

Comments to Proposed Rulemaking Title 23 due 2.15.2010

13377. Notwithstanding any other provision of this division, the state board or the regional boards shall, as required or authorized by the Federal Water Pollution Control Act, as amended, issue waste discharge requirements and dredged or fill material permits which apply and ensure compliance with all applicable provisions of the act and acts amendatory thereof or supplementary, thereto, together with any more stringent effluent standards or limitations necessary to implement water quality control plans, or for the protection of beneficial uses, or to prevent nuisance.

If the legislative intent of this change is compliance with Section 13377, beneficial uses should include water supply, or at least, adapt to current State and local water needs through assessments, studies and adopted plans. We cannot remain in drought conditions, with conservation demanded, and allow pollution to inhibit the uses of water.

§ 3750. Submission of Information.

(a) Whenever any public agency applies to the state board for discretionary financial assistance from the state board for a project to be undertaken by such the application shall be supported by an Initial Study and an adopted Negative Declaration, or a Final Environmental Impact Report as required by CEQA, or the public agency shall provide documentation to support the basis for a statutory or categorical exemption from CEQA.

This section should include prior Environmental Documents submitted on a project and evaluation that MUST include scientific and factual data by qualified individuals and peer reviewed. We cannot tolerate legislative analysts addressing environmental issues through an official looking report that has no basis in reality. Operations and maintenance, or lack thereof, are issues that can contribute to false declarations. Documentation should include the ability to maintain any statement made on a continuous basis.

Lack of proper management is not an excuse to deceive the public and their taxpayer money. Joint Powers Authority should also prove that they any statements made are backed by a plan, with qualified individuals in charge and with ongoing oversight. The problem here, in Joint Powers Authority, is to indentify the entity will be held liable and responsible. That entity or entities should be clearing stated, and as to what action in the documentation. A LEAD AGENCY needs to be responsible for the statements of the participants of a Joint Powers Authority on an ongoing basis. How is that ongoing basis being defined when agreements have sunsets?

All CEQA submissions should be recorded with the County, when applicable, and with the State Clearinghouse. Any addendums should have been circulated and recorded, as prescribed by law. Proof should be required.

(b) Whenever any person that is not a public agency applies to the state board for any form of discretionary financial assistance for a project to be undertaken by such person, the application shall be submitted with sufficient information and data to determine whether the project may have a significant effect on the environment. If the supplied information and data indicate that the project will have a significant effect on the environment, then such person shall submit with the application sufficient information and data to determine feasible changes in the project that mitigate or avoid the substantial adverse changes in the environment. This information may be supplied in the form of a draft EIR or an Initial Study and Negative Declaration. However, regardless of the format used, the state board shall not use the information or documents as its own without an independent evaluation and analysis of such information or documents.

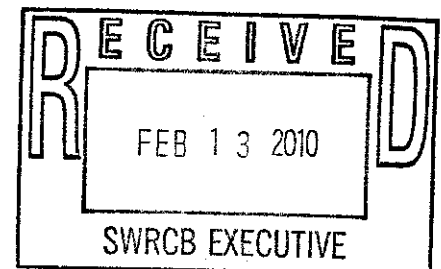
Any independent analysis should be by qualified individuals and peer reviewed. Missing from the California system is a State Clearinghouse for Scientific and Factual Data. Even without such a central clearinghouse, expertise is needed for the public to be assured that no fraud is taking place by submission or omission.

A consistency of disclosure needs to occur. Bond fraud containment needs to be considered in this rulemaking.

§ 3777. Substitute Environmental Documentation: Requirements for Adoption or Approval of Plans or Policies.

§ 3779. Notice of Filing of Draft SED; Public Comments

§ 3779.5. Final Substitute Environmental Documentation (SED).



The taxpayer is open to many types of fraud in this section. This section makes any report deemed to meet approval. Substituted environmental documentation is not sufficient without strict guidelines for submission. The system is set up for a report to be fact.

There is no clearinghouse of information. The public who resides around a project, within 500 feet, is expected to obtain and challenge documentation submitted with no guarantee of veracity.

Consequently, no guarantee exists that the waters are being protected, as defined, and that this regulations will satisfy that requirement.

§ 3780. Approval.

Where is the reporting and proof that mitigation is maintained?

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