

October 30, 2007

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



RE: Comment Letter – Ventura River Estuary Trash TMDL

Dear Ms. Townsend:

The City of Ventura appreciates the opportunity to provide comments on the *Amendments to the Water Quality Control Plan – Los Angeles Region for the Ventura River Estuary Trash TMDL Basin Plan Amendments (BPA)*.

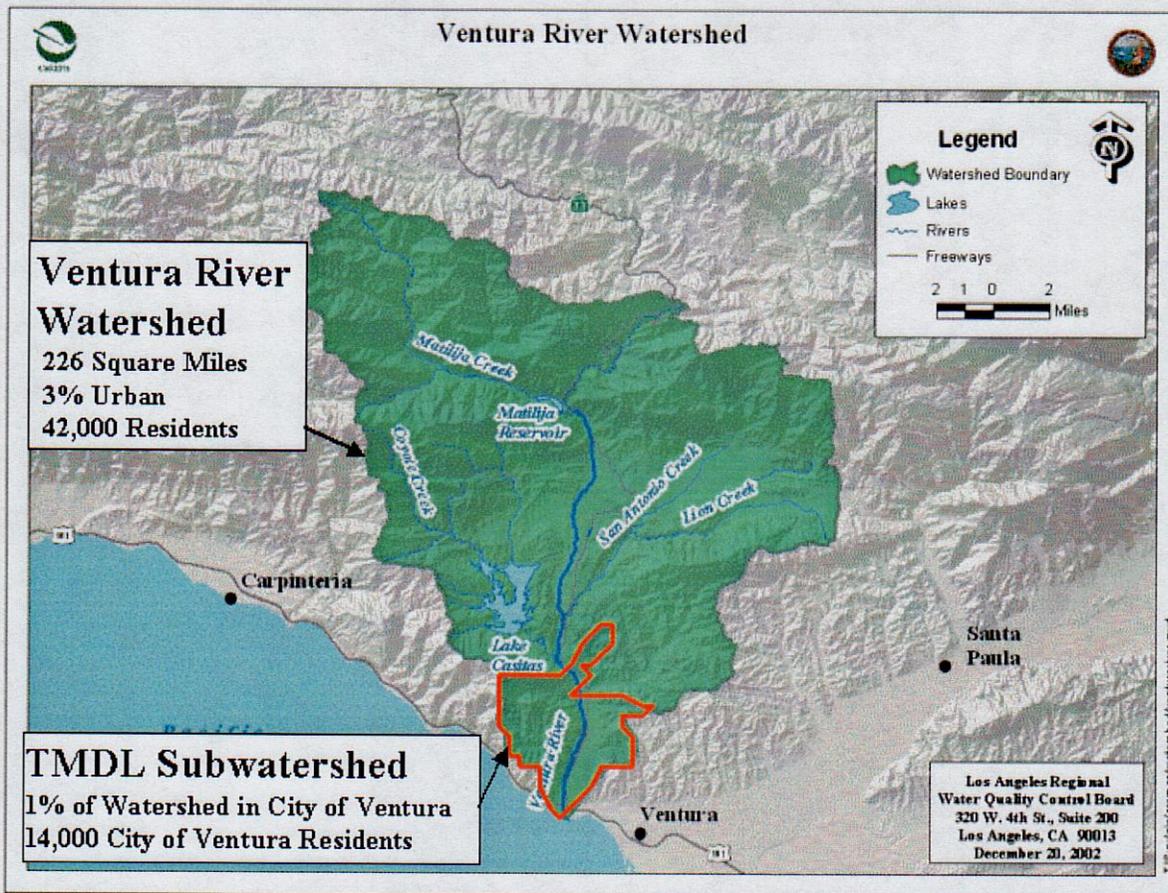
As one of the stakeholders in the Ventura River Estuary, we have been actively working with Regional Board staff to develop a Trash TMDL that will eliminate the impairment in the estuary and also maintain the ability of the stakeholders in the watershed to coordinate and effectively implement the TMDL.

Three Main Concerns

1) The jurisdictions in the lower 8% of the Ventura River watershed should not be given sole responsibility to collect all of the trash that originates from the entire 226 square mile watershed (see map on following page). All jurisdictions that generate trash, whether in dry or wet weather, should be added as responsible parties.

Ninety-two percent (92%) of the watershed that drains to the estuary, and thus contributes litter, is not included in the TMDL. The 30-acre Ventura River Estuary is at the terminal end of a 226 square mile watershed that extends into geographic regions managed by other agencies that are not included as responsible parties in the TMDL. The TMDL has designated responsible parties located at the very bottom of the watershed to remove litter that is generated from jurisdictions in the upper watershed. Activities that generate litter in the mid and upper reaches of this watershed include recreational fishing and hiking, off-road vehicles, homeless encampments, homes and businesses. This litter can be carried downstream and deposited in the estuary during rain events.

Other factors to consider are that this watershed is primarily open space and agricultural (97% combined) and less than 3% urban area. The portion of the watershed in the City of Ventura comprises less than 1% of the entire Ventura River Watershed.



2) The Minimum Frequency Assessment and Collection and Best Management Practices (MFAC/BMP) programs contained in the BPA are essential to successful implementation of this TMDL and should be retained in the BPA.

Because of the significant difference between the Ventura River watershed and the Los Angeles River watershed, the stakeholders worked with Regional Board staff to develop an effective way to reduce trash in the Ventura River Estuary. The City of Ventura comprises only 1% of the Ventura River watershed, which is 87% open-space. Full capture devices on this very small urban discharge portion of the watershed would have little effect on the trash in the estuary. Therefore, the flexibility of being able to combine a program of capture devices with a collection program was included in the BPA presented at the June 7th Regional Board hearing as the most effective way for the TMDL requirement of zero trash to be met. This flexibility should be retained in the BPA.

These MFAC/BMP programs are an essential part of compliance for our agencies. This TMDL lists cities as responsible parties for both point and nonpoint source discharges. As a nonpoint source, our only mechanism of compliance is through the MFAC/BMP program. Our agencies need to have the regulatory ability to coordinate our point and nonpoint source programs.

The changes directed by the Regional Board during the June 7th hearing were extremely confusing to the stakeholders. Based on conversations with the Regional Board staff, it is our understanding that the mechanisms for compliance in the TMDL have not significantly changed and will be clarified. We understand that the language changes will address some of the

inconsistencies within the BPA that resulted from the changes that occurred in the Regional Board hearing and clarify that point sources can comply with the TMDL through any mechanism that achieves the required reductions. With those language clarifications, we feel that our agencies will be able to determine the most effective ways to address trash discharges and continue to work with other nonpoint source dischargers to meet the TMDL requirements. It is our interpretation that implementation of a program, approved by the Regional Board Executive Officer, that includes a combination of capture devices and a collection program, will meet our point and nonpoint source requirements, as long as the required reductions are achieved.

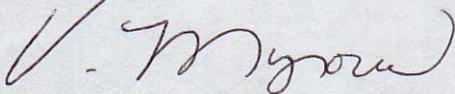
3. City of Ventura should not be named as a nonpoint source

The City of Ventura has concerns about the implications of being named as a nonpoint source in this TMDL. We would like to be on record as stating that a City should not be a nonpoint source. We do not feel that the trash TMDL designation should be used as precedent for any TMDLs considering any other constituent.

Thank you for this opportunity to comment. On behalf of the City, I look forward to collaboratively working towards sensible solutions to improving the environment for today, and for future generations.

Please feel free to call me at (805) 652-4518 if you would like further clarification on any of the comments presented in this letter.

Sincerely,



Vicki Musgrove
Public Works Division Manager

Cc: Ron Calkins, Public Works Director