



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION

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Ruth Coleman, Director

July 9, 2007

Blythe Ponak-Bacharowski
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles CA 93013

Subject: NPDES Permit # CA 0053651 – Ventura Water Reclamation Facility, Venture County CA.

Dear Ms. Ponak-Bacharowski:

In our July 2006 letter to Ms. Debbie Smith we raised a number of issues and concerns related to the Board staff's review of the Ventura Water Reclamation Facility's discharge permit. We met in Los Angeles with you and your staff to further discuss these concerns. To date we find that our questions remain unanswered.

The proposed Order to cease discharge of all tertiary treated water into the estuary by 2018 and current NPDES Permit recommendations on the surface seem positive steps toward returning the estuary to a more natural function. Work completed by the City's consultant to evaluate the water balance in the system appear to indicate that the estuary will fill with groundwater moving from across the Oxnard Plain. There is some disagreement between stakeholders about the current frequency of breach events and how that might change if the estuary were to be fed only by ground water sources and seasonal river flows.

At the May 8, 2007 workshop held by Board staff regarding these proposed actions staff from my office raised concerns about the narrow view being taken by these proposed actions. While we understand the Board's regulatory action is limited to evaluating the discharge and any "enhancement value" it might bring to estuary function, State Parks as owner and steward of the Santa Clara River Estuary and adjacent lands must take a broader and more holistic view. This estuary is a significant resource within Southern California and within the State for a variety of reasons. The watershed is significant. The river is home to the Tidewater Goby and Steelhead. The estuary is a stopover on the migratory flyway. It is part of a State designated Natural Preserve. It is adjacent to a coastal recreation area and campground. It is part of the historic river delta that includes remaining wetlands and McGrath Lake. Simply put the estuary is part of a larger system of habitats and water resources that must be recognized and considered in its entirety. A narrow approach delivering a narrowly regulated action based on a single factor has the potential to cause unknown disruption to ESHA within McGrath State Beach. This would not be a responsible action on the Board's part.

The natural breaching of the estuary is not a predictable occurrence although some would like to present it as such. Recent winters have caused the estuary to grow in size changing the configuration of the beach with the creation of internal lagoons. These lagoons increase the capacity of the estuary allowing for larger amounts of water to be contained. The ratio of water in the estuary, the height and width of the sandbar, ground water pressure and tidal action at a minimum all have a role in the equation that might lead to Page 2

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predicting a breach. Since these factors are subject to dynamic change basing a decision as critical as this simply on a breaching schedule and the change it brings to water quality in the estuary seems unwise.

The conditions of the estuary as they relate to water quantity and availability water availability and water quantity are intrinsically tied to providing habitat for the Tidewater Goby. To separate out these concerns as not substantive would be short-sighted. A simple calculation as to the amount of water that may be discharged does not do justice to the unique habitat of the Santa Clara River Estuary.

Any action taken by the Board to regulate the Plant's discharge must evaluate the consequences on that action on the entire system. It will require the input of stakeholders and scientists to examine at a minimum the lower Santa Clara River watershed, its potential for habitat protection, restoration and habitat sustainability. It must look at the local Basin Plan and the designations placed on the "waters of the State" and how any action may impact that Plan. It should not exclude from its study the potentials for restoration such as the removal of existing structures required for operation of the current discharge and benefits to the Tidewater Goby nursery.

We understand the need for issuance of a discharge permit at this time. While that is the case, we strongly encourage Board staff to develop recommendations to accompany the proposed NPDES permit that will require a system-wide study and planning process. Four years from now, when the next permit is being contemplated, data collected from a system review should be available to guide the shaping of long-term regulatory actions that will protect and restore the entire estuary system. Monitoring of every aspect of the system must be included within any action taken by the Board.

We appreciate the opportunity to comment on these proposed actions. Our commitment will to be involved as a vested stakeholder in any process initiated to address to better inform the permitting process five years from now. If you have any questions or concerns with regards to our comments and recommendations, please contact Barbara Fosbrink, Channel Coast District Services Manager at (805) 585-1848 or at bfosb@parks.ca.gov.

Respectfully,



Richard A. Rojas
District Superintendent

cc. Barbara Fosbrink, District Services Manager