



3220 Nebraska Avenue  
Santa Monica CA 90404

ph 310 453 0395  
fax 310 453 7927

info@healthebay.org  
www.healthebay.org

76

June 14, 2004

Arthur G. Baggett, Chair and Board Members  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Facsimile: (916) 341-5620

**VIA EMAIL AND U.S. MAIL**

**Re:** Comments on "Notice of Public Solicitation of Water Quality Data and Information – 2004 Clean Water Act Section 303(d) List"

Dear Chairman Baggett and Board Members:

On behalf of Heal the Bay, a nonprofit environmental group dedicated to making Southern California coastal waters safe and healthy for people and marine life, and the Santa Monica Baykeeper, a nonprofit environmental group whose primary mission is to monitor and advocate for the environmental health of Santa Monica Bay, San Pedro Bay, and the adjacent coastal waters and watersheds, we submit the following comments in response to the "Notice of Public Solicitation of Water Quality Data and Information – 2004 Clean Water Act Section 303(d) List" (Solicitation Notice). These comments are in addition to joint comments submitted by The Ocean Conservancy on behalf of the Environmental Caucus of the AB 982 Public Advisory Group, of which Heal the Bay is a member.

Heal the Bay submitted extensive data and associated information during the public solicitation of water quality data for the 2002 update of the state's 303(d) list of impaired waters,<sup>1</sup> which we incorporate herein by reference. The 303(d) list is a requirement of the Clean Water Act. It is used in setting effluent limits in NPDES permits, in determining appropriate levels of protection from various impacts to waterbodies, and it is the only mechanism for triggering a Total Maximum Daily Load for impaired waters. An accurate list is therefore crucial to preventing further degradation of impaired and threatened waterbodies, and cleaning up impaired waterbodies where other pollution control methods have failed to do so.

We also submitted comments on the state's proposed new 303(d) listing policy<sup>2</sup> and we incorporate those comments herein by reference. While we support a more clearly-defined listing policy, we remind the state that there are numerous unresolved technical and

<sup>1</sup> Heal the Bay letter to Renee DeShazo, LARWQCB, dated May 15, 2001, "Data Submission for the 303(d) List Review", and data attached to that letter.

<sup>2</sup> Environmental Caucus of AB 98 Public Advisory Group Comments on SWRCB, "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List", 2/18/2004.



3220 Nebraska Avenue  
Santa Monica CA 90404

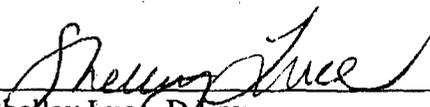
ph 310 453 0395  
fax 310 453 7927

info@healthebay.org  
www.healthebay.org

contract funds from the SWAMP program, which already is seriously under-funded. This important program is continually in jeopardy of near-collapse. The SWRCB must place monitoring information at a much higher priority if it is to adequately protect the health of the waters on which we all depend.

Thank you for the opportunity to provide these comments. Please do not modify the current list until the listing guidance is approved, and do not hesitate to call if you have any questions.

Sincerely,

  
\_\_\_\_\_  
Shelley Luce, D.Env.  
Science and Policy Director  
Heal the Bay

  
\_\_\_\_\_  
Mark Gold, D.Env.  
Executive Director  
Heal the Bay

  
\_\_\_\_\_  
Tracy Egoscue, Esq.  
Executive Director  
Santa Monica Baykeeper