing a statewide water quality objective for trash control. It is unclear whether spending the needed effort on this task would justify the marginal gain in protecting beneficial uses compared with the current objectives because the Regional Water Boards have been reasonably successful to date using the existing objectives to identify trash problem areas, preparing TMDLs, and implementing TMDLs and additional trash control activities through stormwater permits.

It is unclear why the statewide Trash Policy would need to "create a statewide numeric water quality objective of 'zero trash.'" The zero trash approach has been established in the trash TMDLs, which "may not be subject to the new Trash Policy" (Page 4 of Informational Document). Zero trash is not the objective currently found in various Basin Plans narrative objectives to limit the "the presence of floatable, solid, suspended, and settleable materials in amounts that adversely affect beneficial uses" (page 3 of Informational Document). Changing objectives from not affecting beneficial uses to zero trash does not seem like an activity worth pursuing.

### Summary

In sum, SMCWPPP believes the range of actions, alternatives, mitigation measures, and potential significant environmental effects the State Water Board proposes to analyze focuses too narrowly on refining the approaches to trash control that have been done previously by the Regional Water Boards. The State Water Board should break out of this limited range of thinking as described above to help achieve true source control for trash by conducting adequate research, collaborating with manufacturers and users of water quality priority trash generating products/wastes, and promoting needed legislation and voluntary efforts on trash-generating products and uses. We also recommend that the Trash Policy include a plan to seek funding for implementing the trash control requirements that have been adopted by the Regional Water Boards.

We appreciate your consideration of our comments. I can be reached at (415) 508-2134 or via email at [mfabry@ci.brisbane.ca.us](mailto:mfabry@ci.brisbane.ca.us).

Sincerely,



Matthew Fabry, P.E.  
Program Coordinator  
San Mateo Countywide Water Pollution Prevention Program

Cc: Technical Advisory Committee Representatives (via email)  
Geoff Brosseau, BASMAA Executive Director