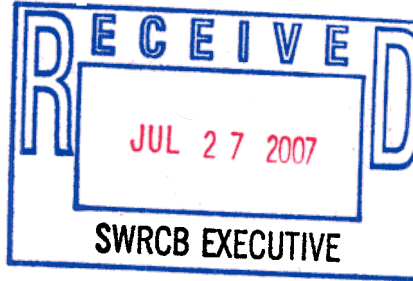


6/26/07 Scoping Mtg.
CA Ocean Plan Amend.
Deadline: 7/27/07 Noon

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July 27, 2007

California State Water Resources Control Board
Executive Office
Attn: Song Her, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-0100

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Re: Comment Letter - California Ocean Plan Triennial Review – Golf Course Monitoring Requirements

Dear Ms. Her:

On behalf of our clients, The Irvine Company and Pebble Beach Company, we submit the following comments on the preliminary monitoring guidance proposed by State Water Resources Control Board (“State Board”) staff, contained in Appendix III of the June 2007 scoping document entitled “Amendment of the Water Quality Control Plan: Ocean Waters of California.” We are concerned that the proposed monitoring requirements are unduly burdensome for golf courses, and would like an opportunity to work cooperatively with staff to understand the need for monitoring and develop a reasonable approach.

The benefits of performing the proposed monitoring appear to be outweighed by the cost and administrative burden for golf courses to (i) retain consultants to collect the samples at the frequencies requested in the proposal; (ii) retain laboratories to perform the analyses requested; and (iii) prepare reports to submit to the regional boards summarizing the results. Section 13267(b)(1) of the California Water Code mandates that the burden, *including costs*, of conducting water quality monitoring must bear a reasonable relationship to the benefits to be obtained from such monitoring, and the board must provide a written explanation with regard to the need for the reports and identify the evidence that supports requiring them.

However, the State Board does not appear to have conducted a cost-benefit analysis and has not shown any evidence that the costs of the proposed monitoring are reasonable in relation to the expected benefits. We do not believe that the monitoring requirements, as written, can pass this test. Appendix III requires frequent, extensive and costly monitoring, including sampling for metals, pesticides, and organics in golf course runoff and receiving waters – without identifying a corresponding environmental benefit.

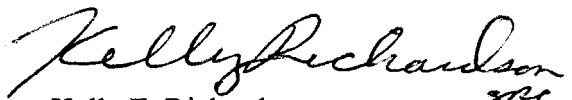
Further, the proposal unnecessarily singles out golf courses for special regulation, while disregarding unique circumstances of golf courses, as well as other land use categories that contribute to non-point source runoff. Consequently, the State Board ignores the possibility that

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storm water runoff from surrounding properties is likely to flow through golf course properties and storm drains that discharge from or near golf courses. Also, many golf courses are required to use reclaimed water for irrigation, or choose to do so for the environmental benefits for the community. The proposed water quality monitoring will reflect these other sources, and will not reliably reflect sources at the golf course property alone. As a result, such monitoring will fail to answer accurately many of the questions that Appendix III is designed to address.

We acknowledge and appreciate the importance of developing appropriate monitoring and reporting guidelines for storm water and non-point source discharges, and we look forward to collaborating with the State Board staff to develop a reasonable, comprehensive plan that is protective of water quality *and* satisfies Section 13267.

Respectfully submitted,



Kelly E. Richardson
of LATHAM & WATKINS LLP