



Los Angeles Area Chamber of Commerce



Public Comment  
Trash Amendments  
Deadline: 8/5/14 by 12:00 noon



August 5, 2014

The Honorable Felicia Marcus  
Chair, State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

RE: Draft Amendments to Statewide Water Quality Control Plans to Control Trash  
(Trash Amendments) – OPPOSE Option for Time Extension for Achieving Full Compliance

Dear Chairwoman Marcus:

The undersigned organizations, representing many of the state’s leading employers, appreciate the opportunity to provide comments on the Water Resources Control Board’s (Board) proposed Trash Amendments. We applaud the Board for its efforts to establish a uniform, statewide policy to reduce trash that flows into the state’s waterways. However, we are concerned that an element of the proposal will negatively impact manufacturers, consumer product companies, retailers, grocers, restaurateurs, convenience stores and others and at the same time fail to help the Board achieve its stated trash reduction objective.

The draft policy includes language (2.6 Time Extension for Achieving Full Compliance, Page 15) authorizing “no more than three-years’ worth of time extensions for final compliance...for each regulatory source control adopted by a MS4 Phase I or II permittees

with regulatory authority over land uses.” The draft document describes regulatory source control efforts such as “bans of single-use consumer products such as single-use carryout bags and expanded polystyrene foam.”

Under the draft proposal, Board staff recommends that “trash” be defined as “***all improperly discarded solid material*** from any production, manufacturing or processing operation, including, but not limited to, products, product packaging, or containers ***constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.***” (page 65) (emphasis added)

At the same time, the draft proposal states that “To provide consistency statewide with a water quality objective, the Trash Amendments propose the following narrative water quality objective: ***no trash*** shall accumulate in state waters (or in areas adjacent to state waters) in amounts that would either adversely affect beneficial uses, or cause nuisance.” (page 11) (emphasis added)

Due to the variety of entities that will be subject to these new requirements, achieving this stated objective may require the implementation of both structural (e.g. full capture systems) and institutional controls (e.g. street sweeping, litter education, expanded recycling, additional public trash cans, etc).

Regardless of the approach adopted, any activity or program that is implemented must demonstrate its effectiveness in reducing “trash” --- and not simply be an exercise in wishful thinking or speculation. We fail to see how a local ordinance banning polystyrene containers for example – without any corresponding restriction on likely replacement products – will result in a reduction of “trash” that could be inappropriately discarded.

Rewarding the adoption of local ordinances that restrict the use of a certain material types or specific types of packaging is inappropriate and legally indefensible. We urge the Board to reject this option.

Local ban ordinances can have both economic and environmental impacts that should not be overlooked by the Board. Alternative packaging may be more expensive and in some cases result in increased energy and water use, or generate more greenhouse gas emissions. Product bans can result in higher operating costs for businesses, which can mean higher costs for consumers – all without any demonstrated impact on reducing overall trash in local creeks and waterways.

Though we oppose rewarding the adoption of “regulatory source controls” such as product bans and “institutional controls” referencing mandatory and costly producer take-back programs, we certainly recognize the need to reduce trash that is inappropriately discarded.

In reviewing the various compliance options, “full capture systems” as outlined under the “Track 1” compliance option appears to offer the most effective solution in preventing all forms of trash from entering the state’s waterways. These types of infrastructure controls are essentially “working on a daily basis” and their effectiveness in meeting the trash reduction objectives can be appropriately monitored and measured.

We note that the trash amendments would not apply to those waters within “the jurisdiction of the Los Angeles Water Board that have trash TMDLs in effect prior to the Trash Amendments.” Substantial storm drain infrastructure upgrades have been made throughout the region resulting in full compliance with the LA TMDL. In its June 2012 Water Integrated Resources Plan (IRP) 5-year review, the City of Los Angeles reported “As of March 2012, the City has retrofitted 22, 133 catch basins with trash capture or deflecting devices in the Los Angeles River Watershed as well as three netting systems certified as full capture devices have been installed strategically in the Watershed. With these structural devices alone, the City has reduced its trash discharge to the Los Angeles River by approximately 90%, several years ahead of the final TMDL compliance milestone.”<sup>1</sup> This approach should serve as a model for the most effective means of meeting the trash reduction objectives.

Our associations and member companies are open to engaging with the Board, local governments, and other stakeholders to identify opportunities for collaborative efforts that can help achieve this goal---provided that such efforts are balanced; economically and environmentally sustainable; and represent real reductions in overall trash loads.

Thank you in advance for your consideration of our comments. If you have any questions, please feel free to contact Becky Warren at 916-444-1380. We look forward to working with the Board on this important issue.

Sincerely,

*American Cleaning Institute  
Association of Postconsumer Plastic Recyclers  
Biodegradable Products Institute  
Building Owners and Managers Association of California  
California Business Properties Association  
California Chamber of Commerce  
California Manufacturing Technology Association  
California Restaurants Association  
California Retailers Association  
Consumer Specialty Products Association  
International Council of Shopping Centers  
Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation  
NAIOP of California, the Commercial Real Estate Development Association  
National Federation of Independent Business  
NatureWorks  
Pactiv  
SPI, the Plastics Industry Trade Association  
Valley Industry & Commerce Association  
Western Plastics Association*

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<sup>1</sup> [http://www.lacitysan.org/irp/documents/FINAL\\_IRP\\_5\\_Year\\_Review\\_Document.pdf](http://www.lacitysan.org/irp/documents/FINAL_IRP_5_Year_Review_Document.pdf) Section 3-11