



3152 Shad Court
Simi Valley, CA 93063
November 26, 2008

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
1001 I Street
Sacramento, CA 95814

Re: "Comment Letter - Policies on SEPs and Use of the CAA
for Regional Water Quality Improvement Projects."

Dear Members of the Board:

When I first read the Draft reports for the two aforementioned subjects, I thought that the SEPs' program was being replaced. So I set the documents aside to address other more technical water quality topics. I did, though, from time to time go back and re-read the drafts. Then, I was alarmed thinking that funding for disadvantaged communities' projects were being impacted. The more I read the Drafts' reports the more I got confused. I could not understand how I could understand technical documents but not grasp these two issues. Today, I tackled the Drafts once again and think I finally have gotten the jest on the decisions before you. The following are my comments and suggestions on the Draft Policy for Use of the State Water Pollution CAA for Regional Water Quality Improvement Projects, and the Draft Policy on SEPs' reports.

DRAFT POLICY FOR USE OF THE STATE WATER POLLUTION CAA

#1 - It is stated on Page 1, last sentence, that "Projects that qualify for emergency CAA funding are not covered by this policy". On Page 2, end of "b." paragraph, it is stated "If a settlement results in a SEP with a value equal to 50 percent (or higher consistent with the SEP Enforcement Policy) of the total adjusted monetary assessment no money would be reserved for a regional water quality improvement project from that settlement". This is confusing because "a regional water quality improvement project" could become an emergency type case. Then, on

Page 2, under "d.", it is stated "Any funds that are placed in the reserve that are unencumbered may be used for emergencies, as determined by the State Water Board if there are no other available funds in the non-reserve portion of the CAA. The Draft Policy for Use of the State Water Pollution CAA for Regional Water Quality Improvement Projects must be clarified with regard to this (these) issue(s).

- #2 - Page 1, it is stated that "This policy creates a means for the Regional Water Boards to address water quality protection needs of interest to them..." It would have been most helpful to have had the sentence read "This proposed policy..." (the first sentence, third paragraph).
- #3 - Page 1, it is stated that "This will ensure some portion of civil liabilities collected is used for projects that benefit water quality within the Regional Water Board jurisdictional area where the violation occurred." It would have been most helpful to have had the sentence read "This proposal..." (the third sentence, third paragraph).
- #4 - I support a Draft Policy for Use of the State Water Pollution CAA for Regional Water Quality Improvement Projects.

JORDAN CAA FUNDING QUESTION

- 1. It is stated on Page 3 that "An applicant requesting CAA funds for a regional water quality improvement project must provide the DFA with the following minimum information: ..." Who is to be considered "an applicant"--the Regional Water Boards, the State Water Board, dischargers, or third-parties, or person of interest, all of these?

DRAFT POLICY ON SEPs

- #1 - Where ever "Water Board", or "Water Board's" appears, either have the sentences read "Regional

Water Board", "State Water Board", or "State/
Regional Water Boards" to avoid confusing reader.

#2 - I support ALTERNATIVE 1.

JORDAN SEPs QUESTION

1. Page 3, under "2. Accounting Treatment, it is stated "The monetary value of a SEP will be treated as a suspended penalty" (first sentence). It is also stated that "...the Water Board is entitled to recover the full amount of the suspended penalty, less any amount that has been permanently suspended or excused based on the timely and successful completion of any interim milestone" (second sentence). When does a suspended penalty, or part of, become "permanent"--further clarification is needed to avoid confusion?

Sincerely,



Mrs. Teresa Jordan