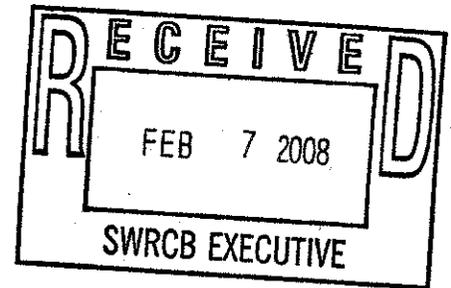


4 February 2008

Tam M. Dudoc, Chair
State Water Resources Control Board
c/o Jeanine Townsend, Clerk of the Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment on Water Quality Enforcement Policy Revisions

Dear Ms. Doduc and Board Members,

On behalf of the Los Angeles & San Gabriel Rivers Watershed Council, I am pleased to have the opportunity to comment on the proposed revisions to the State Water Resources Control Board's Water Quality Enforcement Policy. The Watershed Council is a 501(c)(3) non-profit organization of government agencies, community groups, businesses, and academia whose mission is to facilitate an inclusive consensus process to preserve, restore, and enhance the economic, social, and ecological health of the Los Angeles and San Gabriel Rivers Watershed. The Watershed Council strives to achieve this objective through research, planning and public education and outreach programs aimed at raising awareness and improving management of our watershed.

We commend the State Water Resources Control Board (SWRCB) for the hard work and effort that went into preparing the Water Quality Enforcement Policy, particularly in the development of the comprehensive criteria governing the implementation of Supplemental Environmental Projects (SEPs). The Watershed Council also appreciates the substantial work of the SWRCB to update the State policy and generally supports the effort. However, the revised Water Quality Enforcement Policy, as proposed, eliminates the ability for dischargers to complete or fund a SEP for education outreach and public awareness as a means to satisfy requirements stemming from an ACL complaint or order. Since the SWRCB has stated a recognized need for public awareness projects in the past (Chapter IX, Section C, (b), (x)), we urge you to consider continuing to allow education and outreach projects to qualify under the SEPs criteria.

As defined by the State, SEPs are meant to "enhance the beneficial uses of the waters of the State and provide a benefit to the public at large." The Watershed Council believes that properly implemented SEPs can have a large-scale impact on watershed value beyond the mitigation of the immediate effects of water quality violations. In response to complaints issued by the Los Angeles Regional Water Quality Control Board in 2004 regarding 79 water quality violations by the Boeing Company, the SWRCB approved the adoption of the publication of the 2nd Edition of "Stormwater: Asset Not Liability" as a SEP project within the Public Awareness (Education) category.

The Watershed Council was granted authority to oversee the project and ensure that the State's interests in advancing water quality and watershed health public awareness are met. While significant fines were paid by the Boeing Company in response to the violations (which consisted of wastewater and storm water run-off discharges with elevated levels of chromium, dioxin, lead, mercury and other

THE LOS ANGELES & SAN GABRIEL RIVERS WATERSHED COUNCIL

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pollutants that entered the Los Angeles River watershed), the \$14,095 paid by Boeing to fund this specific project, which has a total budget of \$60,000, is crucial funding for the publication of the 2nd Edition. Without Boeing's funding, we would be unable to complete this project. The Watershed Council fears that the revised Water Quality Enforcement Policy will prevent SEP funding for similar public awareness and education projects that benefit the public at large in the future.

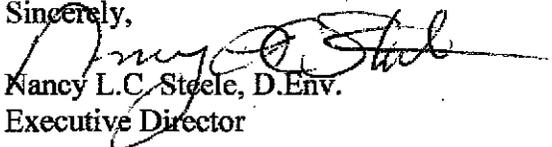
The Watershed Council has also requested \$101,120 in project development assistance through SEP for a multi-stakeholder project entitled "Watershed Assessment and Restoration for the Compton Creek Watershed." Based on a Watershed Management Plan developed for the area in 2005, this program will benefit the groundwater, surface water quality, and the beneficial uses of the Lower Los Angeles River Watershed, including the Compton Creek Watershed, by initiating projects aimed at raising awareness of the Creek in the minds of residents. It will address important local concerns such as beautification, economic development and crime prevention by implementing multiple-benefit projects that also tackle important water quality issues. Elimination of SEP-funded public awareness and education projects would jeopardize the completion of this project and, therefore, of the inherent public benefit value that would arise from its implementation.

Beyond the qualification criteria laid out in the SEP guidelines, the Nexus Criteria described in Section D of the Policy further states that a nexus exists between a violation and a SEP "if the project is designed to reduce the likelihood that similar violations will occur in the future." The very nature of public education and outreach projects is not only to inform the public of threats related to watershed and water resources health, but also to instruct them in recognizing potential threats and equipping them with the tools to protect the watershed and prevent those future hazards from occurring. The inclusion of education and public outreach projects as allowable SEP projects can make a significant contribution toward adding to public knowledge in order to ensure that objective.

Finally, the Watershed Council would also like to express its concern over the proposed revision that restricts funding for SEPs to just 25% of the total penalty against a discharger. We believe that the contribution limit is too low and will risk the potential for projects that have proved to be beneficial to both watershed health and the public at large. Of course, we at the Watershed Council recognize that particular cases may warrant a limit, but it is in the public interest for the State and Regional Water Boards to maintain the ability to match the amount of a penalty allocated to a SEP to the specific circumstances.

The Watershed Council would like to thank the SRWCB for considering our input on the revised Water Quality Enforcement Policy. We support the continued SEP criteria revisions aimed at ensuring the protection of our precious watershed resources and we are enthusiastic to be part of the process. However, we urge the committee to reconsider the elimination of public awareness and education projects as viable SEPs. We believe that it is only through this outreach that we can improve public awareness that can ensure the optimal health of our watershed and water resources for future generations.

Sincerely,



Nancy L.C. Steele, D.Env.
Executive Director