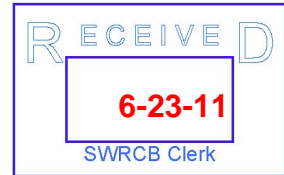


Comment 80

3152 Shad Court
Simi Valley, CA 93063
June 23, 2011

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

Re: "Comment Letter - Phase II Small MS4 General Permit."

Dear Ms. Townsend:

The following are my comments, concerns, and questions for the Board's consideration on the aforementioned subject--June 7, 2011 Waste Discharge Requirements (WDRs) document.

DRAFT PHASE II SMALL MS4 GENERAL PERMIT XXXX-XXXX-DWQ

- 80.1 → #1 - Page 9, Finding 29, third bullet point, it is stated "Flood Management Agencies". Under the "Justification" column of the pages in Attachment C, it is stated "Flood Control District". Change "Flood Control District" in the Attachment C pages to "Flood Management Agency".
- 80.2 → #2 - Page 10, the bullet points "State Parks/Beaches/Historical Areas" and "State Vehicular Recreation Areas", it is difficult to determine the Attachment C Permittees' Justification column designation of "ASBS" and "State Facility Urban Area" without researching the entities. Are the designations "State Facility" and "Urban Area" two separate states of "Justification", since on certain occasions the designations appear separate, and other times together?
- 80.3 → #3 - Page 12, Finding 44, the "Separate Implementing Entity (SIE)", since it is stated on Page 18, under Section E.3. SEPARATE IMPLEMENTING ENTITY, that "If the Separate Implementing Entity fails to implement the BMPs, the Permittee remains responsible for compliance with this Order", for

the new non-traditional small MS4 permittee Ventura County Watershed Protection District (Page 21, Attachment C, NPDES General Permit No. S000004) does this impact the Ventura Countywide MS4 NPDES Permit approved by the Los Angeles Regional Water Quality Control Board in 2010? If this is the case, I have concerns since it is stated on Page 32, under Section E.6. PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM d)(1), that "By May 15, 2013 the Permittee shall involve the public in the planning and implementation of activities related to the development and implementation of the program. The public participation and involvement program shall encourage volunteerism, public comment and input on policy, and activism in the community". Then, it is stated on Page 93 under Section G. PERMIT EXPIRATION AND PERMIT RE-OPENER that "This Order expires on January 15, 2017". The backroom deal between environmental organizations and members of the Ventura Countywide MS4 NPDES Permit with regards to that Order is well documented at the State Water Board, and LARWQCB levels. The LARWQCB violated the Water Boards current Strategic Plan because staff did not post my timely submitted comments on the Board's Website relative to the 2011 City of Simi Valley amended individual municipal NPDES Permit relative to the Pretreatment Program part of the City's Order.

80.4

→ #4 - Pages 12 and 13, Finding 50, it is stated that "Following public notice in accordance with State and federal laws and regulations, the State Water Board, in a public hearing on (insert public hearing date) heard and considered all comments. The State Water Board has prepared written responses to all significant comments". Will these responses be posted on the State Water Board's Website? If so, under what section? If not posted on the Website, why not? All of the comments submitted on this subject must be responded to not just the "significant" ones in order to keep the public trust as identified in the State and Regional Water Boards' current Strategic Plan during its update process.

80.5 → #5 - Page 20, under Section (k), it is stated that "The Permittee shall have the ability to impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its Enforcement Response Plan developed pursuant to Section E.4.c., for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm". Since Pages 21 through 23 also cover the "Enforcement Response Plan", the words "complete" and "accurate" must be included in the sections.

80.6 → #5 - Page 20, under Section E.4.b. Certification (i) Task Description, add the words "for a municipality the Mayor of the City, or the County Chairperson of the Board of Supervisors".

ORDER NO. XXXX-XXXX ATTACHMENT C NPDES GP No. S000004

80.7 → #1 - Pages 1 through 32, all of the New Non-Traditional Small MS4 Permittees must be listed in the underscored (top, sides, and bottom) format as depicted on Page 1 of the June 7, 2011 document so that confusion does not abound. Examples: Pages 9 and 10, 26 and 27, 29 and 30, 31 and 32; Page 8 and 10 the Permittees do not have the bottom line; Page 13 no top line for the Permittee; and Page 15 the "Higher Education" Permittees are lumped together. Some pages have the top first 2 columns empty and the column for Justification filled. This must be consistent.

80.8 → #2 - Page 7, the Justification for Permittee Menlo Park is stated as "Higher Education"? Is this correct?

80.9 → #3 - Page 14, top, the columns are empty.

ORDER NO. XXXX-XXXX DWQ ATTACHMENT N NPDES GP NO. S000004

80.10 → #1 - All Pages, the State Parks/Beaches/Historical Areas column, don't separate "Historical". If the word is separated, then, please include a "-" between "Hi" and "storical".

Sincerely,

Mrs. Teresa Jordan

Mrs. Teresa Jordan

Enclosures:

May 9, 2011, Letter to Mr. Raul Medina, LARWQCB; City of Simi Valley Water Quality Control Plant WDR. (4 Pages, Minus Enclosures)

May 10, 2011, Letter to Mr. Raul Medina, LARWQCB; City of Simi Valley Water Quality Control Plant WDR. (4 Pages, Minus Enclosures)

May 26, 2011, Letter to Mr. Sam Unger, LARWQCB Executive Officer; Website Posting of Regional Water Board Staff Responses to Draft Tentative Orders' Comments. (1 Page, Minus Enclosures)

3152 Shad Court
Simi Valley, CA 93063
May 9, 2011

Mr. Raul Medina
LARWQCB
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013

**Re: TENTATIVE WASTE DISCHARGE REQUIREMENTS(WDRs) AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
PERMIT FOR CITY OF SIMI VALLEY, SIMI VALLEY WATER
QUALITY CONTROL PLANT(NPDES NO. CA0055221, CI NO.
3021) - APPROVAL OF THE PRETREATMENT PROGRAM.**

Dear Mr. Medina:

I am opposed to the aforementioned subject for the following reasons.

- #1 - The NPDES permit renewal process begun in 2008 is not moving forward. Just because the City of Simi Valley modified "an older version of its sewer use ordinance(SUO) and" provided "the Simi Valley WQCP the legal authority to continue to Implement and enforce its Pretreatment Program" (TENTATIVE ORDER NO. R4-2011-xxxx, Page 1, finding number 3) does not excuse further postponement. Continuing with the status quo is a disservice to the City's residents, and business and environment communities in light of the fact that changes to the City's sewer service fees are currently being proposed for the next five fiscal years.
- #2 - The statement, under finding number 3 on Page 1 of TENTATIVE ORDER NO. R4-2011-xxxx, is in error. It reads "In addition, an Emergency Response Plan was prepared and will be part of the City's Pretreatment Program". The document is an Enforcement Response Plan.
- #3 - The City's and the Regional Water Board's reliance on the Enforcement Response Plan, and

Pretreatment Program modifications does not guarantee that millions of gallons of wastewater will be safely treated and disposed. The Regional Water Board's Executive Officer reports speak volumes about the City's individual NPDES permit compliance record.

- January 29, 2004, Mandatory Minimum Penalty (MMP) issued November 20, 2003 for \$33,000 paid in full December 23, 2003--exceeding their NPDES permit effluent limit for sulfate, turbidity, and residual chlorine.
- April 7, 2005, TSO issued by Regional Water Board's Executive Officer for THMs.
- June 7, 2007, Notice of Violation issued for failing to comply with provisions of NPDES Permit No. CA0055221.
- August 9, 2007, Revised Notice of Violation issued for failing to comply with provisions of NPDES Permit No. CA0055221.
- July 10, 2008, Complaint Order No. R4-2008-0020 issued May 22, 2008 for violating waste discharge requirements in Order Nos. R4-2003-0081 and R4-2003-0082. City submitted \$72,000 check on June 20, 2008 and waived their right to a hearing.
- October 1, 2009, Order to Submit Information Letter issued on September 9, 2009 for the August 30, 2009 unpermitted discharge of raw sewage at Arroyo 1482 4th Street. City had until October 13, 2009 to submit the required information and report to the Regional Board.
- April 1, 2010, Settlement Offer No. R4-2010-0014-M issued on February 11, 2010 for \$9,000 for alleged violations of Regional Board Order No. R4-2003-0081, NPDES Permit No. CA0055221. Permittee had until March 15, 2010 to respond.
- December 7, 2000, Regional Water Board Section 401 Water Quality Certification Program ACTION Conditional WQC issuance on October 25, 2000 for the Dry Canyon Detention Basin. This basin

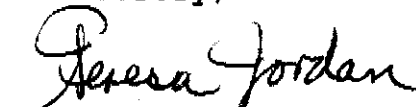
for which State of California CDBG Program/ Native American funds, and FEMA HMGP monies were received was recently deleted from the Whiteface Specific Plan, and the City of Simi Valley's 1990 Master Plan of Drainage. This basin was a mitigation measure for the City's individual NPDES Permit, and the Ventura Countywide MS4 NPDES Permit.

- #4 - The Regional Water Board has not rescheduled the General NPDES Permit for Discharges of Ground Water from Water Supply Wells to Surface Waters in Los Angeles and Ventura Counties (General NPDES Permit No. CAG994005)--postponed November 2009.

Mr. Medina, I am referencing the following letters on the City of Simi Valley's Simi Valley Water Quality Control Plant (NPDES No. CA0055221) 2008 process for the record because they are still relevant:

- May 5, 2008, letter to Mr. Raul Medina, 4 Pages, and Enclosures.
- May 16, 2008, letter to Mr. Raul Medina, 7 Pages.
- May 16, 2008, letter to Mr. Raul Medina, 2 Pages, and Enclosures.
- July 10, 2008, letter to Mr. Raul Medina.
- August 20, 2008, letter to Ms. Tracy Egoscue, 13 Pages.
- August 26, 2008, letter to Ms. Tracy Egoscue.

Sincerely,


Teresa Jordan

Enclosures:

April 21, 2011, Simi Valley News(City of Simi Valley Website), Notice of Proposed Changes to Sewer Service Fees. (2 Pages)

May 4, 2011, Teresa Jordan Protest Letter to the Simi Valley City Council on "SEWER FEES INCREASE" for FY 2011-12, FY 2012-13, FY 2013-14, FY 2014-15, and FY 2015-16.

March 24, 1992, City of Simi Valley Mayor Greg Stratton to Ventura County Board of Supervisors, detention basins.

April 4, 2002, Maria Teresa Jordan Letter to Ventura County Grand Jury; detention basins.

3152 Shad Court
Simi Valley, CA 93063
May 10, 2011

Mr. Raul Medina
LARWQCB
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013

Re: TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDRs) AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT FOR CITY OF SIMI VALLEY, SIMI VALLEY WATER
QUALITY CONTROL PLANT (NPDES NO. CA0055221, CI NO.
3021) - APPROVAL OF THE PRETREATMENT PROGRAM.

Dear Mr. Medina:

This letter is a continuation of my May 9, 2011 opposing
letter comments on the aforementioned subject.

- #5 - The name "Ventura County Department of Public Works, Flood Control and Drainage" on the Mailing List on Page 3 of the April 11, 2011 letter to Mr. Kevin Geischen (City of Simi Valley Deputy Director of the Environmental Compliance Division) from Regional Water Board Unit Chief Municipal Permitting Unit (NPDES) Brandi-Outwin-Beals is incorrect. The entity is the "Ventura County Public Works Agency", or the "Ventura County Watershed Protection District". For years this error continues to be made by Regional Water Board staff. It must be finally corrected.
- #6 - The TENTATIVE ORDER NO. R4-2011-xxxx pages were not numbered. The document format must be "reader friendly" for referencing purposes.
- #7 - Page 2, TENTATIVE ORDER NO. R4-2011-xxxx, it is stated under amendment number 1 that "On page 15 of Order No. R4-2003-0081 (as Revised by Order No. R4-2004-0121), replace Finding 34 with the following..." These two Regional Water Board Orders were not included on the Website making cross-referencing impossible.

- #8 - Page 2, TENTATIVE ORDER NO. R4-2011-xxxx, it is stated under amendment number 2 that "On Page 35 of Order No. R4-2003-0081 (as Revised by Order No. R4-2004-0121), replace Pretreatment Requirement A. with the following..." These two Regional Water Board Orders were not included on the Website making cross-referencing impossible.
- #9 - Page 3, TENTATIVE ORDER NO. R4-2011-xxxx, it is stated under amendment number 3 that "All other conditions and requirements of Order No. R4-2003-0081 (as Revised by Order No. R4-2004-0121) shall remain unchanged and in effect.
- #10 - Page 2, TENTATIVE ORDER NO. R4-2011-xxxx, it is stated under amendment number 1 that "Based on the authority provided by the Simi Valley Municipal Code, the Simi Valley WQCP prepared an Enforcement Response Plan on February 14, 2011, that is part of the City's Pretreatment Program".

Even though the City Council's February 28, 2011 public hearing staff report on the "...INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 13 TO TITLE 6 OF THE SIMI VALLEY MUNICIPAL CODE REGULATING SEWER USE..." stated on Page 52, under Article 9. Enforcement Section 6-13.901, that "Enforcement of Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan", since the Plan was not included in the City Council staff report, and because the February 2011 Enforcement Response Plan's cover sheet stated "Reviewed and Approved by Joe Deakin, Assistant Public Works Director City of Simi Valley February 14, 2011", the City Council has not reviewed the Enforcement Response Plan.

The February 28, 2011 City Council public hearing staff report states on Page 2 that "Public Outreach regarding the proposed Sewer Use Ordinance was conducted during January and February 2011. Letters were sent to approximately 500 businesses holding City Wastewater Discharge Permits and a notice was also placed on the City website. Staff received

and responded to approximately 70 verbal and electronic inquiries regarding the draft Ordinance. One comment letter (Attachment A, page 60) requesting minor changes to the Ordinance was provided to the City Council under separate cover. Based on the responses from commercial and industrial businesses, the proposed revisions to the local limits will not significantly impact businesses currently operating in the City".

The Enforcement Response Plan does not always give the Chapter 13 sections.

The Enforcement Response Plan does not include the "Show Cause Hearing" section of Article 9 Enforcement part of Chapter 13.

The Enforcement Response Plan does not include the "Administrative Liabilities" section of Article 9 Enforcement part of Chapter 13.

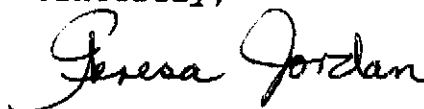
The Enforcement Response Plan does not include the "Remedies Nonexclusive" section of Article 9 Enforcement part of Chapter 13.

The Enforcement Response Plan section on Civil Penalties refers to them as "civil liabilities".

Any contested enforcement actions are not appealable to the City Council. What if we have a City of Bell type of governance?

Mr. Medina, after reading the last minute proposed Memorandum of Understanding (MOU) between the City of Simi Valley and Waste Management to deal with the trash hauler's expansion project before the Ventura County Board of Supervisors, and watching the discussions on television of the May 9, 2011 City Council meeting MOU Agenda item, the Los Angeles Regional Water Quality Control Board must investigate the document, and actions by both parties because they impact the City of Simi Valley's individual municipal NPDES Permit, and the Ventura Countywide MS4 NPDES Permit.

Sincerely,



Teresa Jordan

Enclosures:

February 3, 2011, Teresa Jordan letter to the Simi Valley City Council, c/o Mr. Ron Fuchiwaki, Director Public Works Department; Draft Sewer Use Ordinance. (2 Pages)

February 28, 2011, City of Simi Valley Agenda Item 5A Adding Chapter 13 to Title 16 of the Simi Valley Municipal Code Regulating Sewer Use(Pages 1 and 2).

3152 Shad Court
Simi Valley, CA 93063
May 26, 2011

Mr. Sam Unger, Executive Officer
LARWQCB
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013

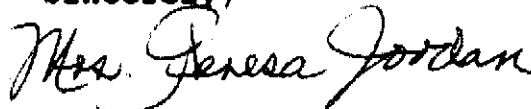
Re: Website Posting of Regional Water Board Staff
Responses to Draft Tentative Orders' Comments.

Dear Mr. Unger:

Since Board staff has posted "Response to Comments" on the Board's Website for the Camarillo Sanitary District's Camarillo Water Reclamation Plant(3 commenters, many comments), and the Harbor Recycling Project - Dominguez Gap Barrier Project(1 Commenter(joint entities), one comment), I am writing to kindly request that "Response to Comments" be added to the City of Simi Valley's Simi Valley Water Quality Control Plant Website section because Board staff responded to my two letters(Jordan, May 9 and 10, 2011, ten comments). Please refer to the enclosed copies from the Board's Tentative Orders Website section.

Mr. Unger, I comment from a layperson's perspective. General public comments received, and responded to by Board staff are no less important than those from governmental, professional, and scientific entities. I would appreciate it very much if you would have my submitted comments and evidentiary materials, and response to comments from Board staff posted under the City of Simi Valley's Simi Valley Water Quality Control Plant section of the Board's Website.

Sincerely,



Mrs. Teresa Jordan