

Ex Parte Disclosure

Pending General Order that the communication concerned:

- The Statewide Construction Stormwater General Permit

Name, Title, Contact Information of Person Completing this Form:

- Cody Phillips, Policy Analyst, Cody@cacoastkeeper.org

Date of meeting, phone call, or other communication:

- Friday, September 2nd
- Sent around 9:20am
- Location: Email

Type of Communication:

- Written

Name of all participants in the communication

- Cody Phillips
- Joaquin Esquivel
- Dorene D'Adamo
- Sean Maguire
- Laurel Firestone
- Nichole Morgan

Name of the person who initiated the communication:

- Cody Phillips

Describe the communication and its content:

- A separate email was sent to each member of the Water Board discussing the Ventura River Algae TMDL and EPA regulations regarding NPDES permits.
- The body of the email is below:

I hope you're doing well. Before the Adoption hearing next Thursday, we wanted to make sure you were aware that one of our last remaining legal concerns in the Construction General Permit is how the permit implements the [Ventura River Algae TMDL](#). The TMDL says unequivocally that the waste load allocation for construction "sites **shall** be incorporated into permits as **numeric** water-quality based effluent limitations." The relevant regulation, 40 CFR sec. [122.44\(d\)\(1\)\(vii\)\(B\)](#) says that water quality based effluent limits must be "consistent with the assumptions and requirements of any available waste allocation." However, in the permit, the Ventura River Algae TMDL was not implemented as a numeric effluent limitation, and instead was implemented as an action level. We are concerned that this rewrites the Ventura River Algae TMDL and sets a dangerous precedent that clear, plain language requirements can be ignored in favor of unwritten assumptions.

We hope that you can understand our concern with the precedent this would set and will consider modifying the water-quality based effluent limit for nitrogen-based nutrients in the Ventura River back to numeric effluent limits, as the original May 2021 draft of the permit had considered.