



June 17, 2009

Man Voogn
Los Angeles Regional Water Quality Control Board
320 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments on Draft 303(d) List; Additional Trash Additions

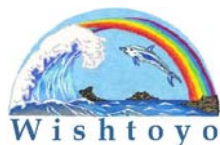
Dear Ms. Egoscue, Mr. Voogn, and Members of the Board:

Thank you for the opportunity to comment on the proposed 303(d) list. The Ventura Coastkeeper (VCK) is a program of the Wishtoyo Foundation, a community based 501(c)(3) non profit with over 700 members consisting of Ventura County residents, Chumash Native Americans, and the general public that enjoys, depends on, and visits Ventura County's inland and coastal waterbodies. Wishtoyo uses traditional Native American Chumash beliefs, practices, songs, stories and dances to increase awareness of our connection with the environment and to preserve the maritime culture and resources of coastal communities. Core values of the Chumash include sustainable living and respect for the environment. In 2000, the Wishtoyo Foundation launched VCK to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds. In pursuit of its mission, VCK investigates polluters and, when necessary, takes legal action to stop them. In commenting on the proposed basin planning projects, VCK draws upon the Wishtoyo Foundation's unique perspective, our involvement with the local community, and our experience protecting, preserving, monitoring, sampling, and restoring Ventura County's waterways and waterbodies.

Of particular importance to VCK is that waterbody segments whose water quality, aquatic life, aesthetic conditions, recreational opportunities, and ecological integrity are impaired by trash, are listed on the 303(d) list as impaired by trash. As Stated in the Revised Draft: July 27, 2007 16 Los Angeles River Watershed Trash TMDL:

“Trash in waterways causes significant water quality problems. Small and large floatables can inhibit the growth of aquatic vegetation, decreasing spawning areas and habitats for fish and other living organisms. Wildlife living in rivers and in riparian areas can be harmed by ingesting or becoming entangled in floating trash.

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Except for large items such as shopping carts, settleables are not always obvious to the eye. They include glass, cigarette butts, rubber, construction debris and more. Settleables can be a problem for bottom feeders and can contribute to sediment contamination. Some debris (e.g. diapers, medical and household waste, and chemicals) are a source of bacteria and toxic substances. Floating debris that is not trapped and removed will eventually end up on the beaches or in the open ocean, repelling visitors away from our beaches and degrading coastal waters.”

VCK supports in full Decision ID 10423 listing Calleguas Creek Reach 7, Water Body ID CAR4036200020000228103510, on the 303(d) list for trash as a pollutant and nuisance.

However, based on VCK’s Stream Team’s 2006 and 2007 Monitoring Data (see attached), gathered pursuant to VCK’s QAPP that is certified and approved by the Regional Board, the weight of evidence indicates that additional water segment-pollutant combinations in the Calleguas Creek Watershed should be placed on the section 303(d) list for trash as a pollutant and nuisance in the Water Quality Limited Segments category because applicable water quality standards¹ are exceeded in these additional waterbody segments impairing their beneficial uses, and the trash in these waterbody segments contributes to or causes the exceedences.

The additional waterbody segments that should be listed on the 303(d) list for trash as a pollutant and nuisance include the water body segments that include these VCK monitoring stations in Table 1 below (see attached “VCK 2006-2007 Calleguas Creek Watershed Monitoring Stations”) where the following trash data was observed and counted as part of the sampling efforts of Ventura Coastkeeper’s Stream Team from February 2006 through June 2007:

¹ The Los Angeles Basin Plan states that "waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." (Water Quality Control Plan (“Basin Plan”), p. 3-9), and that for solid, suspended, or settleable materials: “Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses”(Ibid., pp. 3-16).

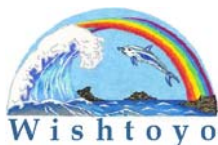


Table 1:

VCK Monitoring Stations (note: see attached VCK 2006-2007 Calleguas Creek Monitoring Locations)	Site #	Trash Data Used to Assess Water Quality and to Justify the 303(d) Listing for Trash of the Waterbody Segment Containing the VCK Monitoring Station:
Arroyo Simi	AS1	From February - December 2006, 10 of 11 samples exceeded the numeric target for trash at AS1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 5 of 6 samples exceeded the numeric target for trash at AS1, as derived in the Los Angeles River Trash TMDL
Conejo Creek Lower	CJ1	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 6 of 6 samples exceeded the numeric target for trash at CJ1, as derived in the Los Angeles River Trash TMDL
Conejo Creek Mid	CJ2	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ2, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CJ2, as derived in the Los Angeles River Trash TMDL
Conejo Creek Upper	CJ3	From February - December 2006, 7 of 11 samples exceeded the numeric target for trash at CJ3, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CJ3, as derived in the Los Angeles River Trash TMDL
Calleguas Creek Lower	CL1	From February - December 2006, 3 of 11 samples exceeded the numeric target for trash at CL1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CL1, as derived in the Los Angeles River Trash TMDL
Calleguas Creek Upper	CL2	From February - December 2006, 5 of 11 samples exceeded the numeric target for trash at CL2, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 4 of 6 samples exceeded the numeric target for trash at CL2, as derived in the Los Angeles River Trash TMDL
Revolon Slough	RS1	From February - December 2006, 5 of 11 samples exceeded the numeric target for trash at RS1, as derived in the Los Angeles River Trash TMDL. From January - June 2007, 5 of 6 samples exceeded the numeric target for trash at RS1, as derived in the Los Angeles River Trash TMDL

Even if the evaluation guidelines use a numeric target of 0 trash in the waterbody to fully support beneficial uses and to provide for an adequate margin of safety, as used by the Los Angeles River



Trash TMDL, is not strictly adhered to, the presence of trash at all of these monitoring stations is of the frequency, consistency, and magnitude to warrant that the waterbody segments that contain each of these monitoring stations (AS1, CJ1, CJ2, CJ3, CL1, CL2, and RS1) are listed on the 303(d) list as impaired for trash.

Thank you for considering our comments. Please feel free to contact us with any questions.

Sincerely,



Jason Weiner, M.E.M
Associate Director & Staff Attorney
Ventura Coastkeeper

