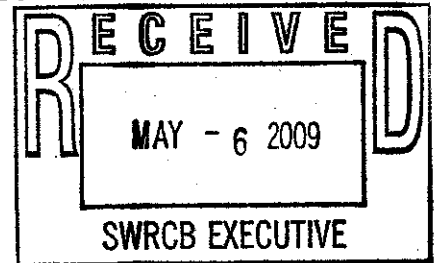


3152 Shad Court  
Simi Valley, CA 93063  
May 6, 2009



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

Re: "Comment Letter - California Ocean Plan Amendments."

Dear Ms. Townsend:

The following are my comments and concerns on the proposed amendments to the California Ocean Plan for the Board's consideration.

MARCH 2009 DRAFT STAFF REPORT

- #1 - Page 1, first sentence after "INTRODUCTION", it is stated "This staff report describes proposed non-substantive amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan)..." I disagree that these proposed amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) are "non-substantive".
- #2 - Page 8, Issue 1: Total Recoverable Metals. It was mind boggling that State Water Board "has consistently interpreted...the current metal objectives, since their adoption in 1988, as total recoverable concentrations". If this historical information is not on the Board's Website, it must be posted ASAP. This historical information should be included in the permit applications. There is no excuse for so much Board staff time to be thus occupied, and for the "toxicological basis for the metal objectives" to "not" be "specifically" described as the "total recoverable metal or as the dissolved metal fraction" since 1988 (Background, second paragraph)!!!

- #3 - Page 9, Issue 1: Total Recoverable Metals. Alternatives and Analysis - I support a third Alternative: "Amend the Ocean Plan, with the statement 'all metal concentrations are expressed as total recoverable concentration.' Amending the Ocean Plan to clearly state that all metal concentrations are expressed as total recoverable concentrations would accurately reflect the historic record. This approach will eliminate any confusion regarding how the metal concentrations are expressed."
- #4 - Page 10, Issue 1: Total Recoverable Metals. Amend Section II.D. Chemical Characteristics - Change Section 7.a to read "Table B water quality objectives apply to all discharges within the jurisdiction of this Plan. All metal concentrations are expressed as total recoverable concentrations."
- #5 - Page 11, Issue 2: Remove Section III(F)(1) on Compliance Schedules. Change Alternative 2 to read "Amend the Ocean Plan by deleting Section III(F)(1) in order to comply with the legal requirements applicable to state authorizations for compliance schedules in permits[See In re Star-Kist Caribe, Inc. (NPDES Appeal No. 88-5 (May 26, 1992)]."
- #6 - Page 11, Issue 2: Remove Section III(F)(1) on Compliance Schedules. Analysis - There is no excuse whatsoever for there to have been "a continuation of confusion" because permittees did "not have the historical experience in complying with the Ocean Plan.
- #7 - Issues 1 and 2 are the reason that State and Regional Water Boards enforcement is sorely lacking. Yet the State office of the Attorney General is the one being blamed for this problem from what I read in the Water Boards 2008 Accomplishments Report. No wonder there is quite a difference between Water Boards' Mission statements.
- #8 - Page 12, Issue 2: Remove Section III(F)(1) on Compliance Schedules. Amend Section III.F.

*Revision of Waste\* Discharge Requirements - 1.*  
change to read "The Regional Boards shall establish more restrictive water quality objectives and effluent limitations than those set forth in this Plan as necessary for the protection of beneficial uses of ocean\* waters."

- #9 - Page 13, Issue 3: Toxicity References. Alternatives and Analysis - I support a third Alternative: "Amend Appendix I of the Ocean Plan by correcting the typographical errors relating to references in the explanations relating to toxicity testing." I am not in support of the revisions.
- #10 - At a time when the Los Angeles Regional Water Quality Control Board has not responded to any of my 5 letters submitted for the Ventura Countywide MS4 NPDES Draft Tentative Permit (May 7, 2009 hearing), in which I reference typographical errors, it is very interesting to read State Water Board staff's concern over Ocean Plan typographical errors leading to "confusion regarding compliance". In light of LARWQCB's Executive Officer Egoscue's corrections of Calleguas Creek Watershed Nitrogen TMDL typographical errors, this lack of response is mind boggling.
- #11 - Page 16, Issue 4: Addition of Coastal Water Body Maps. I am in support of including maps "identifying ocean waters, enclosed bays and estuaries, ASBS, and certain other existing features in the near coastal ocean." Unfortunately, there are two Alternative 1s. The second Alternative reads "1". Please correct this typographical error.
- #12 - Pages 17 through 27, Issue 4: Addition of Coastal Water Body Maps. To each map (Figures VIII-1 to VIII-11) add the disclaimer statement from Page 16's second Alternative 1--"The map is not intended to result in any change to the interpretation of the boundaries, regulation of the waters, or applicability."

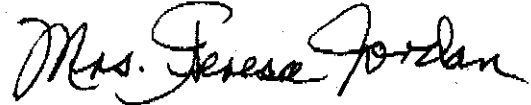
- #13 - Pages 17 through 27, Issue 4: Addition of Coastal Water Body Maps. To each map (Figures VIII-1 to VIII-11) add the names of the applicable "ocean waters, enclosed bays and estuaries, ASBS, and certain other existing features in the near coastal ocean". Without this information the reader has to cross reference the textual information, or make no sense of the maps if not familiar with the particular area.
- #14 - Page 28, Issue 5: Update the List of Exceptions in Appendix VII. This issue proved to be very tricky taking the years 1979 and 1988 into consideration. First and foremost, there is no excuse for the exceptions pre-dating 2005 not to have been included no matter how inadvertent the oversights may have been. Second, by supporting the exceptions of those power plants pre-dating 2005, the interested party supports the Regional Water Boards and State Water Boards approvals. Thus, any opposition is made null and void. The intention by "staff" "to review these old exceptions and to report back to the Board as to" "recommendations during the next Triennial Review, currently scheduled for 2009" just does not cut it. To me this says that the State and Regional Water Boards are in violation of State and Federal chlorine discharges' laws.
- #15 - Page 28, Issue 5: Update the List of Exceptions in Appendix VII. By supporting the exceptions of the USC's Wrigley Institute's Area of Special Biological Significance discharge approved in 2006", and the UC Davis Bodega Marine Lab's Area of Special Biological Significance discharge approved in 2007", the interested party supports the Regional Water Boards and State Water Boards approvals. Thus, any opposition is made null and void.
- #16 - Page 29, Issue 5: Update the List of Exceptions in Appendix VII. Analysis - In order for "users of the Ocean Plan (the regulated community, environmental organizations, the public, and State and Regional Water Board staff)" to "be aware of the existence of all of the exceptions

to the Ocean Plan" have the information posted on the State and Regional Water Boards' Websites!!!

STATE WATER RESOURCES CONTROL BOARD 2009 OCEAN PLAN

- #1 - Pages 1 through 52, locate the page number at the bottom of the paper; not the top.
- #2 - Pages 53 to 56, locate the page number on the opposite side.
- #3 - Page 21, F.1, change "may" to "shall".
- #4 - Pages 23 and 24, change the location of "APPENDIX I" from bottom of page 23 to the top of page 24.
- #5 - Pages 24 and 25, change the location of "b. No Observed Effect Level (NOEL)" from the bottom of page 24 to the top of page 25.

Sincerely,



Mrs. Teresa Jordan