



MARK B HORTON, MD, MSPH  
*Director*

State of California—Health and Human Services Agency  
**California Department of Public Health**



ARNOLD SCHWARZENEGGER  
*Governor*

**May 5, 2008**

**Ms. Blythe Ponck-Bacharowski**  
**Unit Chief, Municipal Permitting Unit**  
**320 W. 4<sup>th</sup> Street, Suite 200**  
**Los Angeles, California 90013**

**Dear Ms. Bacharowski**

**Comments to the following Permits:**

- NPDES Permit – Camarillo Sanitary District (CA0053597)**
- NPDES Permit – City of Simi Valley (CA0055221)**
- NPDES Permit – City of Thousand Oaks (CA0056294)**

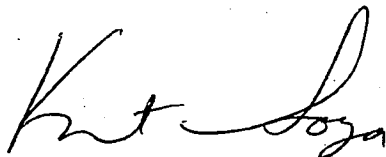
The California Department of Public Health, Division of Drinking Water (CDPH) has reviewed the above subject tentative documents prepared by your staff. The CDPH has the following comments:

1. The cover letters for each of the three permits were copied to this office but listed us as Department of Health Services, Sanitary Engineering Section or Public Water Supply Branch. These names need to be updated. Also, the cover letters were not received by the Santa Barbara District office. Any future permits involving agencies in Ventura County should be addressed to the CDPH – DDWEM - Santa Barbara District office, 1180 Eugenia Place, Suite 200, Carpinteria, CA 93013. Please check your records to ensure the correct address is being used. If the notices are emailed, the email notice should be to Kurt Souza, Section Chief, at [Kurt.Souza@cdph.ca.gov](mailto:Kurt.Souza@cdph.ca.gov).
2. The CDPH commented previously on November 10, 2005 (letter attached) concerning monitoring of pharmaceuticals and endocrine disrupting chemicals and approved analytical methods. The CDPH would like to submit the attached letter into the record. The CDPH does not anticipate establishing approved analytical methods for pharmaceuticals and endocrine disrupting chemicals, including those listed in the draft permit, in the foreseeable future. The CDPH believes it is premature to specify sampling that uses Department-approved methods. The Board has inserted these requirements in other

permits and permitted agencies have called our local district offices asking for advice on how to monitor for the chemicals listed in their permit. CDPH has not been able to assist the agencies since we have not approved any methods.

If you have any questions, please call this office at (805) 566-1326.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Souza". The signature is fluid and cursive, with the first name "Kurt" and last name "Souza" clearly distinguishable.

Kurt Souza, P.E., Chief  
Southern California Section  
CDPH-DWFOB

Cc: Tracy J. Egoscue, RWQCB Executive Officer

L 05022008 EDC and Phar



California  
Department of  
Health Services

**SANDRA SHEWRY**  
Director

State of California—Health and Human Services Agency  
**Department of Health Services**

*F. 4. 12*



**ARNOLD SCHWARZENEGGER**  
Governor

November 10, 2005

STATE HEALTH SERVICES

Mr. Jonathon Bishop, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**NOV 17 2005**

SANTA BARBARA

Dear Mr. Bishop:

**Tentative Waste Discharge and Water Recycling Requirements and Monitoring and Reporting Programs for Title 22 Recycled Water Issued to the City of Los Angeles for the Donald C. Tillman Water Reclamation Plant (File No. 70-117) and the Los Angeles-Glendale Water Reclamation Plant (File No. 68-85)**

Staff of the Department of Health Services' Division of Drinking Water and Environmental Management have reviewed the above subject tentative documents prepared by your staff. We have the following comments regarding these subject documents:

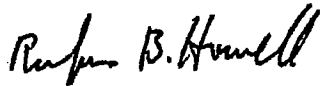
1. The Department of Health Services does not generally recommend sampling for pharmaceuticals and endocrine disrupting chemicals as currently specified for non-potable reuse projects similar to the two water recycling projects under consideration by the RWQCB. However, we recognize that the RWQCB may have its own concerns for requiring this sampling.
2. The Department of Health Services does not anticipate establishing approved analytical methods for pharmaceuticals and endocrine disrupting chemicals, including those listed in the draft permit, in the foreseeable future. Therefore, we believe it is premature to specify sampling that uses Department-approved methods. If this requirement remains in the permit, there will likely be no sampling because there are no such approved methods. Thus, we suggest that the RWQCB may find compliance by permittees to be difficult.

Jonathon Bishop  
Page 2  
November 10, 2005

3. The Department of Health Services' approach to dealing with these kinds of chemicals that are of emerging public health and environmental significance has been to encourage waste water reuse project proponents to develop monitoring and evaluation programs to assist in the collection of information about their presence. The development of these programs includes working with university and other laboratory and environmental scientists to develop appropriate analytical methods for the evaluation of the presence of such contaminants in treated wastewater. We continue to believe that this is the most effective way to develop an understanding of the importance of these contaminants to the evaluation of the overall risks to the environment and public health from wastewater reuse. We encourage the RWQCB to consider taking a proactive information gathering stance and not necessarily a compliance-driven one, as you seek to deal with contaminants for which approved analytical methods are quite limited.

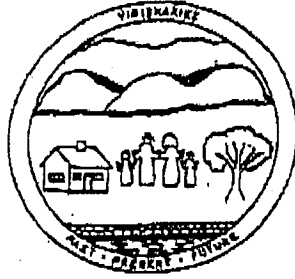
Thank you for the opportunity to comment on these documents. If you have any questions concerning these comments, please contact Gary Yamamoto, Chief, Technical Program Branch, at (916) 449-5600.

Sincerely,



Rufus B. Howell, Acting Chief  
Division of Drinking Water  
and Environmental Management

cc: Cindy Forbes, DHS Drinking Water Program  
Bob Hultquist, DHS Drinking Water Program  
Gary Yamamoto, DHS Drinking Water Program  
Leah Walker, DHS Drinking Water Program  
Steve Book, DHS Drinking Water Program  
✓ Jeff Stone, DHS Drinking Water Program  
Joe Crisologo, DHS Drinking Water Program  
Stefan Cajina, DHS Drinking Water Program  
Jeff O'Keefe, DHS Drinking Water Program



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Mr. Raul Medina  
LARWQCB  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

FAX NO.: (213) 576-6640

DATE: May 5, 2008

NO. OF PAGES: <sup>13</sup>12 (includes cover sheet)

RE: Tentative Waste Discharge Requirements  
(WDRs) and National Pollutant Discharge  
Elimination System (NPDES) Permit for City  
of Simi Valley (NPDES NO. CA0055221,  
CI NO. 3021).

3152 Shad Court  
Simi Valley, CA 93063  
May 5, 2008

Mr. Raul Medina  
LARWQCB  
320 W. 4<sup>th</sup> 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).

Dear Mr. Medina:

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

- #1 - While I received a reply from Ms. Tracie Billington (DWR) on my March 14, 2008 letter on the Watersheds Coalition of Ventura County's Proposition 50, Chapter 8 Integrated Regional Water Management (IRWM) Implementation Grant Program Application (Round 1; PIN: 9604; \$25 Million)--City of Simi Valley's Tapo Canyon/Gillibrand Canyon Water Treatment Plant Project--Mr. Scott Couch (SWRCB) has not. So, I conclude that the City of Simi Valley is a Ventura Countywide MS4 Permit Co-Permittee who has been "participating under the previous MOU for the former Ventura Countywide IRWMP" (March 11, 2008 Ventura County Board of Supervisors Meeting Agenda Item 10 Letter/Staff Report). Please note that the Ventura County Board of Supervisors to date has not responded to my inquiries on this matter.
- #2 - ORDER NO. R4-2008-XXXX, NPDES NO. CA0055221 can be amended.
- #3 - The 1992 Ventura Countywide Stormwater Quality Management Program (NPDES Permit) Implementation

Agreement was approved without public hearings at the Ventura County's cities level.

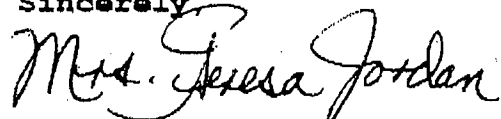
- #4 - The text of the 1992 Implementation Agreement (IA) watersheds' agreements signed by the Ventura County Flood Control District (now the Ventura County Watershed Protection District, the County of Ventura, and the County's cities--Camarillo, Fillmore, Hueneme, Moorpark, Ojai, Oxnard, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks--was not consistent. Sections IX, XVII, and XII were amended in the Calleguas Creek Watershed's signatories--among them the City of Simi Valley--1992 IA agreement. Amendments to the 1992 IA require "written consent" of all "of the parties, signed and approved by the governing bodies of the parties" (Section IX).
- #5 - The 2008 countywide proposed Amendment to the 1992 Implementation Agreement agreements is not being approved with resolutions from the County's ten cities as stipulated--some City Councils have approved a *Signature Page* and one has approved a resolution instead of a *Signature Page*--during the Ventura County Board of Supervisors February 15, 2005 Meeting Agenda Item 34 discussions (to amend the 2005 Ventura County Legislative Agenda and Platform to introduce State Legislation to amend the Ventura Countywide Watershed Protection District Act to allow the collection of property-related fees by the Ventura County Watershed Protection District because since 1996 Proposition 218 requires a vote of the people for the existing assessment fees to be increased and that would mean the perpetrated fraud would be disclosed to voters).
- #6 - The text of the 2008 countywide proposed Amendment to the 1992 Implementation Agreement agreements is not consistent.
- #7 - The *Signature Page* of the 2008 countywide proposed Amendment to the 1992 Implementation Agreement agreements approved by the City Councils does not include a date.

- #8 - Section 3(EXPENDITURES, SECTION IV, SUBSECTION C IS AMENDED AS FOLLOWS) of the 2008 proposed Amendment to the 1992 Implementation Agreement agreements is setting a dangerous precedent by requiring the cities to fund a portion of the Ventura County Watershed Protection District's expenses that are a requirement of being a principal permittee (City of Thousand Oaks Amended IA February 6, 2008 Staff Report).
- #9 - The City Councils of the Ventura County cities are approving the proposed Amended IA's *Signature Page*, or Resolution under the Agendas' Consent Calendar section instead of under public hearings.
- #10 - The 2008 proposed Amendment to the 1992 Implementation Agreement agreements still keeps intact Section XVII. EXECUTION IN COUNTERPARTS which is the cause of the ongoing problem with the existing Ventura County Watershed Protection District's assessment fees (Section 8 in new IA).
- #11 - The 2008 proposed Amendment to the 1992 Implementation Agreement agreements still keeps intact the section AUTHORITY TO EXECUTE AGREEMENT which has caused the ongoing problem with the existing Ventura County Watershed Protection District's assessment fees because it allows others besides the City Councils to execute agreements on the governing bodies behalf.
- #12 - The 2008 proposed Amendment to the 1992 Implementation Agreement agreements is backdating the "TERM" period to fiscal year 2007/2008, "commencing on July 1, 2007, and terminating on June 30, 2008. The proposed Amendment to the 1992 Implementation Agreement agreements has been agendaized for the City of Simi Valley's May 5, 2008 meeting. I do not know about the City of Ojai--the Simi Valley City Council's May 5, 2008 staff report for Consent Calendar Item 5(6), on Page 1, last sentence states that "all agencies have adopted this proposed amendment, except the cities of Simi Valley and Ojai".



Mr. Medina, also, to date the County of Ventura has not responded to my letter submitted on the Multi-Jurisdiction Hazard Mitigation Plan. The Ventura County Watershed Protection District to date has not responded to my letter submitted on the Flood Mitigation Plan. The Federal Emergency Management Agency (FEMA) to date has not responded to my submitted letter on the Ventura County Flood Insurance Study (FIS), and Flood Insurance Rate Maps (FIRMs). All of these documents are incomplete and erroneous. The City of Simi Valley does not respond to my submitted letters on the City's Preliminary Base budgets so I cannot follow the money trail with regards to the federal funds for the regional stormwater detention basins (dams) that were applied for and received to mitigate the NPDES Permit --to date out of 11 basins, only one has been built with funds procured from the federal and State governments. So, I do not have any confidence that my City, and State will do the right thing as far as the municipal permit is concerned. Nor will the right thing be done as long as the Boeing Company is allowed to skate from the Santa Susana Field Laboratory impacts to Simi Valley's municipal permit.

Sincerely,



Mrs. Teresa Jordan

Enclosures:

April 14, 2008, Letter to the City of Simi Valley City Council; Agenda Item 2B--Public Hearing to Consider Utilization of Ventura County Watershed Protection District's Benefit Assessment Program and Adoption of Resolution Approving A Stormwater Management Program Assessment for FY 2008-2009. (2 Pages)  
3

December 17, 2007, Letter to the Ventura County Board of Supervisors; Agenda Item 54--Approval of an Amendment to the Implementation Agreement for the Ventura Countywide Stormwater Quality Management Program. (5 Pages)

3152 Shad Court  
Simi Valley, CA 93063  
April 14, 2008

City Council  
City Hall  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

Re: Agenda Item 2B(Public Hearing to Consider Utilization of Ventura County Watershed Protection District's Benefit Assessment Program and Adoption of Resolution Approving A Stormwater Management Program Assessment for FY 2008-2009).

Dear Members of the Council:

I am opposed to the aforementioned Agenda item for the following reasons.

- #1 - Though the City Council has historically used the Ventura County Flood Control District(now the Ventura County Watershed Protection District)'s Benefit Assessment Program to fund a portion of the City's Stormwater Management Program, for over a decade the City Council cannot increase these fees, not just because "the City did not initiate a ballot for a local assessment increase per Proposition 218"(Page 1 of the Staff Report), but because the 1992 Countywide NPDES Implementation Agreement was violated when the Calleguas Creek Watershed entities amended their related documentation.
- #2 - The City of Simi Valley's March 24, 1992 request to the County of Ventura Board of Supervisors to include detention basin fees in the Ventura County Flood Control District(now Ventura County Watershed Protection District)'s Benefit Assessment Program did not go through public hearings in the City of Simi Valley, and no public hearings were held by the other Co-Permittees.

Members of the Council, while the staff report states that "If the City chooses not to adopt this resolution, the City will forfeit all future revenues from this program" (Page 1 of the Staff Report), I believe that you do not as long as:

1. the City Council's March 24, 1992 detention basin fees request to the Board of Supervisors is rescinded,
2. the December 18, 2007 County Board of Supervisors/ Watershed Protection District Directors approved Amended Implementation Agreement is rescinded,
3. the 1992 Implementation Agreement is rescinded, and
4. a legal Implementation Agreement--whose language applies evenly to all entities--is approved by all of the 12 Co-Permittees.

Thus, you won't have to go through this wrenching decision of: 1. decreasing fees, 2. not increasing fees, and 3. letting the status quo rule into perpetuity.

Members of the Council, what led to the violation of the 1992 Implementation Agreement is Section XIV. AUTHORIZED SIGNATORIES which reads "The Engineer-Manager of DISTRICT, the Public Works Director of COUNTY and the City Managers of CITIES (or their designees) shall be authorized to execute all documents and take all other procedural steps necessary to file for and obtain a PERMIT(s) or amendments thereto."

Members of the Council, please note that the third Recital (WHEREAS) of the proposed Resolution is erroneous. It should read the Ventura County Flood Control District (now the Ventura County Watershed Protection District, and VCFCD (now VCWPD). Thank you.

Sincerely,

Teresa Jordan

5/5/2008  
Teresa Jordan

**Enclosures:**

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approval Date.

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section IX(9).

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section XII(12).

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section XVII(17).

December 17, 2007, Letter to the Ventura County Board  
of Supervisors; Amendment to the 1992 NPDES  
Implementation Agreement. (5 Pages)

April 4, 2002, Jordan County of Ventura Grand Jury  
Complaint; County Flood Control District's Benefit  
Assessment Program fees for detention basins.

March 24, 1992, Mayor Greg Stratton Letter to Ventura  
County Board of Supervisors; detention basin fees  
included in the Ventura County Flood Control  
District's Benefit Assessment Funding Program.

[NOTE: Enclosures submitted only with the City Clerk's  
Office original letter.]

3152 Shad Court  
Simi Valley, CA 93063  
December 17, 2007

Ventura County Board of Supervisors  
VCWPD Board of Directors  
800 South Victoria Avenue  
Ventura, CA 93009

Re: December 18, 2007 Meeting Agenda Item #54 - Request  
for Approval of an Amendment to the Implementation  
Agreement for the Ventura Countywide Stormwater  
Quality Management Program.

Dear Supervisors/Directors:

I am vehemently opposed to the aforementioned Agenda  
Item for the following reasons.

- #1 - The December 18, 2007 Letter/Staff Report posted  
on the Board of Supervisors' Website on December  
13, 2007 was replaced with a different letter/  
staff report. Please note that I logged onto the  
Agenda & Summary section on December 13, 2007  
(Thursday) and partially printed the  
documentation because I was almost out of copying  
paper. Then, on December 15, 2007 (Saturday), I  
logged on once again to print the pages I had  
skipped. I was shocked and disgusted to find  
that changes had been made to the documentation,  
and they were major modifications to the already  
logged information.
- #2 - The December 18, 2007 Letter/Staff Report posted  
on December 13, 2007 was addressed only to the  
Ventura County Board of Supervisors. The  
December 15, 2007 copy of the December 18, 2007  
Letter/Staff Report is now addressed to both the  
Ventura County Board of Supervisors and the  
Ventura County Watershed Protection District.
- #3 - The December 18, 2007 Letter/Staff Report posted  
on December 13, 2007 listed on the first page 3  
Recommendations. The December 15, 2007 Letter/

Staff Report now lists only 2 Recommendations on the first page.

- #4 - The Fiscal/Mandatory information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #5 - The Summary of Revenues & Costs information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #6 - Page 2, the title of the "Current FY 2007-2008 Budget Projection" chart now differs between the December 13, 2007 and December 15, 2007 copies of the December 18, 2007 Letter/Staff Report.
- #7 - Page 2, the formatting of the "Current FY 2007-2008 Budget Projection" chart columns' subjects is now different between the 2 copies.
- #8 - Page 2, the dollar(\$) amounts in the "Current FY 2007-2008 Budget Projection" chart now differ between the 2 copies.
- #9 - The "Discussion" information on Pages 2 through 4 of the December 18, 2007 Letter/Staff Report do not match the beginning and ending between the December 13, 2007 and December 15, 2007 copies.
- #10 - The wording in #3 under "Highlights of the Proposed Revised Agreement" (Page 3 of the December 18, 2007 Letter/Staff Report) does not match between the two copies.
- #11 - Pages 3 and 4, the paragraph beginning with "Staff recommends" and ends with "Principle Permittee requirements" in the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report is now separated in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Reprt.
- #12 - Page 4, the last paragraph/sentence in the December 13, 2007 copy of the December 18, 2007

Letter/Staff Report is now different from the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report.

- #13 - The December 13, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by the Engineering Services Department Director, Alec T. Pringle "Acting" for Ronald C. Coons, Director of the Public Works Agency. The December 15, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by Jeff Pratt, Director of the Watershed Protection District.
- #14 - The format differs for the text information on Pages 1 through 5 of the Draft NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AMENDMENT TO IMPLEMENTATION AGREEMENT VENTURA COUNTYWIDE STORMWATER QUALITY MANAGEMENT PROGRAM between the two copies of the December 18, 2007 Letter/Staff Report.
- #15 - Public hearings have not taken place by the City Councils of the ten(10) County cities on the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement.
- #16 - Current resolutions approving the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement by the City Councils of the County's ten(10) cities have not been filed.
- #17 - Both copies have two pages with the IA signed for the City of Thousand Oaks, but one page is not dated, and the other page has a date inserted after the fact.
- #18 - The problems that have led to no formal public hearings by each Co-Permittee each time there was an IA approved are the 1992 Countywide NPDES Permit Implementation Agreement Sections 7 (Authority to Execute Agreement) and 8 (Execution in Counterparts).
- #19 - The Amendment to the Implementation Agreement is being backdated--July 2007.

- #20 - The request is a long-term program; not just for fiscal year 2007-2008, but future ones.
- #21 - The Amendment DOES NOT COMPLEMENT the 1992 NPDES Permit(Countywide) Implementation Agreement.
- #22 - Approval of the Amendment request puts the Los Angeles Regional Water Quality Control Board in a legal quandary.
- #23 - This exercise is being undertaken to get around Proposition 218.
- #24 - This exercise, and the proposed Amendment are in violation of the 1992 Countywide NPDES Permit Implementation Agreement/Agreements Section "IX. AMENDMENTS TO AGREEMENT, A. This AGREEMENT may be amended by written consent of the parties, signed and approved by the governing bodies of the parties."
- #25 - The words "Page 2, 3, 4, and 5 of 5" of each additional page after the first of the proposed Amendment to the 1992 Implementation Agreement were deleted. So were the words above this.

#### QUESTIONS

1. Did you receive 2 Letters/Staff Reports?
2. If so, when did you receive each one?
3. If not, which one did you receive?
4. Did the County/District use the same consultant on the NPDES Permit Amendment to the Implementation Agreement item as it used for the Amendment to the Legislative Agenda(February 15, 2005)?
5. Did all parties sign the 1992 Countywide NPDES Permit Implementation Agreement when the dates indicate on the documentation?
6. Is this why the existing NPDES assessment fees cannot be increased without going through the Proposition 218 process?



ADDITION

#1 - To the Proposed Amendment title add "1992".

Members of the Boards, I had jotted additional concerns on my December 13, 2007 copy of the December 18, 2007, but due to the time it took me to finish my letter on the Santa Susana Field Laboratory Group 4 RCRA Facility Investigation Report to the State Department of Toxic Substances (DTSC), it will take too long to get this letter to you for your consideration.

Supervisors/Directors, I ask that you NOT approve the request being made of you. This item must be sent back for County and District staff to crank out the information the right way, not tweak it as they please--this is so reminiscent of the February 15, 2005(?) Amendment to the Legislative Agenda staff/consultant debacle.

Members of the Boards, since the Letters/Staff Reports have been reviewed by the County Executive Office, County Counsel, and the Auditor-Controller's Office, and the County Executive Office recommends approval of this Agenda Item, and they have been signed by the Director of the Ventura County Watershed Protection District and staff acting on behalf of the Ventura County Public Works Agency Director, all of these people including the Director of the Ventura County Public Works Agency Director, and any other County and District staff who have been involved with this matter should be fired ASAP. The consultant, if there was one hired, should also be fired ASAP.

Sincerely,

Teresa Jordan

5/5/2008  
Teresa Jordan



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Mr. Raul Medina

LARWQCB

320 W. 4th Street, Suite 200

Los Angeles, CA 90013

FAX NO.: (213) 576-6640

DATE: May 6, 2008

NO. OF PAGES: 9 (includes cover sheet)

RE: City of Simi Valley WDRs and  
NPDES Permit. The enclosed copies of

my April 14, 2008 letter to the Simi Valley  
City Council and December 17, 2007 letter  
to VC Board of Supervisors are submitted  
since the 12/17/07 letter's Page 5 text was  
added to at the last minute. Mrs. Teresa Jordan

*Handwritten signature*

City Clerk's Office  
Original

3152 SHAD COURT  
SIMI VALLEY, CA 93063  
APRIL 14, 2008

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AGENDA ITEM 28  
DATE 4-14-2007

Re: Agenda Item 2B(Public Hearing to Consider Utilization of Ventura County Watershed Protection District's Benefit Assessment Program and Adoption of Resolution Approving A Stormwater Management Program Assessment for FY 2008-2009).

Dear Members of the Council:

I am opposed to the aforementioned Agenda item for the following reasons.

- #1 - Though the City Council has historically used the Ventura County Flood Control District (now the Ventura County Watershed Protection District)'s Benefit Assessment Program to fund a portion of the City's Stormwater Management Program, for over a decade the City Council cannot increase these fees, not just because "the City did not initiate a ballot for a local assessment increase per Proposition 218" (Page 1 of the Staff Report), but because the 1992 Countywide NPDES Implementation Agreement was violated when the Calleguas Creek Watershed entities amended their related documentation.
- #2 - The City of Simi Valley's March 24, 1992 request to the County of Ventura Board of Supervisors to include detention basin fees in the Ventura County Flood Control District (now Ventura County Watershed Protection District)'s Benefit Assessment Program did not go through public hearings in the City of Simi Valley, and no public hearings were held by the other Co-Permittees.

Members of the Council, while the staff report states that "If the City chooses not to adopt this resolution, the City will forfeit all future revenues from this program" (Page 1 of the Staff Report), I believe that you do not as long as:

1. the City Council's March 24, 1992 detention basin fees request to the Board of Supervisors is rescinded,
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3. the 1992 Implementation Agreement is rescinded, and
4. a legal Implementation Agreement--whose language applies evenly to all entities--is approved by all of the 12 Co-Permittees.

Thus, you won't have to go through this wrenching decision of: 1. decreasing fees, 2. not increasing fees, and 3. letting the status quo rule into perpetuity.

Members of the Council, what led to the violation of the 1992 Implementation Agreement is Section XIV. AUTHORIZED SIGNATORIES which reads "The Engineer-Manager of DISTRICT, the Public Works Director of COUNTY and the City Managers of CITIES (or their designees) shall be authorized to execute all documents and take all other procedural steps necessary to file for and obtain a PERMIT(s) or amendments thereto."

Members of the Council, please note that the third Recital (WHEREAS) of the proposed Resolution is erroneous. It should read the Ventura County Flood Control District (now the Ventura County Watershed Protection District, and VCFCF (now VCWPD). Thank you.

Sincerely,

  
Teresa Jordan

**Enclosures:**

April 14, 2008, Jordan Compilation of Co-Permittees  
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District's Benefit Assessment Funding Program.

[NOTE: Enclosures submitted only with the City Clerk's  
Office original letter.]

3152 Shad Court  
Simi Valley, CA 93063  
December 17, 2007

Ventura County Board of Supervisors  
VCWPD Board of Directors  
800 South Victoria Avenue  
Ventura, CA 93009

Re: December 18, 2007 Meeting Agenda Item #54 - Request  
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Dear Supervisors/Directors:

I am vehemently opposed to the aforementioned Agenda  
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- #1 - The December 18, 2007 Letter/Staff Report posted on the Board of Supervisors' Website on December 13, 2007 was replaced with a different letter/staff report. Please note that I logged onto the Agenda & Summary section on December 13, 2007 (Thursday) and partially printed the documentation because I was almost out of copying paper. Then, on December 15, 2007 (Saturday), I logged on once again to print the pages I had skipped. I was shocked and disgusted to find that changes had been made to the documentation, and they were major modifications to the already logged information.
- #2 - The December 18, 2007 Letter/Staff Report posted on December 13, 2007 was addressed only to the Ventura County Board of Supervisors. The December 15, 2007 copy of the December 18, 2007 Letter/Staff Report is now addressed to both the Ventura County Board of Supervisors and the Ventura County Watershed Protection District.
- #3 - The December 18, 2007 Letter/Staff Report posted on December 13, 2007 listed on the first page 3 Recommendations. The December 15, 2007 Letter/

Staff Report now lists only 2 Recommendations on the first page.

- #4 - The Fiscal/Mandatory information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #5 - The Summary of Revenues & Costs information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #6 - Page 2, the title of the "Current FY 2007-2008 Budget Projection" chart now differs between the December 13, 2007 and December 15, 2007 copies of the December 18, 2007 Letter/Staff Report.
- #7 - Page 2, the formatting of the "Current FY 2007-2008 Budget Projection" chart columns' subjects is now different between the 2 copies.
- #8 - Page 2, the dollar(\$) amounts in the "Current FY 2007-2008 Budget Projection" chart now differ between the 2 copies.
- #9 - The "Discussion" information on Pages 2 through 4 of the December 18, 2007 Letter/Staff Report do not match the beginning and ending between the December 13, 2007 and December 15, 2007 copies.
- #10 - The wording in #3 under "Highlights of the Proposed Revised Agreement" (Page 3 of the December 18, 2007 Letter/Staff Report) does not match between the two copies.
- #11 - Pages 3 and 4, the paragraph beginning with "Staff recommends" and ends with "Principle Permittee requirements" in the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report is now separated in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report.
- #12 - Page 4, the last paragraph/sentence in the December 13, 2007 copy of the December 18, 2007

Letter/Staff Report is now different from the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report.

- #13 - The December 13, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by the Engineering Services Department Director, Alec T. Pringle "Acting" for Ronald C. Coons, Director of the Public Works Agency. The December 15, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by Jeff Pratt, Director of the Watershed Protection District.
- #14 - The format differs for the text information on Pages 1 through 5 of the Draft NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AMENDMENT TO IMPLEMENTATION AGREEMENT VENTURA COUNTYWIDE STORMWATER QUALITY MANAGEMENT PROGRAM between the two copies of the December 18, 2007 Letter/Staff Report.
- #15 - Public hearings have not taken place by the City Councils of the ten(10) County cities on the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement.
- #16 - Current resolutions approving the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement by the City Councils of the County's ten(10) cities have not been filed.
- #17 - Both copies have two pages with the IA signed for the City of Thousand Oaks, but one page is not dated, and the other page has a date inserted after the fact.
- #18 - The problems that have led to no formal public hearings by each Co-Permittee each time there was an IA approved are the 1992 Countywide NPDES Permit Implementation Agreement Sections 7 (Authority to Execute Agreement) and 8 (Execution in Counterparts).
- #19 - The Amendment to the Implementation Agreement is being backdated--July 2007.



- #20 - The request is a long-term program; not just for fiscal year 2007-2008, but future ones.
- #21 - The Amendment DOES NOT COMPLEMENT the 1992 NPDES Permit(Countywide) Implementation Agreement.
- #22 - Approval of the Amendment request puts the Los Angeles Regional Water Quality Control Board in a legal quandary.
- #23 - This exercise is being undertaken to get around Proposition 218.
- #24 - This exercise, and the proposed Amendment are in violation of the 1992 Countywide NPDES Permit Implementation Agreement/Agreements Section "IX. AMENDMENTS TO AGREEMENT, A. This AGREEMENT may be amended by written consent of the parties, signed and approved by the governing bodies of the parties."
- #25 - The words "Page 2, 3, 4, and 5 of 5" of each additional page after the first of the proposed Amendment to the 1992 Implementation Agreement were deleted. So were the words above this.

#### QUESTIONS

1. Did you receive 2 Letters/Staff Reports?
2. If so, when did you receive each one?
3. If not, which one did you receive?
4. Did the County/District use the same consultant on the NPDES Permit Amendment to the Implementation Agreement item as it used for the Amendment to the Legislative Agenda(February 15, 2005)?
5. Did all parties sign the 1992 Countywide NPDES Permit Implementation Agreement when the dates indicate on the documentation?
6. Is this why the existing NPDES assessment fees cannot be increased without going through the Proposition 218 process?

5

ADDITION

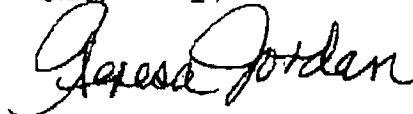
#1 - To the Proposed Amendment title add "1992".

Members of the Boards, I had jotted additional concerns on my December 13, 2007 copy of the December 18, 2007, but due to the time it took me to finish my letter on the Santa Susana Field Laboratory Group 4 RCRA Facility Investigation Report to the State Department of Toxic Substances (DTSC), it will take too long to get this letter to you for your consideration.

Supervisors/Directors, I ask that you NOT approve the request being made of you. This item must be sent back for County and District staff to crank out the information the right way, not tweak it as they please--this is so reminiscent of the February 15, 2005(?) Amendment to the Legislative Agenda staff/consultant debacle; *property-related fees.*

Members of the Boards, since the Letters/Staff Reports have been reviewed by the County Executive Office, County Counsel, and the Auditor-Controller's Office, and the County Executive Office recommends approval of this Agenda Item, and they have been signed by the Director of the Ventura County Watershed Protection District and staff acting on behalf of the Ventura County Public Works Agency Director, all of these people including the Director of the Ventura County Public Works Agency Director, and any other County and District staff who have been involved with this matter should be fired ASAP. The consultant, if there was one hired, should also be fired ASAP.

Sincerely,



Tereasa Jordan



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Mr. Raul Medina

LARWQCB

320 W. 4th Street, Suite 200

Los Angeles, CA 90012

FAX NO.: (213) 576-6640

DATE: May 16, 2008

NO. OF PAGES: 7 (includes cover sheet)

RE: Change of Venue and Revised Tentative Waste

Discharge Requirements and National Pollutant

Discharge Elimination System (NPDES) Permit - City  
of Simi Valley, Simi Valley Water Quality Control  
Plant (NPDES No. CA0055221, CI No. 3021).

3152 Shad Court  
Simi Valley, CA 93063  
May 16, 2008

Mr. Raul Medina  
LARWQCB  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Re: CHANGE OF VENUE AND REVISED TENTATIVE WASTE DISCHARGE  
REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM(NPDES) PERMIT - CITY OF SIMI  
VALLEY, SIMI VALLEY WATER QUALITY CONTROL PLANT  
(NPDES NO. CA 0055221, CI NO. 3021).

Dear Mr. Medina:

I am still opposed to the aforementioned matter for the reasons given in my May 5, 2008 letter, and for the following reasons.

- #1 - Page D-5, under Section IV. STANDARD PROVISIONS - RECORDS. A, the records retention period for "all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order" is set for "at least three(3) years from the date of the sample, measurement, report or application."

Because the records retention period for the Discharger's sewage sludge use and disposal activities is set for "at least five years (or longer as required by Part 503)", I ask the Regional Water Board to make the retention period for all records consistent with the 5 years and Part 503 provision since it is also stated in the same paragraph "This period may be extended by request of the Regional Water Board Executive Officer at any time."

- #2 - Page D-9, under Section G. Anticipated Noncompliance, there is no provision for the Discharger to give advance notice to the public "of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements."
- #3 - Page E-14, under Section B.2.b.1. Screening and Monitoring, a specific time period is not given for the Discharger to "conduct the first chronic toxicity test screening for three consecutive months in 2008". Half the year is almost over.
- #4 - Page E-15, under Section 2. Re-screening, it is stated "If the first suite of re-screening tests demonstrate that the same species is the most sensitive then the re-screening does not need to include more than one suite of tests."
- #5 - Page F-4, under Section II.A. Description of Wastewater and Biosolids Treatment or Controls, it is stated "Treated wastewater discharged to Arroyo Simi is dechlorinated but the effluent delivered for reuse is not dechlorinated."
- #6 - Page F-34, under Section xvii. Radioactivity, second sentence, it is stated "Mining or industrial activities increase the amount of radioactive substances in waters to levels that are harmful to aquatic life, wildlife, or humans. Section 301(f) of the CWA..." and "Chapter 5.5 of the California Water Code" "section 13375" contain radioactivity discharges prohibitions to federal navigable waters, and State of California waters. Yet, it is also stated that "However, rather than give a hard and fast absolute prohibition on radioactive substances, Regional Water Board staff have set the following effluent limit for radioactivity: 'Radioactivity of wastes discharged shall not exceed the limits specified in Title 22, Chapter 15, Article 5, section 64443, of the California Code of Regulations, or subsequent revisions.' The limit is based on the Basin Plan incorporation of Title 22, Drinking Water Standards, by reference, to protect beneficial uses. Therefore, the accompanying Order will

retain the limit for radioactivity." No wonder the Rockwell/Boeing Rocketdyne Santa Susana Field Laboratory (SSFL) has been allowed to slip through the cracks with regards to its own NPDES related Permit, the City of Simi Valley's Municipal related NPDES Permit, and the Ventura Countywide MS4 related NPDES Permit.

- #7 - Page F-59, under Section B. Groundwater, fourth sentence, it is stated "Surface water from the Arroyo Simi percolates into the Simi Valley and Ventura Central Groundwater Basins with MUN beneficial use specified in the Basin Plan. Since groundwater from these Basins is used to provide drinking water to the community, the groundwater aquifers should be protected. However, this Order and Monitoring and Reporting Program does not include requirement for groundwater monitoring because none of the limitations are based upon the protection of MUN use of underlying groundwater." Yet, on Page F-62 it is stated under Section D.2. Groundwater "Groundwater monitoring is required to determine compliance with groundwater limitations and to track impacts to the groundwater basins."

- #8 - Pages F-60 and F-61, Table 9. Effluent Monitoring Program Comparison Table changes:

Algal biomass (Chlorophyll a) is being deleted,  
Flouride is semiannually instead of monthly,  
Gamma-BHC (Lindane) is semiannually instead of monthly,  
Iron; 2,3,7,8-TCDD (Dioxin); Tetrachloroethylene,  
Endrin, Methoxychlor, Barium, 2,4-D, and  
2,4,5-TP (Silvex) are semiannually instead of quarterly.

- #9 - Page F-61, Table 9. Effluent Monitoring Program Comparison Table, Ammonium perchlorate has no change. It should be done quarterly.

- #10 - Page F-61, Table 9. Effluent Monitoring Program Comparison Table, Methy-tert-butyl-ether (MTBE) has semiannually. It should be done quarterly.

- #11 - Page F-61, Table 9. Effluent Monitoring Program Comparison Table, 1,2,3-Trichloropropane's is the same--semiannually. Should be quarterly.
- #12 - Fecal Coliform(monthly), E. Coli(monthly), and Radioactivity(monthly) have been excluded from Table 9. Effluent Monitoring Program Comparison Table(Pages F-60 and F-61).
- #13 - Pages F-66, under Section VIII. Public Participation B. Written Comments, it is stated "Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order." This does not comply with Governor Schwarzenegger's open government policy.

#### QUESTIONS

1. Does the May 6, 2008 letter from Blythe Ponek-Bacharowski, Chief Municipal Permitting Unit (NPDES), to Mr. James Langley, City of Simi Valley Deputy Director/Sanitation Services, MAILING LIST entity the "Ventura County Department of Public Works, Flood Control and Drainage" refer to the Ventura County Flood Control District? If so, the name is incorrect since this entity is now named the Ventura County Watershed Protection District, and impacts the Amendment to the 1992 Ventura Countywide NPDES Permit Implementation Agreement.
2. What is the date(month, day and year) of the City of Simi Valley Water Quality Control Plant(WQCP) topographical map on Page B-1?
3. On Page F-14, Table 3b. Basin Plan Beneficial Uses - Ground Waters, for the Simi Valley Basin DWR Basin No. 4-9 Confined Aquifers, it is stated "Municipal and domestic water supply(MUN), industrial service supply(IND), industrial process supply(PROC), and agricultural supply(AGR)". What entities benefit from this agricultural supply? Give name of entities, addresses, and locations (within, or outside of the City of Simi Valley).

4. On Page F-15, Table 3b. Basin Plan Beneficial Uses - Ground Waters, for the Simi Valley Basin DWR Basin No. 4-9 Unconfined Aquifers, it is stated "Municipal and domestic water supply (MUN), industrial service supply (IND), industrial process supply (PROC), and agricultural supply (AGR)". What entities benefit from this agricultural supply? Give name of entities, addresses, and locations (within, or outside of the City of Simi Valley).
5. Is the P.W. Gillibrand Company facility the only mining entity within, or adjacent to, the City of Simi Valley? Does the Company still mine Titanium? Is it still exported by boat out of the port in the County of Ventura?
6. What were the changes to the Effluent Limitations for Cyanide's Average Monthly and Maximum Daily due to (Table 6, Page F-45)?
7. Where is the "Ventura Central Groundwater" Basin located (Page F-59)? Is this the Las Posas Basin?
8. Does this Order cover the future City of Simi Valley/P.W. Gillibrand Company Tapo Canyon/Gillibrand Canyon Water Treatment Plant? If not, why not? Will a separate Municipal NPDES Permit be required for the Tapo Canyon/Gillibrand Canyon Water Treatment Plant?
9. Why was the information on the May 16, 2008 extended period noted on Page F-66?
10. Why was the information on the Board's meeting location change not noted on Page F-66?

#### ERRORS

- #1 - Page F-5, under Section B. Discharge Points and Receiving Waters, middle paragraph, second sentence, it is stated "Storm water and dry weather urban runoff from MS4 are regulated under an NPDES permit, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the Ventura County Flood Control District, County of Ventura, and the Cities of Ventura



County (Ventura Municipal Permit), NPDES Permit No. CAS004002)." The sentence must read "Ventura County Watershed Protection District (formerly Ventura County Flood Control District)" to coincide with the Amended 1992 Countywide NPDES Permit Implementation Agreement.

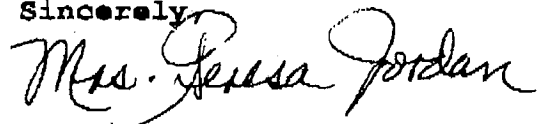
#2 - Page F-5, under Section B. Discharge Points and Receiving Waters, second to last paragraph, first sentence, it is stated "The Ventura County Flood Control District channelized portions of Calleguas Creek to convey and control floodwater, to prevent damage to homes located adjacent to the Creek." The sentence must read "Ventura County Watershed Protection District (formerly Ventura County Flood Control District)" to coincide with the Amended 1992 Countywide NPDES Permit Implementation Agreement.

#3 - Page F-61, Table 9. Effluent Monitoring Program Comparison Table, information for 1,2,3-Trichloropropane has semiannually instead of "no change".

#### SUGGESTIONS

1. Pages F-1 and F-2, ATTACHMENT F - FACT SHEET Table of Contents, Capitalize the titles of the Roman numerals' sections to coincide with the text.
2. Pages F-60 and F-61, Table 9. Effluent Monitoring Program Comparison Table, to the Monitoring Frequency (2003 Permit) and (2008 Permit) columns' titles add the word "Sampling" between Monitoring and Frequency.
3. Page F-61, Table 9. Effluent Monitoring Program Comparison Table, change the order of 4,4'-DDT and 4,4'-DDD to coincide with Page E-22.

Sincerely,



Mrs. Teresa Jordan



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Mr. Raul Medina

LAW OFFICE

320 W. 4th Street, Suite 200

Los Angeles, CA 90013

FAX NO.: (213) 576-6640

DATE: May 16, 2008

NO. OF PAGES: 19 (includes cover sheet)

RE: City of Simi Valley WQCP  
(NPDES No. CA0055221,  
CI No. 3021).

3152 Shad Court  
Simi Valley, CA 93063  
May 16, 2008

Mr. Raul Medina  
LARWQCB  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

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

Dear Mr. Medina:

This letter is a continuation of my earlier May 16, 2008  
letter on the aforementioned item, and CHANGE OF VENUE.

#14 - Page 45, under Section 7. Compliance Schedules,  
it is stated "The stakeholders in the Calleguas  
Creek Watershed are embarking on a watershed-  
wide solution to salt management...The  
dischargers need time to complete the capital  
improvement projects." They also need time to  
get to County voters the matter of property-  
related fees to cover NPDES Permit projects.  
The Amendment to the 1992 Countywide NPDES Permit  
Implementation Agreement does not have all t's  
crossed, and i's dotted. Also, the Amendment to  
the 1992 IA mentions under the Recitals that  
there are 4 separate 1992 Implementation  
Agreements--"divided by watershed zone and  
approved by the CITIES, the COUNTY and the  
DISTRICT" (Whereas)--yet I have counted only 3.

#15 - Page D-6, under Section V. STANDARD PROVISIONS -  
REPORTING B. Signatory and Certification  
Requirements. Same comments as #14.

#16 - Page E-5, under Section N, it is stated "A  
watershed-wide Monitoring Program will be  
developed within two years from the effective

date of this Order and permit for the Calleguas Creek Watershed...Changes to the compliance monitoring program may be required to fulfill the goals of the watershed-wide monitoring program...Revisions to the Discharger's program will be made under the direction of the Regional Water Board, as necessary, to accomplish the goal, and may include a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, and/or the number of samples collected." Same comments as #14.

- #17 - Page E-23, under VIII. OTHER MONITORING REQUIREMENTS A. Watershed Monitoring 1., it is stated "To achieve the goals of the Watershed-wide Monitoring Program, revisions to the Receiving Water Monitoring Requirements will be made under the direction of USEPA and the Regional Board. The City has participated with stakeholders in the Calleguas Creek Watershed, to develop the watershed-wide monitoring program. The Discharger shall implement the watershed-wide monitoring program and shall submit quarterly reports detailing ongoing efforts toward the implementation of the Watershed-wide Monitoring Program." Same comments as #14. I concur with the last sentence that states "The first report should be received in the Regional Board office by October 15, 2008."

Sincerely,



Mrs. Teresa Jordan

Enclosures:

May 5, 2008, Letter to the City of Simi Valley City Council. (2 Pages)

April 14, 2008, Letter to the City of Simi Valley City Council. (14 Pages)

3152 Shad Court  
Simi Valley, CA 93063  
May 5, 2008

Simi Valley City Council  
Simi Valley City Hall  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

Re: Agenda Item Consent Calendar 5(6)--Request  
Authorization to Amend Countywide Stormwater Quality  
Management Program Implementation Agreement.

Dear Members of the Council:

I am opposed to the aforementioned item for reasons given in my April 14, 2008 letter to you, my comments given in my December 17, 2007 letter to the Ventura County Board of Supervisors/Watershed Protection District members, and the following points.

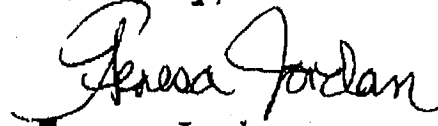
- #1 - You are not approving a Resolution in accordance with the Board of Supervisors/District members February 15, 2005 meeting discussions on the matter of Amending the Ventura County Watershed Protection Act to authorize the Ventura County Watershed to levy property-related fees.
- #2 - The *Signature Page*, on Page 7 of tonight's Staff Report, does not include a date of approval.
- #3 - The text of your copy of the Amendment to the 1992 Implementation Agreement does not coincide with the language approved by the Board of Supervisors on December 17, 2007.
- #4 - Section 3. Expenditures, Section IV, subsection C as proposed for amendment sets a dangerous precedent by requiring the cities to fund a portion of the Ventura County Watershed Protection District's expenses that are a requirement of being a principal permittee (City

of Thousand Oaks Amended IA February 6, 2008  
Meeting Staff Report).

- #5 - The Amendment to the 1992 Implementation  
Agreement is not being undertaken as a public  
hearing.

Members of the Council, this proposed Amendment to the  
1992 Countywide Implementation Agreement must not be  
approved.

Sincerely,

  
Teresa Jordan

*City Clerk's Office*  
*Original*

FILE NO: 100-41-1  
Complaint

3152 SHAD COURT  
SIMI VALLEY, CA 93063  
April 14, 2008

City Council  
City Hall  
2929 Tapo Canyon Road  
Simi Valley, CA 93063

SUBMITTED BY:  
[Signature]

AGENDA ITEM 2B  
DATE 4-14-2008

Re: Agenda Item 2B(Public Hearing to Consider Utilization of Ventura County Watershed Protection District's Benefit Assessment Program and Adoption of Resolution Approving A Stormwater Management Program Assessment for FY 2008-2009).

Dear Members of the Council:

I am opposed to the aforementioned Agenda item for the following reasons.

- #1 - Though the City Council has historically used the Ventura County Flood Control District(now the Ventura County Watershed Protection District)'s Benefit Assessment Program to fund a portion of the City's Stormwater Management Program, for over a decade the City Council cannot increase these fees, not just because "the City did not initiate a ballot for a local assessment increase per Proposition 218"(Page 1 of the Staff Report), but because the 1992 Countywide NPDES Implementation Agreement was violated when the Calleguas Creek Watershed entities amended their related documentation.
- #2 - The City of Simi Valley's March 24, 1992 request to the County of Ventura Board of Supervisors to include detention basin fees in the Ventura County Flood Control District(now Ventura County Watershed Protection District)'s Benefit Assessment Program did not go through public hearings in the City of Simi Valley, and no public hearings were held by the other Co-Permittees.

Members of the Council, while the staff report states that "If the City chooses not to adopt this resolution, the City will forfeit all future revenues from this program" (Page 1 of the Staff Report), I believe that you do not as long as:

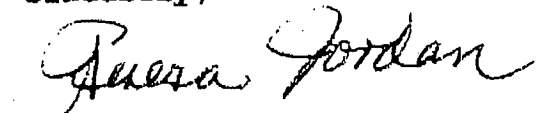
1. the City Council's March 24, 1992 detention basin fees request to the Board of Supervisors is rescinded,
2. the December 18, 2007 County Board of Supervisors/ Watershed Protection District Directors approved Amended Implementation Agreement is rescinded,
3. the 1992 Implementation Agreement is rescinded, and
4. a legal Implementation Agreement--whose language applies evenly to all entities--is approved by all of the 12 Co-Permittees.

Thus, you won't have to go through this wrenching decision of: 1. decreasing fees, 2. not increasing fees, and 3. letting the status quo rule into perpetuity.

Members of the Council, what led to the violation of the 1992 Implementation Agreement is Section XIV. AUTHORIZED SIGNATORIES which reads "The Engineer-Manager of DISTRICT, the Public Works Director of COUNTY and the City Managers of CITIES(or their designees) shall be authorized to execute all documents and take all other procedural steps necessary to file for and obtain a PERMIT(s) or amendments thereto."

Members of the Council, please note that the third Recital(WHEREAS) of the proposed Resolution is erroneous. It should read the Ventura County Flood Control District (now the Ventura County Watershed Protection District, and VCFCD(now VCWPD). Thank you.

Sincerely,



Teresa Jordan



**Enclosures:**

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approval Date.

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section IX(9).

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section XII(12).

April 14, 2008, Jordan Compilation of Co-Permittees  
1992 NPDES Implementation Agreement Approved  
Section XVII(17).

December 17, 2007, Letter to the Ventura County Board  
of Supervisors; Amendment to the 1992 NPDES  
Implementation Agreement. (5 Pages)

April 4, 2002, Jordan County of Ventura Grand Jury  
Complaint; County Flood Control District's Benefit  
Assessment Program fees for detention basins.

March 24, 1992, Mayor Greg Stratton Letter to Ventura  
County Board of Supervisors; detention basin fees  
included in the Ventura County Flood Control  
District's Benefit Assessment Funding Program.

[NOTE: Enclosures submitted only with the City Clerk's  
Office original letter.]

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## 1992 IMPLEMENTATION AGREEMENT

## STORMWATER REGULATION PROGRAM

## CO-PERMITTEES APPROVAL DATE

Compiled by Teresa Jordan  
April 14, 2008

VENTURA RIVER AND COASTAL WATERSHEDS DOCUMENTATION

Ventura County Flood Control District(6/30/1992)  
County of Ventura(6/30/1992)  
City of Ojai(6/9/1992)  
City of San Buenaventura(10/6/1992)

SANTA CLARA RIVER AND COASTAL WATERSHEDS DOCUMENTATION

Ventura County Flood Control District(6/30/1992)  
County of Ventura(6/30/1992)  
City of Camarillo(6/12/1992)  
City of Fillmore(6/17/1992)  
City of Oxnard(6/23/1992)  
City of Port Hueneme(7/17/1992)  
City of San Buenaventura(10/6/1992)  
City of Santa Paula(6/16/1992)

CALLEGUAS CREEK WATERSHED DOCUMENTATION

Ventura County Flood Control District(6/30/1992)  
County of Ventura(6/30/1992)  
City of Camarillo(4/28/1992!!!)  
City of Moorpark(6/17/1992)  
City of Simi Valley(6/22/1992)  
City of Thousand Oaks(4/21/1992)

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## 1992 IMPLEMENTATION AGREEMENT

## STORMWATER REGULATION PROGRAM

## CO-PERMITTEES APPROVED SECTION IX

Compiled by Teresa Jordan  
April 14, 2008

VENTURA RIVER AND COASTAL WATERSHEDSSANTA CLARA RIVER AND COASTAL WATERSHEDS

## #1 - "AMENDMENTS TO AGREEMENT":

"A. This AGREEMENT may be amended by written consent of the parties, signed and approved by the governing bodies of the parties."

"B. Any amendment shall comply with the requirements and regulations set forth by LARWQCB."

CALLEGUAS CREEK WATERSHED

## #1 - "AMENDMENTS TO AGREEMENT":

"A. This AGREEMENT may be amended by consent of the Principal Permittee and a two-thirds majority of the Co-Permittees." Amended!!! A violation of the AGREEMENT signed by Ventura River and Santa Clara River and Coastal Watersheds!!!

"B. Any amendment shall comply with the requirements and regulations set forth by the LARWQCB." Amended!!! Violates Ventura River and Santa Clara River and Coastal Watersheds docs!!!

"C. No amendment to this AGREEMENT shall be effective unless it is signed and approved by the governing bodies of the majority of the parties." New Section!!! Amended!!! A violation!!!

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## 1992 IMPLEMENTATION AGREEMENT

## STORMWATER REGULATION PROGRAM

## CO-PERMITTEES APPROVED SECTION XII

Compiled by Teresa Jordan  
April 14, 2008

VENTURA RIVER AND COASTAL WATERSHEDS

## #1 - "NOTICES":

Ventura County Flood Control District  
County of Ventura  
City of Ojai  
City of San Buenaventura

SANTA CLARA RIVER AND COASTAL WATERSHEDS

## #1 - "NOTICES":

Ventura County Flood Control District  
County of Ventura  
City of Camarillo  
City of Fillmore  
City of Oxnard  
City of Port Hueneme  
City of San Buenaventura  
City of Santa Paula

CALLEGUAS CREEK WATERSHED

## #1 - "NOTICES":

Co-Permittees are not listed, and the Section's language has been deleted, and added to--amended! Ventura County Flood Control District, County of Ventura, Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks. Amended!!! Violates the documents signed by VR & CWS, and SCR & CWS!

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## 1992 IMPLEMENTATION AGREEMENT

## STORMWATER REGULATION PROGRAM

## CO-PERMITTEES APPROVED SECTION XVII

Compiled by Teresa Jordan

April 14, 2008

VENTURA RIVER AND COASTAL WATERSHEDSSANTA CLARA RIVER AND COASTAL WATERSHEDS

## #1 - "EXECUTION IN COUNTERPARTS":

"This AGREEMENT may be executed and delivered in any number of counterparts or copies by the parties hereto. When each party has signed and delivered at least one counterpart to the other parties hereto, each counterpart shall be deemed an original and, taken together, shall constitute one and the same AGREEMENT, which shall be binding and effective as to the parties hereto."

CALLEGUAS CREEK WATERSHED

## #1 - "EXECUTION IN COUNTERPARTS":

"This AGREEMENT may be executed and delivered in any number of counterparts or copies ("counterpart") by the parties hereto. When each party has signed and delivered at least one counterpart to the other parties hereto, each counterpart shall be deemed an original and, taken together, shall constitute one and the same AGREEMENT, which shall be binding and effective as to the parties hereto." Amended!!! A violation of the AGREEMENT signed by Ventura River and Coastal Watersheds, and Santa Clara River and Coastal Watersheds!!!

3152 Shad Court  
Simi Valley, CA 93063  
December 17, 2007

Ventura County Board of Supervisors  
VCWPD Board of Directors  
800 South Victoria Avenue  
Ventura, CA 93009

Re: December 18, 2007 Meeting Agenda Item #54 - Request  
for Approval of an Amendment to the Implementation  
Agreement for the Ventura Countywide Stormwater  
Quality Management Program.

Dear Supervisors/Directors:

I am vehemently opposed to the aforementioned Agenda  
Item for the following reasons.

- #1 - The December 18, 2007 Letter/Staff Report posted  
on the Board of Supervisors' Website on December  
13, 2007 was replaced with a different letter/  
staff report. Please note that I logged onto the  
Agenda & Summary section on December 13, 2007  
(Thursday) and partially printed the  
documentation because I was almost out of copying  
paper. Then, on December 15, 2007 (Saturday), I  
logged on once again to print the pages I had  
skipped. I was shocked and disgusted to find  
that changes had been made to the documentation,  
and they were major modifications to the already  
logged information.
- #2 - The December 18, 2007 Letter/Staff Report posted  
on December 13, 2007 was addressed only to the  
Ventura County Board of Supervisors. The  
December 15, 2007 copy of the December 18, 2007  
Letter/Staff Report is now addressed to both the  
Ventura County Board of Supervisors and the  
Ventura County Watershed Protection District.
- #3 - The December 18, 2007 Letter/Staff Report posted  
on December 13, 2007 listed on the first page 3  
Recommendations. The December 15, 2007 Letter/

Staff Report now lists only 2 Recommendations on the first page.

- #4 - The Fiscal/Mandatory information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #5 - The Summary of Revenues & Costs information and dollar(\$) amounts in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report now differ from the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report. (Page 1)
- #6 - Page 2, the title of the "Current FY 2007-2008 Budget Projection" chart now differs between the December 13, 2007 and December 15, 2007 copies of the December 18, 2007 Letter/Staff Report.
- #7 - Page 2, the formatting of the "Current FY 2007-2008 Budget Projection" chart columns' subjects is now different between the 2 copies.
- #8 - Page 2, the dollar(\$) amounts in the "Current FY 2007-2008 Budget Projection" chart now differ between the 2 copies.
- #9 - The "Discussion" information on Pages 2 through 4 of the December 18, 2007 Letter/Staff Report do not match the beginning and ending between the December 13, 2007 and December 15, 2007 copies.
- #10 - The wording in #3 under "Highlights of the Proposed Revised Agreement" (Page 3 of the December 18, 2007 Letter/Staff Report) does not match between the two copies.
- #11 - Pages 3 and 4, the paragraph beginning with "Staff recommends" and ends with "Principle Permittee requirements" in the December 13, 2007 copy of the December 18, 2007 Letter/Staff Report is now separated in the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report.
- #12 - Page 4, the last paragraph/sentence in the December 13, 2007 copy of the December 18, 2007

Letter/Staff Report is now different from the December 15, 2007 copy of the December 18, 2007 Letter/Staff Report.

- #13 - The December 13, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by the Engineering Services Department Director, Alec T. Pringle "Acting" for Ronald C. Coons, Director of the Public Works Agency. The December 15, 2007 copy of the December 18, 2007 Letter/Staff Report was signed by Jeff Pratt, Director of the Watershed Protection District.
- #14 - The format differs for the text information on Pages 1 through 5 of the Draft NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AMENDMENT TO IMPLEMENTATION AGREEMENT VENTURA COUNTYWIDE STORMWATER QUALITY MANAGEMENT PROGRAM between the two copies of the December 18, 2007 Letter/Staff Report.
- #15 - Public hearings have not taken place by the City Councils of the ten(10) County cities on the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement.
- #16 - Current resolutions approving the Amendment to the 1992 Countywide NPDES Permit Implementation Agreement by the City Councils of the County's ten(10) cities have not been filed.
- #17 - Both copies have two pages with the IA signed for the City of Thousand Oaks, but one page is not dated, and the other page has a date inserted after the fact.
- #18 - The problems that have led to no formal public hearings by each Co-Permittee each time there was an IA approved are the 1992 Countywide NPDES Permit Implementation Agreement Sections 7 (Authority to Execute Agreement) and 8 (Execution in Counterparts).
- #19 - The Amendment to the Implementation Agreement is being backdated--July 2007.



- #20 - The request is a long-term program; not just for fiscal year 2007-2008, but future ones.
- #21 - The Amendment DOES NOT COMPLEMENT the 1992 NPDES Permit(Countywide) Implementation Agreement.
- #22 - Approval of the Amendment request puts the Los Angeles Regional Water Quality Control Board in a legal quandary.
- #23 - This exercise is being undertaken to get around Proposition 218.
- #24 - This exercise, and the proposed Amendment are in violation of the 1992 Countywide NPDES Permit Implementation Agreement/Agreements Section "IX. AMENDMENTS TO AGREEMENT, A. This AGREEMENT may be amended by written consent of the parties, signed and approved by the governing bodies of the parties."
- #25 - The words "Page 2, 3, 4, and 5 of 5" of each additional page after the first of the proposed Amendment to the 1992 Implementation Agreement were deleted. So were the words above this.

#### QUESTIONS

1. Did you receive 2 Letters/Staff Reports?
2. If so, when did you receive each one?
3. If not, which one did you receive?
4. Did the County/District use the same consultant on the NPDES Permit Amendment to the Implementation Agreement item as it used for the Amendment to the Legislative Agenda(February 15, 2005(?))?
5. Did all parties sign the 1992 Countywide NPDES Permit Implementation Agreement when the dates indicate on the documentation?
6. Is this why the existing NPDES assessment fees cannot be increased without going through the Proposition 218 process?

# CITY OF SIMI VALLEY



2929 Tapp Canyon Road, Simi Valley, California 93063 • (805) 583-8700

March 24, 1992

Ventura County Board of Supervisors  
800 S. Victoria Avenue  
Ventura, CA 93009

Honorable Chair Flynn and Members of the Board:

The City of Simi Valley anticipates that in May 1992 it will be notified by the Federal Government that stormwater permitting will be required. In order to keep stormwater quality within the proposed standards and to retain stormwaters within the drainage facilities (redline channels) presently in place, the detention basins identified in Simi Valley's Master Plan of Drainage should be constructed.

Presently, significant areas of Simi Valley are shown to be susceptible to flooding as shown in Flood Hazard Boundary maps published by the Federal Emergency Management Agency (FEMA). Properties in these flood areas are required to obtain insurance under specific guidelines of the Federal Insurance Program. The cost of this insurance is substantial, ranging up to approximately \$500 per house per year.

The City Council recommends that the Board of Supervisors modify its existing Benefit Assessment Funding Program(s), administered by the Ventura County Flood Control District, to include detention basins. This program will meet the need to control the quantity (and quality) of the stormwater runoff thus eliminating Simi Valley's susceptibility to flooding.

City and County staff have held preliminary discussions regarding such a Benefit Assessment Funding Program. It is hoped that your Board would support this effort.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregory Stratton".

Gregory Stratton, Mayor  
City of Simi Valley

cc: City Council  
City Manager  
City Attorney  
Administrative Officer - Ventura County  
City Managers-Cities of Thousand Oaks, Camarillo, Moorpark  
Director of Public Works - Ventura County  
Director of Public Works, Cities of Thousand Oaks, Camarillo, Moorpark

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