



5 August 2014

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street; 24<sup>TH</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



**Subject: Comments: Proposed Amendments to Statewide Water Quality Control Plans to Control Trash (Trash Amendments)**

As mentioned during the Sacramento stakeholder meeting (4/8/13), the Sacramento Stormwater Quality Partnership advises that the State Board Water Resources Control Board (State Water Board) support source control<sup>1</sup> as the primary mechanism for preventing the discharge of end-user generated trash (see proposed definition in attachment). While we support the notion that local agencies can play a role in ensuring the effectiveness of a source control strategy, we believe that a truly successful and comprehensive program to address end-user generated trash requires action at the State level to establish source control requirements for the products that become trash. Some key source control elements, such as product fees for common litter items, and extended producer responsibility requirements, only make sense when enacted on a statewide scale. Other elements, such as product bans, can sometimes be established at the local level. But it is clear that product bans adopted at the State level are more effective, consistent, fair, and efficient.

A source control approach would provide multiple environmental benefits (less waste to landfill, reduced generation of greenhouse gases [GHG], water quality protection, etc.), and could focus effort on the greatest environmental benefits (*i.e.* plastic reduction). A source control approach also would reduce the financial impact on local governments of both waste management and water quality protection efforts, by appropriately shifting that burden to the producers, distributors, and users of the products. The Trash Amendments, as currently proposed, would require significant investment of capital and ongoing operational funds from local agencies to provide a much narrower benefit (*i.e.* removal of trash already entrained in urban runoff).

Source control efforts initially should focus on plastic trash, as this has the highest environmental impact, has been identified as the highest priority by the California Ocean Protection Commission (OPC), and is an obvious priority of the State Water Board. A focus on source control of plastic trash, especially compared to the full capture provisions of the Trash Amendments, is consistent with State legislative and agency goals for reducing solid waste and associated generation of GHGs.

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<sup>1</sup> For the purposes of this document, "source control" includes extended producer responsibility, product prohibitions (e.g. single use plastic grocery bags), and fees for common litter items (e.g. cigarette butts, plastic containers), consistent with the priorities set by the Ocean Protection Council.

While we strongly believe that source control is the best mechanism to reduce trash in our waterways, as is discussed further in this letter as an alternative for State Water Board consideration, an Attachment to this letter provides both General and Specific comments to the proposed amendment language (Appendix E of the *Draft Amendments to Statewide Water Quality Control Plans to Control Trash*; June 2014). Please be aware that significant revisions throughout the referenced report are necessary – not all of which are noted in the Attachment - but the State provided insufficient review-time to include a more detailed response with this letter.

We applaud the State Water Board's apparent intention to include true source control as an integral part of the statewide stormwater strategy that is currently under development. Inclusion of source control in the Trash Amendments as the primary mechanism for reducing the generation and discharge of trash is completely consistent with this strategy, and is further supported by the following policy and economic considerations:

- It is consistent with Congressional intent and EPA policy for the Clean Water Act (CWA) stormwater amendments and subsequent regulations, that treatment should not be the focus of CWA for stormwater.<sup>2</sup>
- It is consistent with the national policy set by Congress through adoption of the Pollution Prevention Act, which recognizes that source control, where feasible, is more desirable and advantageous than treatment of wastestreams. Below are excerpts from the Congress' findings, adopted as part of the Pollution Prevention Act of 1990.
  - "Source reduction is fundamentally different and more desirable than waste management and pollution control. The Environmental Protection Agency needs to address the historical lack of attention to source reduction.
  - "The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

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<sup>2</sup> From the preamble of the 1990 Federal Register, Adoption of Stormwater Regulations. Federal Register Vol. 55, No. 222, Friday, November 16, 1990, Rules and Regulations pages 48037-48038: "Section 402(p)(3)(iii) of the CWA mandates that permits for discharges from municipal separate storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable (MEP)... When enacting this provision Congress was aware of the difficulties in regulating discharges from municipal separate storm sewers solely through traditional end-of-pipe treatment and intended for EPA and NPDES States to develop permit requirements that were much broader in nature than requirements which are traditionally found in NPDES permits for industrial process discharges or POTWs. The legislative history indicates, municipal storm sewer system "permits will not necessarily be like industrial discharge permits. Often, an end-of-the-pipe treatment technology is not appropriate for this type of discharge." [Vol. 132 Cong. Rec. S164Z5 (daily ed. Oct. 16, 1986)]... Given the material management problems associated with end-of-pipe controls, management programs that are directed at pollutant sources are often more practical than relying solely on end-of-pipe controls."



- It is consistent with the California Ocean Protection Commission’s (OPC) strategy to reduce and prevent ocean litter.<sup>3, 4</sup>
  - OPC Strategy excerpt: “The Steering Committee [formed by the OPC] has identified three priority actions for reducing and preventing litter, including packaging waste. [bullets below reformatted from paragraph form]
    - The first is Extended Producer Responsibility (EPR) – also known as “producer take-back” – for packaging waste.
    - The second is prohibitions on specific types of packaging that commonly become litter, such as single-use grocery bags.
    - The third is fees on commonly littered items; these fees encourage both manufacturers and consumers to seek out less litter-prone product alternatives.”
  - OPC Strategy excerpt: “The Steering Committee views these three priority actions as the primary tools that will be needed to address major sources of ocean litter. Preventing packaging waste from being generated and banning or placing a fee on items that are prevalent in ocean litter are more cost-effective than cleaning up litter. These actions can also reduce resource consumption, greenhouse gas production and other pollution associated with the production of these products.”
  - Although the OPC strategy recognizes a role for TMDLs and NPDES permit provisions, it clearly recognizes the comparative advantage of source control, and gives it a higher priority. In addition, the OPC strategy reference to NPDES provisions for addressing trash recognizes as an alternative to storm sewer catchment devices the option to “otherwise prevent litter from entering waterways that lead to the ocean”.
- It leverages existing State policy to reduce solid waste sent to landfills, as established by the California Integrated Waste Management Board (CIWMB; predecessor to CalRecycle) and the Legislature in AB 341. In addition, the OPC believes that “CIWMB should have the authority to adopt EPR regulations and that CIWMB should prioritize EPR for packaging waste to the extent feasible.”<sup>5</sup>
  - AB 341 states that “it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020”.

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<sup>3</sup> California Ocean Protection Council. An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter. 2008

<sup>4</sup> The Ocean Protection Council’s strategy is recognized in the Staff Report of the proposed Trash Amendment as part of the State’s policy effort to address trash. On page 9 of the Trash Amendment: “State Policy Efforts. In response to the increasing problem of trash within California, particularly plastic trash, policymakers have initiated efforts such as the California Ocean Protection Council’s Resolution on Reducing and Preventing Marine Debris (2007) and subsequent Implementation Strategy for Reducing Marine Litter (2008). These policies respectively proposed targeted reductions of trash within a set timeline, and prioritize state efforts for source reduction of the “worst offenders” of trash, such as cigarette butts, plastic bottle caps, plastic bags, and polystyrene.”

<sup>5</sup> California Ocean Protection Council. An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter. 2008

- The CIWMB adopted an EPR framework as an overall policy priority, and approved a Strategic Directive on Producer Responsibility: “It is a core value of the CIWMB that producers assume the responsibility for the safe stewardship of their materials in order to promote environmental sustainability.”<sup>6</sup>
- In its 2013 AB 341 implementation strategy CalRecycle included plans for pursuing statutory authority to establish a “multi-year pilot for extended producer responsibility for packaging.”
  - The “pilot could focus on a select a small set of “problematic” products/materials (e.g., non: California redemption value beverage containers) statewide OR a small geographic area (e.g., coastal areas concerned with marine litter) that is comprehensive in terms of products and materials. Demonstration program results would ultimately inform EPR packaging legislation.”
- It supports the California Air Resources Board’s commitment to reducing GHGs through waste management. Reliance on full capture devices would send more waste to landfill, and would not reduce GHGs.
  - California Air Resources Board’s Scoping Plan for AB 32 identifies reduction of waste generation as an important component of reducing GHGs associated with management of solid waste.
- It supports creation of green jobs associated with source control of solid waste, as identified by CalRecycle and the National Recourse Defense Council (NRDC).<sup>7,8</sup>
  - CalRecycle AB 341 strategy states: “Implementing the recommendations related to collecting/processing material and manufacturing new products in California facilities could add as many as 100,000 or more new full-time and part-time jobs. Growing the recycling sector and promoting manufacturing with recycled content at California facilities contributes to California’s economic growth.”
- It takes advantage of the capacity of extended producer responsibility (EPR) to *reduce* waste management costs incurred by public agencies. EPR shifts the burden of solid waste handling (including costs of proposed trash amendment) to the product producers and generators of waste.
- It avoids the extremely large opportunity cost of funds used for full capture.

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<sup>6</sup> CIWMB, 2007. Strategic Directive 5: Producer responsibility.

<sup>7</sup> CalRecycle, 2013. Update on AB 341 Legislative Report. Statewide Strategies to Achieve the 75 Percent Goal by 2020

<sup>8</sup> NRDC Report, March 2014. From Waste to Jobs: What Achieving 75 Percent Recycling Means for California



The Sacramento Stormwater Quality Partnership appreciates the opportunity to partner with the State to create a better environment. Please do not hesitate to contact us if you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dana Booth', with a long horizontal line extending to the right.

Dana Booth, PG  
Program Manager – Stormwater Quality  
County of Sacramento  
916 874-4389  
[boothd@saccounty.net](mailto:boothd@saccounty.net)

Attachment

**ATTACHMENT**  
(Sacramento Stormwater Quality Partnership)

Draft Amendments to Statewide Water Quality Control Plans to Control Trash Comment Form

**Document:** Appendix E Comments

**Comment Source:** Sacramento Stormwater Quality Partnership

**Submittal Date:** August 5, 2014

No.	Page	Text Reference	Comment	Language Suggestion
<b>General Comments – Appendix E</b>				
1			The use of an asterisk throughout the document is obviously to reference a definition contained within the Glossary; but, this concept is not stated and there is no corresponding asterisk at the Glossary.	
2			As was discussed during the 16 July 2014 workshop, there is no standardized path to compliance associated with Track 2. In addition, it does not appear that it is possible to achieve compliance via Track 2. If Track 1 is the only viable option for compliance, it becomes an unfunded mandate.	
3			Please note that there are numerical sequencing and referencing discrepancies throughout Appendix E that need to be corrected and are not specifically addressed below (e.g. Page E-1; "Draft text of... Chapter III – Water..." v. 'Draft text of ... Chapter IV – Implementation...').	



No.	Page	Text Reference	Comment	Language Suggestion
<b>Specific Comments – Appendix E</b>				
1	E-1	Draft text of the Trash Amendments proposed to be amended into Chapter III (sic) – Water Quality Objectives of the ISEEBE Plan B. Trash*: <u>Trash* shall not accumulate in surface waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance'</u>	The term 'adjacent' is vague. Recommend defining 'adjacent areas' as the high-water line.	Trash* shall not accumulate in ocean waters, along shorelines or adjacent waters, <b>within those areas of the normal high water mark of inland waters</b> in amounts that adversely affect beneficial uses or cause nuisance
2	E-2	B.3.a.1.: Install, operate and maintain full capture systems* for all storm drains that captures runoff from one or more of the priority land uses* in their jurisdictions: or...	That an entity has 'regulatory authority' over a land use does not entitle that entity to install, operate or maintain a device on that property.	Track 1: Install, operate and maintain full capture systems* <b>within the MS4 system for all storm drains</b> that captures runoff from one or more of the priority land uses* in their jurisdictions:
3	E-2	B.3.a.2.: Track 2: Install, operate, and maintain any combination of full capture systems*, other treatment controls*, institutional controls*, and/or multi-benefit projects* within either the jurisdiction of the MS4* permittee or within the jurisdiction of the MS4* permittee and contiguous MS4s* permittees, so long as such combination achieves the same performance results as compliance under Track 1 would achieve for all storm drains that captures runoff from one or more of the priority land uses* within such jurisdiction(s).	Track 2 compliance cannot obtain the objective and the Amendments include no method by which Track 1 equivalence (aka: compliance) can be demonstrated. In the absence of a compliance methodology, 'equivalence' becomes subjective and will need to be defined by the courts.	

No.	Page	Text Reference	Comment	Language Suggestion
4	E-4	B.3.d.: A permitting authority* may determine that specific land uses or locations (e.g. parks, stadia, schools, campuses, or roads leading to landfills) generate substantial amounts of Trash*. In the event that the permitting authority* makes that determination, the permitting authority* may require the MS4* to comply with Chapter IV.C.3.a (sic) or Chapter IV.C.3.b (sic) (as the case may be) with respect to such land uses or locations.	<p>1) Assuming this Section is actually referencing Chapter IV.B.3.a(1) and Chapter IV.B.3.a(2): A permittee may have selected Track 1 and the land use or location (while within the municipality's regulatory jurisdiction) may not drain through the MS4 (e.g. a nonpoint source park or facility that private drains directly into surface water); and, the MS4 does not have the legal right to install, operate or maintain devices on private property.</p> <p>2) 'substantial' is vague and open to subjective interpretation. Suggest the use 'comparative trash generation rate' as discussed in the Glossary.</p>	<p>A permitting authority* may determine that specific land uses or locations (e.g. parks, stadia, schools, campuses, or roads leading to landfills) <b>have a comparative Trash* generation rate equivalent to a priority land use. generate-substantial amounts-of-Trash*</b>. In the event that the permitting authority* makes that determination, the permitting authority* may require the MS4* to comply with Chapter IV.CB.3.a(1) or Chapter IV.CB.3.b(2) (as the case may be) with respect to such land uses or locations <b>if the land uses or locations drain into the MS4* such that the permittee is able to continue sole-implementation of its chosen Track.</b></p>
5	E-4	B.4.: A permitting authority* may require dischargers that are not subject to Chapter IV.C.3. (sic) herein to implement Trash* controls in areas or facilities that may generate Trash*. Such areas or facilities may include (but are not limited to) high usage campgrounds, picnic areas, beach recreation areas, parks not subject to an MS4* permit, or marinas.	<p>The State and Federal governments own properties that these proposed Trash Amendments define as priority land uses. However, with the exception of properties controlled by The Department, there is no mechanism for compliance or recognition that the MS4 into which those locations may discharge has no authority by which it can obtain compliance.</p>	<p>In addition to the existing text, suggest adding: <b>An MS4* may determine that specific land uses, locations or activities within their jurisdiction, but over which they have no regulatory authority (e.g. State or Federally owned properties railroads, etc.), are priority land uses* or have a comparative Trash* generation rate*.</b> In the event that the MS4* makes either determination, the MS4* may refer that location to the permitting authority* and/ or the U.S. EPA. Upon referral, the MS4* will not be responsible for trash* from any storm</p>



No.	Page	Text Reference	Comment	Language Suggestion
6	E-5	B.5.a.3.: For MS4* permittees that elect to comply with Chapter IV.B.3.a.1. (Track 1), full compliance shall occur within ten (10) years of the effective date of the first implementing permit (whether such permit is re-opened, re-issued or newly adopted), along with achievements of interim milestones such as an average of ten percent (10%) of the full capture systems* installed every year. In no case may the final compliance date be later than fifteen (15) years from the effective date of these Trash Provisions*.	<p>1) Appreciate that the interim milestone exemplified is included as a 'such as...' It is important to recognize that prior to installation of any infrastructure, MS4* permittees will need to perform a plethora of tasks (including but not limited to mapping of priority land uses* and the systems that drains those geographic areas, performing hydraulics and hydrology (H&amp;H) modeling to support the infrastructure changes in a manner that reduces the potential for flooding, obtaining Certification, securing financing, creating governing ordinances, creating bid documents and contracting). Thus, while the MS4* may obtain an 'average of ten percent... installed every year.' over the first five years, it is unforeseeable that an MS4* could achieve that goal within the first two years.</p> <p>2) The Glossary defines a Full Capture System as a system meeting certain specifications and which, <b>prior to installation, has been individually approved</b> by the Executive Director (or designee) after review of all relevant supporting documentation.</p>	Language Suggestion drains that captures runoff from the referred location.

No.	Page	Text Reference	Comment	Language Suggestion
			<p>Inclusion of, 'Prior to installation' penalizes proactive communities that install trash capture devices or systems that meet or exceed the Full Capture System specifications. The intent appears to be that the compliant device is approved for installation, not that each installation is certified. As written, it can be interpreted that each installation will need to be individually certified. If Sacramento County decided to use drop inlet type devices for full capture compliance, 50,000 drop inlet installations would have to be certified for compliance. This would be an onerous proposition. In cases where systems, specific to site conditions are used alternative certification procedures may be necessary based on field performance data.</p> <p><b>It is recommended that the phrase, 'Prior to installation' be deleted from the definition; or, there needs to be language crafted that: extends the compliance dates and absolves an MS4* from milestone compliance schedules if the State is unable to provide certification in a timely (60-days) manner; allows for pre-certification of products, allows for self-certification; and/or, provides a mechanism for post-installation certification.</b></p>	



No.	Page	Text Reference	Comment	Language Suggestion
7	E-6	B.6.: The permitting authority* may give MS4* permittees that are complying under section Chapter IV.C.3.a.(sic) up to a three (3) year time extension for achieving full compliance in areas where regulatory source controls* are employed that take effect prior to or within three (3) years of the effective date of these Trash Provisions*. Each regulatory source control* employed by an MS4* will be eligible for up to a one (1) year time extension.	Appreciate the concept. However, as recognized during the 7/16/14 workshop, 'source control' at the local level is near-always limited to the banning of single-use products - which may only result in a transformation of the constituents within trash and not the desired reduction of trash. Statewide source controls that encourage waste/trash reduction (including but not limited to redemption values, legislation regarding extended producer responsibility and Green Chemistry) could achieve that which neither Track 1 nor Track 2 can: the removal of trash from our environment. <b>As was suggested during the Sacramento Stakeholder meeting (4/8/13), we would encourage the State to partner with a broad stakeholder group to evaluate/implement source control prior to implementing treatment via the Trash Amendments. If unwilling to be a partner, we would encourage the State to consider developing/adding language that recognizes (via time extensions and/or milestone adjustments) local jurisdictions that can demonstrate more global/statewide source removal efforts.</b>	
8	E-6	B.7.a.: MS4* permittees that elect to comply with Chapter IV.C.3.a.1.(sic)	While the State made-clear during stakeholder meetings and the July 16,	Add after the existing text: ' <b>MS4* permittees that elect to comply with</b>

No.	Page	Text Reference	Comment	Language Suggestion
		(Track 1) shall provide a report to the applicable permitting authority* demonstrating installation, operation, maintenance, and the Geographic Information System- (GIS-) mapped location and drainage area served of its full capture systems* on an annual basis.	2014 workshop that there will be no monitoring required for those choosing Track 1, both the draft report of which Appendix E is a part and the language used within this Section allow for inconsistent statewide application of the State's intent.	Chapter IV.B.3.a.(1) (Track 1), are exempt from monitoring.'
9	E-6	B.7.b.: MS4* permittees that elect to comply with Chapter IV.C.3.a.2. (sic)(Track 2) shall develop and implement monitoring plans that demonstrate the mandated performance results, effectiveness of the full capture systems*, other treatment controls*, institutional controls*, and/or multi-benefit projects*, and compliance with the performance standard. Monitoring reports shall be provided to the applicable permitting authority* on an annual basis, and shall include GIS-mapped locations and drainage area served for each of the full capture systems*, other treatment controls*, institutional controls*, and/or multi-benefit projects installed or utilized by the MS4* permittee. At a minimum, the monitoring reports shall address and answer the following questions:	While the State made-clear during the July 16, 2014 workshop that there will be no monitoring required for those geographic areas within a Track 2 community that are 'full captured', both the draft report associated with the Trash Amendments and the language used within this Section allow for inconsistent statewide application of the State's intent.	Add after the existing text: 'Those areas that drain through full capture systems * , are exempt from monitoring.
10	E-7	B.7.b.(4)/(5): (4) Has the amount of Trash* discharged from the MS4* decreased from the previous year? If so, by how much? If not, explain why.	The MS4* can only be responsible for discharges from the MS4*. Therefore, delete 7.b.(5) as it is superfluous in light of 7.b.(4) - which requires the	(4) Has the amount of Trash* discharged from the MS4* decreased from the previous year? If so, by how much? If not, explain why.



No.	Page	Text Reference	Comment	Language Suggestion
		(5) Has the amount of Trash* in the MS4's* receiving water(s) decreased from the previous year? If so, by how much? If not, explain why.	MS4* to report changes in the amount of trash discharged from its system. In addition, Trash assessments in receiving waters will create highly variable data that precludes yearly comparisons and an evaluation of the causal deposition mechanism will be purely speculative.	<del>(5) Has the amount of Trash* in the MS4's* receiving water(s) decreased from the previous year? If so, by how much? If not, explain why.</del>
11	E-8	FULL CAPTURE SYSTEM: Prior to installation, full capture systems* must be certified by the Executive Director, or designee, of the State Water Board. Uncertified full capture systems* will not satisfy the requirements of these Trash Provisions*. To request certification, a permittee shall submit a certification request letter that includes all relevant supporting documentation to the State Water Board's Executive Director. The Executive Director, or designee, shall issue a written determination approving or denying the certification of the proposed full capture system* or conditions of approval, including a schedule to review and reconsider the certification.	It is unclear why a full capture system must be certified 'Prior to installation' – so long as it meets the specified requirements such that it can/will receive certification by the State that it meets the specifications of a Full Capture System. The 'prior to installation' language penalizes proactive communities. In addition, State Board staff have suggested drop inlet type devices as (at least) one method of full capture compliance. As a magnitude of effort consideration, the unincorporated area of Sacramento County has nearly 50,000 drop inlets in areas with priority uses*. State should consider deleting, 'Prior to installation' from the definition; or, provide pre-certification of types of devices/features for specified ranges of flow and/or allow certification (sign/stamp) by a Civil Engineer licensed in the State of California.	<del>Prior to installation, full capture systems* must be certified by the Executive Director, or designee, of the State Water Board...</del>
12	E-9	PRIORITY LAND USES: (1) High-density residential: all land uses with at least ten (10) developed	The associated staff report discusses prioritizing implementation by high trash generation rates and associates	(1) High-density residential: all land uses with at least ten <del>(10)</del> <b>twenty (20)</b> developed dwelling units per acre.

No.	Page	Text Reference	Comment	Language Suggestion
		dwelling units per acre.	those rates to land-uses. With regards to residential-use, > 80-percent impervious and 15-30 units per acre is used. The State needs either to continue the use of > 20 units per acre or explain the transformation from approximately 20-units per acre to > 10 units per acre.	
12	E-9	PRIORITY LAND USES: (6) Equivalent alternate land uses: An MS4* permittee with regulatory authority over priority land uses* may issue a request to the applicable permitting authority* that it be allowed to comply under Chapter IV.B.3.a.1. with alternate land uses within its jurisdiction that generate rates of trash that are equivalent to or greater than one or more of the high density residential, industrial, commercial, mixed urban, and/or public transportation station sites, facilities or land uses defined above.	This sentence is awkward and unnecessary. An MS4 does not need permission from the permitting authority to exceed a requirement of its permit.	(6) Equivalent alternate land uses: An MS4* permittee with regulatory authority over priority land uses* may issue a request to the applicable permitting authority* that it be allowed to comply under Chapter IV.B.3.a.1. with alternate land uses within its jurisdiction that generate rates of trash that are equivalent to or greater than one or more of the high density residential, industrial, commercial, mixed urban, and/or public transportation station sites, facilities or land uses defined above.
13	E-9	PRIORITY LAND USES: (6) Second Sentence: Comparative Trash* generation rates shall be established through the reporting of quantification measures such as street sweeping and catch basin cleanup records; mapping; visual trash presence surveys, such as the "Keep America Beautiful Visible Litter Survey"; or other	This description of tasks necessary to establish a comparative trash generation rate creates a framework of comparative activities and removes subjectivity but should not be constrained to the permitting authority. The State should define comparative trash generation rate in the Glossary and use it to replace ambiguous terms like 'substantial' (see Specific	COMPARATIVE TRASH GENERATION RATE: <b>Shall be a rate</b> established through the reporting of quantification measures such as street sweeping and catch basin cleanup records; mapping; visual trash presence surveys, such as the "Keep America Beautiful Visible Litter Survey"; or other information <b>necessary to establish a defensible</b>



No.	Page	Text Reference	Comment	Language Suggestion
14	E-10	Draft text of the Trash Amendments proposed to Appendix A: Trash: 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.	<p>Comment 4 above).</p> <p>While elegant in its brevity, the current definition of TRASH could be legally construed to include virtually nothing; or, nearly every solid from plastic to sand.</p> <p>Ex: One could argue that a tossed burger wrapper is not 'Trash' in that it was not improperly discarded from a production, manufacturing or processing operation.</p> <p>In addition, the use of the word 'discarded' (to throw away) allows accidental releases or unrecoverable production-related materials (discharged during an accident) to be exempted.</p> <p>EX: The 'trash' ripped from Board Member Moore by the wind would not have been 'trash' because he did not 'discard' it - as much as it was taken from him.</p>	<p>comparison (e.g. within one standard deviation of the geometric mean) between land uses or locations as required by the permitting authority.</p> <p>Please consider the following definition as a replacement: Trash means macroscopic, solid objects, consisting of anthropogenic substances, that are generated by human activity and which have been released to the environment either as a result of intentional improper disposal, unintentionally as a result of careless handling or storage, or by accident. Prior to its release to the environment, trash would be either a material (if still considered usable), or a solid waste (once a decision has been made to discard it). "Anthropogenic substances" in this context specifically refers to the underlying substance and is intended to capture manufactured substances; it thus excludes fecal waste, green waste, food waste, soil, sand, and sediment, but includes objects made of paper, metal, plastic, glass, concrete rubble, milled wood, and other manufactured materials.</p> <p>Two categories of trash are recognized:</p> <p>1) Industrial/commercial process</p>

No.	Page	Text Reference	Comment	Language Suggestion
				<p>trash: This category is any trash generated and released in conjunction with industrial or commercial activity, such as transport, handling, processing, use, manufacture, or disposal of materials or solid waste. This category includes trash generated as a result of improper handling transport, or disposal of solid waste that was initially properly disposed of by another end user.</p> <p>2) End-user trash: This category is any trash generated and released as the result of improper disposal by the end user or consumer of a product, packaging, or materials. This category excludes trash generated by an end use that is part of an industrial/commercial process.</p>