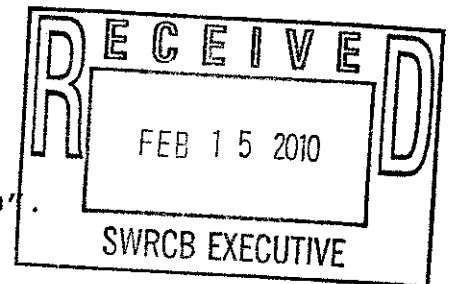


3152 Shad Court
Simi Valley, CA 93063
February 15, 2010

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: "Comment Letter - Proposed CEQA Regulations".

Dear Ms. Townsend:

The following comments on the aforementioned subject are submitted for the Board's consideration.

INITIAL STATEMENT OF REASONS DOCUMENT

SECTION 3720. PURPOSE

#1 - Page 3, "(c)", I am opposed to the State Water Board "carving out an exception for Certified Regulatory Programs". While the text used the word "exception" it is clear that this is an out and out "exemption".

SECTION 3721. DEFINITIONS

#1 - Page 3, "(b)", I am opposed to the definition of "environmental documents" being "deleted to avoid redundancy; it duplicates what is already set forth in Title 14, Section 15361 of the California Code of Regulations." Subsection "(a)" states "Because one purpose of amending these regulations is to make them more helpful for staff to implement, the State Water Board finds it helpful to include this reference, even though it is repeated elsewhere in Title 23." This information is not only helpful to State and Regional Water Board employees, but to the public at large.

#2 - Page 3, "(c)", it is stated "And finally, the subsection is amended to reflect the current title of the Secretary for the California Natural Resources Agency." This proposed change is unnecessary since it is stated under California Government Code Section

12800, last paragraph, that "Whenever the term 'Resources Agency' appears in any law, it means the 'Natural Resources Agency,' and whenever the term 'Secretary of the Resources Agency' appears in any law, it means the 'Secretary of the Natural Resources Agency.'" And, California Government Code Section 12802.(b) states "The Secretary of the Natural Resources Agency shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Secretary of the Resources Agency." Thus, I oppose the change.

- #3 - Page 3, "(a)" and "(f)", the statement that these subsections are being "deleted to avoid redundancy. See subsection (a) of this Section" is contradictory because subsection (a) states "Because one purpose of amending these regulations is to make them more helpful for staff to implement, the State Water Board finds it helpful to include this reference, even though it is repeated elsewhere in Title 23." The information helpful to the public as well. Thus, I'm opposed to these subsections being deleted.

SECTION 3760. REPEALED

- #1 - Page 6, I am opposed to this proposed change.

SECTION 3761. REPEALED

- #1 - Page 6, I am opposed to this proposed change.

SECTION 3762. AVAILABILITY OF ENVIRONMENTAL DOCUMENTS

- #1 - Page 6, I am opposed to the deletion of the last sentence.

SECTION 3775. APPLICABILITY

- #1 - Page 7, I am opposed to the proposed change since California Government Code Section 12800 states in the last paragraph that "Whenever the term 'Resources Agency' appears in any law, it means the 'Natural Resources Agency,' and whenever the term 'Secretary of the Resources Agency' appears in any law, it means the 'Secretary of the Natural Resources Agency.'" "

SECTION 3775.5. EARLY PUBLIC CONSULTATION

#1 - Page 7, I support the addition of this new section.

SECTION 3776. ROLES OF THE STATE BOARD AND REGIONAL BOARDS

#1 - Pages 7 and 8, I am opposed to the elimination of the environmental document recirculation provision.

SECTION 3780. APPROVAL

#1 - Page 9, the second sentence states "Subsection (a) removes the word 'proposed' for the sake of clarity." This is confusing and contradictory to the reasoning given for amending sections and subsections. The sentence reads "The Board shall not approve a proposed activity project that would cause significant adverse impacts if there are feasible alternatives or feasible mitigation measures available which that would substantially lessen any significant adverse impact which that the proposed activity may have on the environment." The word "activity" is being changed to "project", yet in this sentence that is not the case.

TITLE 23, DIVISION 3, CHAPTER 27, ARTICLE 1 DOCUMENTOVERALL

- #1 - Spell out California Code Regulations, title, division, and chapter where ever they appear.
- #2 - Spell out Public Resources Code where ever it appears.
- #3 - Under the "Authority cited" and "Reference" areas, delete the "()".

SECTION 3720. Purpose

- #1 - Page 1, subsection (a), I am opposed to deleting "these regulations".
- #2 - Page 1, subsection (b), "activity" is not replaced with the word "project".

SECTION 3721. Definitions

- #1 - Page 2, subsection (e), I am opposed to deleting "Regional board".
- #2 - Page 2, subsection (f), I am opposed to deleting "State board".
- #3 - Page 2, subsection (a), I am opposed to amending "Board".

SECTION 3750. Submission of Information

- #1 - Page 10, subsection (a), I am opposed to substituting "municipality" with "public agency".
- #2 - Page 10, subsection (a), I am opposed to deleting "An Environmental Assessment as required by the National Environmental Policy Act".

SECTION 3775.5. Early Public Consultation

- #1 - Page 18, subsection (b), I am opposed to substituting "municipalities" with "public agencies".
- #2 - Page 18, subsection (b), I am opposed to eliminating "from detailed study issues found not to be important."
- #3 - Page 18, under subsection (c), add subsection "(4) Any interested person."

SECTION 3777. Substitute Environmental Documentation...

- #1 - Page 20, subsection (a) (2), I am opposed to modifying the sample Environmental Checklist "as appropriate to meet the particular circumstances of a project."
- #2 - Page 21, subsection (c), I am opposed.
- #3 - Page 21, subsection (e), I am opposed.
- #4 - Page 21, subsection (f), I am opposed.

SECTION 3778. Consultation

- #1 - Page 22, I am opposed to changing "should" to "may".

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

#1 - Page 24, subsection (f), situations may arise when a regional board did not previously respond to timely submitted comments. Therefore, not only should commenters explain why a regional board's response was inadequate, but the regional board must explain why the non-response, and respond in kind. Then, too, situations may arise when a regional board suppresses evidentiary material. This too must be covered in the the section.

Appendix A

- #1 - Page 29, under THE PROJECT, number 3, I am opposed to deleting "Date of Checklist Submitted".
- #2 - Page 30, bottom of page, it is stated ***Due to substantial changes in format, the actual checklist will not appear here.*** This was inexcusable. Already staff has been painted in the Title 23. Waters, Division 3. State Water Resources Control Board and Regional Water Quality Control Boards, Chapter 27. Regulations for Implementation of the Environmental Quality Act of 1970, and Article 1. General related documents as incompetent, or untrained in implementing these regulations. And, if I read the INITIAL STATEMENT OF REASONS statement on Page 3, SECTION 3720. PURPOSE(c), correctly the courts have found the State Water Board non-compliant in administering the State CEQA Guidelines.

Sincerely,



Mrs. Teresa Jordan