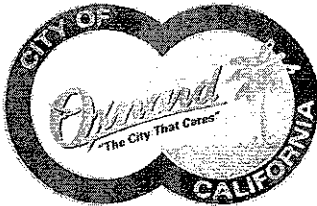


MARK NORRIS  
Assistant Public Works Director

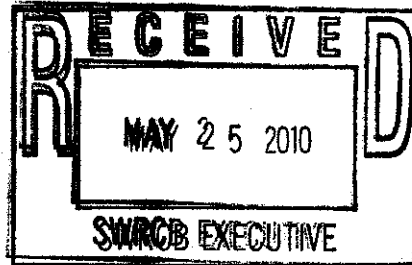


Public Works Department - Utilities Services Branch  
305 West Third Street • Oxnard, CA 93030 • (805) 385-8280 • Fax (805) 385-7907

May 24, 2010

CERTIFIED MAIL  
7005 3110 0000 4592 6106

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 "I" Street  
Sacramento, CA 95814



**Subject: Comment Letter – 2010 Integrated Report / Section 303(d) List**

Dear Ms. Townsend:

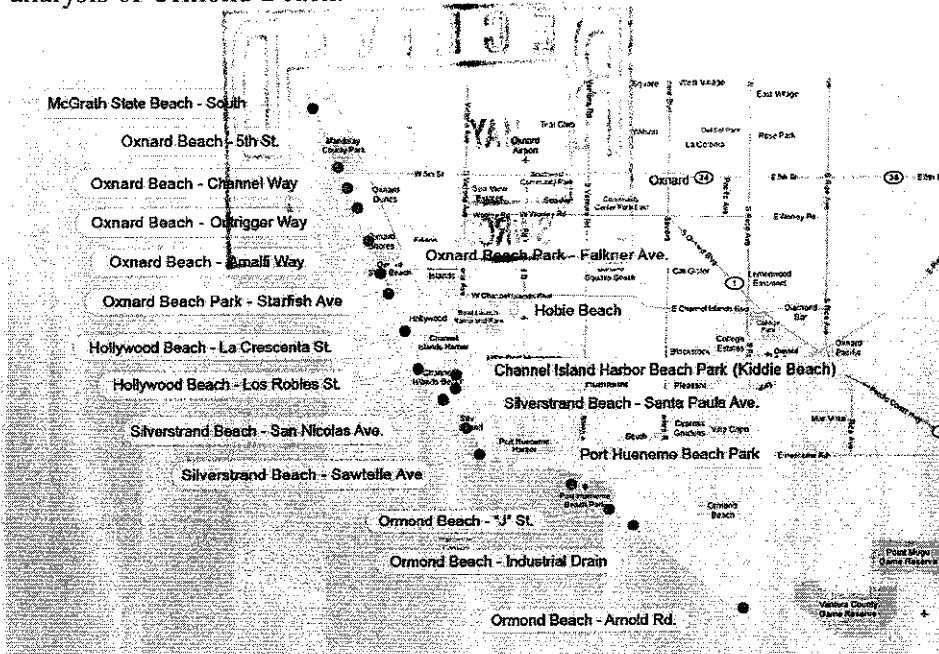
We have received the *NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED 2010 INTEGRATED REPORT: CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS AND CLEAN WATER ACT SECTION 305(b) ASSESSMENT OF SURFACE WATER QUALITY*, dated April 10, 2010. We have reviewed the documents, and concur with State Board staff's recommendation to de-list Channel Islands Harbor, listed for lead and zinc in sediment from non-point sources. We do not agree with the following listings, however, and have provided comments on each:

**Ormond Beach (Decision ID 4850)**

This Decision appears to list, and recommend for Total Maximum Daily Load (TMDL), the entire stretch of beach referred to as Ormond Beach by the Ventura County Ocean Water Quality Monitoring Program (approximately 2 ½ miles). The data used are from the Ormond Beach – J Street Drain station (Station 42000), the Ormond Beach – Oxnard Industrial Drain area (Station 43000), and the Ormond Beach – Arnold Road area (Station 44000). The Decision's conclusions state that the allowable frequency listed in Table 4.2 of the Listing Policy was not exceeded at Stations 42000 and 44000, but that allowable frequencies were exceeded at Station 43000 (see map on page 2). If the only beach area determined to exceed allowable frequencies for indicator organisms is at Station 43000, then that is the only area that should be listed and subject to TMDL. Or, alternatively, the data sets for all three stations (494 sampling events) should be combined to show that the entire stretch doesn't exceed allowable frequencies.

We also disagree with the evaluation of data for Station 43000. For the last five years of data from your spreadsheet (Ormond Beach 2003-2007), 13 of 163 samples exceeded the standard for total coliform, 5 of 163 samples exceeded the standards for fecal coliform, and 9 of 163 samples exceeded for enterococcus. This does not exceed the allowable frequencies for indicator organisms under the Listing Policy. There may have been some confusion on the samples taken for what's termed "Industrial Drain Mouth" in the spreadsheet. When the berm at the Ormond Wetlands breaches (usually once or twice per year, usually in line with an extension of the

Oxnard Industrial Drain), there is an actual flowing stream that Ventura County Environmental Health samples to assist the stakeholders in better understanding the Wetland's impact on beach water quality, and to give us a tool to identify sources of bacteria. These are not AB411 samples, not shown on the map of AB411 sampling locations (below), and should not be included in the analysis of Ormond Beach.



We recommend de-listing of Ormond Beach for bacteria indicator organisms.

**Trash, Various Waterbodies, New Decision (example Decision ID 17170)**

These waterbodies in the Calleguas Creek Watershed are being considered for 303(d) listing on a single line of evidence, where the samples exceeded the Basin Plan narrative objective for trash. The narrative objective for trash usually relates to "Floating Material", which states that "Waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses". The Staff Report for the 2010 Integrated Report narrows the scope down by stating that "Staff recommendations for listing and delisting are provided for: chemical-specific water quality standards; bacterial water quality standards; health advisories; bioaccumulation of chemicals in aquatic life tissues; **nuisance such as trash, odor, and foam**; nutrients; water and sediment toxicity; adverse biological response; and degradation of aquatic life populations and communities" (emphasis added).

While there is considerable debate State-wide on the listing of waterbodies for trash, the Porter Cologne Water Quality Control Act seems to provide clear direction in its definition of nuisance (emphasis added):

“(m) “Nuisance” means anything which meets **all** of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.”

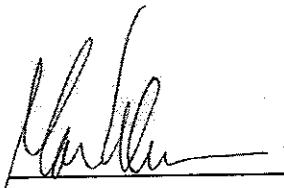
Merely stating that a piece or pieces of trash were observed in a Water of the United States does not demonstrate impairment.

Potential sources of trash are being addressed under the Ventura County Municipal Stormwater Program with management practices that are implemented to the Maximum Extent Practicable (MEP). We believe that the stormwater programs are more effective alternatives to TMDLs, and recommend dedicating resources to these source control and treatment control approaches in lieu of the production of studies and reports required under TMDLs.

We recommend listing these new segments in the Calleguas Creek Watershed as water segments with water quality information that could not be used for an assessment.

Thank you for the opportunity to review the 2010 Integrated Report / Section 303(d) List and provide comments. Please feel free to call me at (805) 385 – 8308 if any clarification is required, or ask your staff to contact Mark Pumford, Technical Services Manager, at (805) 271 - 2220.

Sincerely,



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Mark S. Norris  
Assistant Public Works Director

c: Sam Unger, Regional Water Quality Control Board - Los Angeles Region