

3152 Shad Court  
Simi Valley, CA 93063  
October 1, 2008

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

Re: Comment Letter - Subdivision of Reach 4 of the Santa Clara River.

Dear Members of the Board:

I am opposed to the request from the Los Angeles Regional Water Quality Control Board (LARWQCB) to split Reach 4 of the Santa Clara River into two separate reaches.

Members of the Board, while a couple of reasons are mentioned in the draft agenda item staff report language (Page 2), the real purpose of this request is to facilitate the LARWQCB's "limiting the geographical scope of any potential site specific objective for chloride to be considered by the Los Angeles Water Board in the future". Just yesterday, September 30, 2008, posted on the the LARWQCB's Website is the matter "To Reconsider the Upper Santa Clara River Chloride TMDL and Consider Site Specific Objectives for Chloride"--November 14, 2008 public comments deadline, and the public hearing is scheduled for December 11, 2008. And, on September 25, 2008, posted on the LARWQCB's Website was the announcement "IMPORTANT: The Regional Board is requesting data, information, documents and other evidence regarding current water quality standards and any suggested revisions or additions to water quality standards applicable to waters in the Los Angeles Region--the comments submission deadline is November 10, 2008 on this Triennial Review.

Members of the Board, it is stated on Page 2 of the draft agenda item staff report language that "The Los Angeles Water Board found that subdividing Reach 4 into two reaches, which are spatially equivalent to the existing reach, would better represent the unique hydraulic regime between the downstream portion of Reach 4 (Reach 4A) and the upstream portion of Reach 4 (Reach 4A)." It is stated in

the May 1, 2008 Meeting Summary for the Upper Santa Clara River Integrated Regional Water Management Plan group's Workshop that "A representative from the Watershed Coalition of Ventura County offered congratulations and support for the work of the Upper Santa Clara River Regional Management Group and welcomed future opportunities for cooperation between the Lower and Upper Santa Clara River IRWMPs. - \* After expressing thanks for this acknowledgement of the work of the USCR RWMG, it was agreed that cooperation and coordination between the two IRWMPs would be a natural and positive development." Thus, the significance of the Santa Clara River's Upper and Lower segments individuality is recognized in the Los Angeles Regional Water Quality Control Board's Basin Plan, and in the Santa Clara River IRWMPs.

Members of the Board, the draft Resolution states in the third Recital that the State Water Board "finds that the regulatory action meets the 'Necessity' standard of the Administrative Procedures Act, Government Code, Section 11353, Subdivision (b)." The real reason for this finding is to allow the Los Angeles Regional Water Quality Control Board to implement a CEQA "Substitute Document"--second Recital, on Page 1.

Members of the Board, where the "unique hydraulic regime between the downstream portion of Reach 4" (proposed Reach 4A) "and the upstream portion of Reach 4 (proposed Reach 4B) descriptive narrative is sorely missing is from the DWR's 2009 Water Plan Update's South Coast (SC) Hydrologic Region Pre-Administrative Draft report.

Members of the Board, I fear that the fourth Recital relative to finding that this division "does not include revisions to water quality objectives" is just a way to get around meeting the water quality objectives in the Santa Clara River Watershed, and federal Antidegradation Policy.

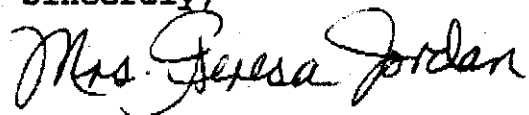
Members of the Board, just recently it was reported in the Ventura County Star that the USEPA finds no problem with allowing perchlorate in the drinking water supply. And, on September 19, 2008, the Los Angeles Times reported that the Agency also has been forced by the U.S. 9<sup>th</sup> Court of Appeals to limit builders' water pollution.

Members of the Board, the following are the References I used to base my decision.

JORDAN REFERENCES

- "Resolution No. R4-2007-018", LARWQCB Amendment to subdivide Reach 4, November 17, 2007.
- "Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Revise the Implementation for the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL)", SWRCB, March 5, 2007 Draft agenda item staff report language and Draft Resolution.
- "Resolution No. R4-2006-016", LARWQCB Amend Upper Santa Clara River Chloride TMDL, August 3, 2006.
- "R4-2008-YYY", LARWQCB, City of Thousand Oaks Time Schedule Order, Revised 8/12/08--Public Hearing Deferred.
- "Resolution No. 2007-005", LARWQCB, Incorporate Site-Specific Objectives in Select Waterbodies in the Santa Clara, Los Angeles and San Gabriel River Watersheds, June 7, 2007.
- "Heal the Bay Comments on the Draft 2006 303(d) List", Heal the Bay, October 25, 2006.
- "Calleguas Creek & Santa Clara River Watersheds", J. Michael Lyons, 2004.
- "Amendment to the Water Quality Control Plan for the Los Angeles Regions to Revise the Water Quality Objective for Chloride in the Lower Santa Clara River", SWRCB February 3, 2004 agenda item 2 staff report language, January 15, 2004.
- "Reconsider the Upper Santa Clara River Chloride TMDL and Consider Site Specific Objectives for Chloride", LARWQCB Draft Staff Report, Notice of Hearing, and Notice of Filing, September 30, 2008.

Sincerely,



Mrs. Teresa Jordan

**Enclosure:**

**September 28, 2008, Letter to Ms. Tracy Egoscue,  
Executive Officer LARWQCB, Triennial Review  
Notice. (4 Pages)**

3152 Shad Court  
Simi Valley, CA 93063  
September 28, 2008

Ms. Tracy J. Egoscue, Executive Officer  
LARWQCB  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Re: "REQUEST FOR DATA AND INFORMATION ON WATER QUALITY  
STANDARDS AND OTHER BASIN PLANNING ISSUES FOR THE LOS  
ANGELES REGION".

Dear Ms. Egoscue:

I am writing because the subject of your September 25, 2008 "data solicitation notice" to "Interested Persons" does not coincide with the Board's Website's announcement --"IMPORTANT: The Regional Board is requesting data, information, documents and other evidence regarding current water quality standards and any suggested revisions or additions to water quality standards applicable to water in the Los Angeles Region"--posted on September 25, 2008. If the subject and other areas of your "data solicitation notice" of September 25, 2008 are left intact then already State laws are being violated long before this Triennial Review is undertaken.

Ms. Egoscue, in order to comply with State Government Code Section 11349(d)--the "Consistency" standard(*How to Participate in the Rulemaking Process*, Page 20, April 25, 2006)--the subject of your "data solicitation notice" must read "REQUEST FOR DATA, INFORMATION, DOCUMENTS AND OTHER EVIDENCE ON WATER QUALITY STANDARDS AND OTHER BASIN PLANNING ISSUES FOR THE LOS ANGELES REGION". (Page 1)

Number 3, Affected Water Quality Objective, if applicable, the first sentence reads "This section should include, if applicable, the water quality objective for which the data, information, or evidence is being submitted". The sentence must read "This section should include, if applicable, the water quality objective for which the data, information, document and other evidence is being submitted". (Page 2)

Number 3, Affected Water Quality Objective, if applicable, the second sentence reads "If the data, information, or evidence relates to more than one water quality objective, please list all water quality objectives to which the information pertains". The sentence must read "If the data, information, document and other evidence relates to more than one water quality objective, please list all water quality objectives to which the information pertains." (Page 2)

Number 5, Affected Beneficial Use, if applicable, the first sentence reads "This section should identify the beneficial use listed in the Basin Plan that is addressed by the data, information or evidence". The sentence must read "This section should identify the beneficial use listed in the Basin Plan that is addressed by the data, information, documents and other evidence." (Page 2)

Number 6, Concise Summary of Data, Information or Evidence, must read "Concise Summary of Data, Information, Documents and Other Evidence". (Page 2)

Number 6, Concise Summary of Data, Information, Documents and Other Evidence, the sentence reads "This section should describe in one or two sentences the essence of the data, information, or evidence". The sentence must read "This section should describe in one or two sentences the essence of the data, information, documents and other evidence submitted". (Page 2)

Number 7, Concise Summary of Suggested Revisions, the sentence reads "This section should clearly and specifically describe the suggested revisions to beneficial uses and/or water quality objectives based upon the data, information or evidence submitted". The sentence must read "This section should clearly and specifically describe the suggested revisions to beneficial uses and/or water quality objectives based upon the data, information, documents and other evidence submitted". (Page 2)

Number 8, Supporting Data, Information or Evidence, must read "Supporting Data, Information, Documents and Other Evidence". (Page 2)

Number 8, Supporting Data, Information, Documents and Other Evidence, the sentence reads "For each comment, list any existing documents, data, information, and/or specific

evidence (with references to particular pages as appropriate) that the Regional Board should consider and provide copies of the documents, data, information, and/or evidence referenced (electronically, where possible)". The sentence must read "For each comment, list any existing data, information, documents and other evidence (with references to particular pages as appropriate) that the Regional Board should consider and provide copies of the data, information, documents and other evidence referenced (electronically, where possible)". (Page 2)

Ms. Egoscue, the sentence at the bottom of Page 2 reads "All comments and supporting documents, data, information, and evidence must be submitted to the Regional Board by 5:00 PM on November 10, 2008". The sentence must read "All comments and data, information, documents and other evidence must be submitted to the Regional Board by 5:00 PM on November 10, 2008".

Ms. Egoscue, the third sentence of the first paragraph on Page 3 reads "To the extent possible, please use this e-mail address when submitting comments and documents, data, information, and evidence to the Regional Board". The sentence must read "To the extent possible, please use this e-mail address when submitting comments and data, information, documents and other evidence to the Regional Board".

Ms. Egoscue, the second sentence of the second paragraph on Page 3 reads "In addition to this initial solicitation for data and information on water quality standards, there will be other opportunities for public participation, including public workshops and formal public comment periods for any Regional Board actions related to the Triennial Review or to future revisions to water quality standards". The sentence must read "In addition to this initial solicitation for data, information, documents and other evidence on water quality standards, there will be other opportunities for public participation, including public workshops and formal public comment periods for any Regional Board actions related to the Triennial Review or to future revisions to water quality standards".

Ms. Egoscue, the first sentence of the third paragraph on Page 3 reads "Please share this request for data and information with other interested persons who may not be included on our distribution list". The sentence must read

"Please share this request for data, information, documents and other evidence with other interested persons who may not be included on our distribution list".

Ms. Egoscue, since the first sentence of the third paragraph on Page 1 of your September 25, 2008 "data solicitation notice" reads the same as the Board's Website's announcement, it stands to reason that the noted numbered points, and paragraphs, as well as the subject matter should have included the words "data, information, documents and other evidence".

Ms. Egoscue, it's great that "A dedicated e-mail account has been established to receive public comments in response to this solicitation"(Page 3, first sentence, first paragraph). However, all other public comments submittal tools--mail, facsimile, messenger service, and office walk-up--must be accepted by the Board. To do otherwise is contrary to the statements made in the first sentence of the second paragraph on Page 3("Public involvement is an important part of the Triennial Review"), and in the second sentence of the third paragraph on Page 3("We look forward to your continued participation in our efforts to protect water quality"). And, a violation of California Government Code Section 11349(a)--the "Necessity" standard(*How to Participate in the Rulemaking Process*, Page 24, April 25, 2006). Most of all, this shows that the Board is not committed to the public's interest, nor the public's trust.

Sincerely,



Mrs. Teresa Jordan