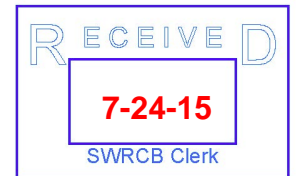




July 24, 2015



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

RE: Proposal to Develop a Storm Water Program Workplan and Implementation Strategy

Dear Chairwoman Marcus:

We, the undersigned organizations, represent many of the state's leading employers and are pleased to offer comments on the State Water Resources Control Board's (Board) proposal to develop a storm water program workplan and implementation strategy.

As you know, our organizations have been closely engaged with the Board on its efforts to promote trash reduction, and we support the Board's effort to engage in long-term planning on storm water specifically. For example, we're particularly pleased to see the Board's focus on addressing trash generation in "hot spots," which presents an important opportunity for municipal, regional and statewide stakeholders and interested parties to work together to develop a collaborative approach to complex trash reduction scenarios.

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We urge the Board to ensure that these “hot spot” clean up efforts – and all the trash-control measures being contemplated by the Board – reflect the hard work and priorities already established by the Board in the trash amendments adopted April 7, 2015.

To that end, we are concerned that some of the elements of the Storm Water Strategic Initiative’s (Initiative) proposal as currently drafted could result in inconsistent requirements that undermine the robust trash-reduction actions the Board recently mandated.

In particular, we are concerned that the proposal seeks to implement product bans, which we know are not an effective means of trash reduction and, in fact, can have significant, deleterious environmental impacts. Not only does data show that the substitution effect means product bans do not actually reduce overall trash, but substitute products can actually have greater environmental impacts on energy use, water use, air emissions and greenhouse gas emissions. Product bans can also jeopardize jobs, create a significant cost burden on both businesses and their customers and hurt consumer choice – all without any demonstrated impact on overall trash reduction.

We are further concerned by the proposal because the Board lacks the authority to ban products. Although the Porter Cologne Act and the Clean Water Act do give the Board authority to regulate the entry of products into waters, neither the California State Legislature nor the United States Congress have given the Board authority to regulate the manufacture, distribution or sale of consumer products or to require product substitutions. Thus, engaging in a lengthy and expensive planning exercise that the Board lacks the authority to implement would be a poor use of limited state resources.

As it is, the Board has rejected product bans as a means to control trash in the recently adopted trash amendments. These amendments already provide a regulatory path to zero trash in water bodies, and it’s critically important that the Initiative’s proposal remain consistent with the policy previously adopted by the Board. Instead of adopting a new, potentially inconsistent and ineffective trash reduction program, we urge the State Board to instead support the Regional Boards in implementing the trash amendments.

Our organizations remain committed to engaging with the Board to identify opportunities for collaborative efforts that promote trash reduction and improve water quality – provided such efforts are balanced, economically and environmentally sustainable, consistent with existing trash policy, and representative of real solutions to the issues at hand.

We therefore urge the Board to remove Project 21, “True Source Control and Pollution Prevention,” from the list of projects in the Initiative and to revise Project 19, “Trash Control,” to make clear that the trash control measures the Board evaluates and eventually adopts will be limited to only those that are consistent with the recently adopted trash amendments.

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

Sincerely,

*American Chemistry Council
Association of Postconsumer Plastic Recyclers
Automotive Specialty Products Alliance
Building Owners and Managers Association of California
California Business Properties Association
California Chamber of Commerce
California Manufacturers and Technology Association
California Restaurant 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
Pactiv
SPI, the Plastics Industry Trade Association
Valley Industry and Commerce Association
Western Plastics Association*