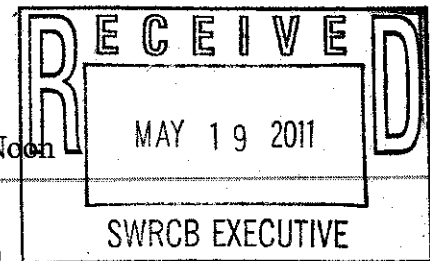


commentletters - Comment Letter--ASBS Special Protections due 5.20.2011 Noon

From: Joyce Dillard <dillardjoyce@yahoo.com>
To: <commentletters@waterboards.ca.gov>
Date: 5/19/2011 4:13 PM
Subject: Comment Letter--ASBS Special Protections due 5.20.2011 Noon



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Climate Change vulnerability and resulting consequences need to be incorporated into this document with analysis, effects and mitigation consideration.

Event Analysis involving tsunamis or sea-level rise and consequent flooding needs to be under consideration along with the inland land areas affected. All CEQA categories would be affected.

You state:

"Other sources were not regulated under any permit, including marina and boating activities, pipes draining private property, and bluff seepage most likely contaminated with anthropogenic waste from septic systems."

Source point contamination is a responsibility of the permittee and are regulated under the Total Daily Maximum Load guidelines and pending penalties for water entering the watersheds. Scientific studies of migrating flows into ASBS have not been included in this document from impaired water bodies.

The Prescriptive Alternative: Change Ocean Plan would allow continued discharges and potential fines for Impaired Water Bodies because of grandfathering. This does not solve the problem of source point identification or infrastructure planning and maintenance.

Responsibility has been addressed in:

US Ninth Circuit Court of Appeals, National Resources Defense Council, Santa Monica Baykeeper v. County of Los Angeles etal, Opinion No. 10-56017.

You state:

"In making determinations regarding sample number, sampling frequency, sample locations, and other monitoring details the Regional Water Board would consider the size and characteristics of the watershed contributing to the discharges. The Regional Water Board would also have the option to relieve the permittee of receiving water self-monitoring requirements (with the exception of chronic toxicity) if the permittee provides support to a regional monitoring program that includes the applicable receiving waters and indicator bacteria, tissue chemistry, and benthic community components."

Test Points requirements and Frequency requirements for monitoring and mitigation are critical and must be executed by qualified personnel. The permittee is responsible for detected

exceedences located in their jurisdiction. That means sub-permittees should be responsible for exceedences measured under their jurisdiction, yet there may not be test points established under subpermittees. Natural made pollutants, from forests and the like, cannot be distinguished from man-made pollutants.

From Ninth Circuit Opinion No. 10-56017:

“Point sources” include instruments that channel water, such as ‘any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.’ 33 U.S.C. § 1362(14).”

Oil and gas fracking are now business in California and their contaminated discharge should be addressed.

Not addressed is the salt sink discharges i.e. desalination plants and the effect on the ASBS and the oceans in general.

The Inter-Agency Ocean Policy Task Force and the West Coast Ocean Governors Agreement on Ocean Health (including the West Coast Ocean Eco-System Based Management Program) should be notified of this document as navigable waters are affected.

Best Management Practices or BMPs are being used to capture runoff for future recycling. This may effect groundwater recharge and may not be the best use of taxpayers infrastructure investment if point source identification is not attempted as a priority. It also does not change the Climate Change vulnerability issues even if volumes are reduced. Location of recycling facilities is a key factor with for Climate Change vulnerability events.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031