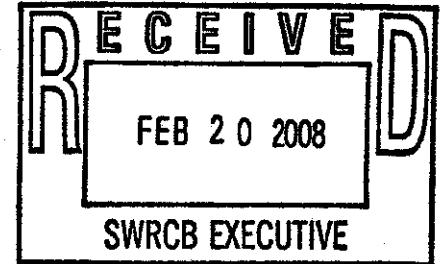


Public Comment
Compliance Sched. - NPDES
Deadline: 2/20/08 by 12 p.m.

3152 Shad Court
Simi Valley, CA 93063
February 19, 2008

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



Re: "Comment Letter - NPDES Compliance Schedule Policy".

Dear Members of the Board:

When I first read the documents for the aforementioned item, I was against the proposed statewide policy. Then, as the 2007 Strategic Plan Update third version progressed, I started to doubt my first impressions. After reading:

1. that the state and federal governments recognize compliance schedules as "discretionary" regulatory tools to bring NPDES permittees into compliance,
2. that the Regional Water Boards' Enforcement Orders can still do the job,
3. that the U.S. Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, and its 2006 *Rapanos v. United States* rulings "reduced the jurisdiction of the Clean Water Act over wetland and riparian areas by limiting the definition of 'waters of the United States'" (February 15, 2008 SWRCB Public Comment Notice of a Proposed Board Resolution to Develop a Policy to Protect Wetlands and Riparian Areas; Page 1),
4. that the Los Angeles Regional Water Quality Control Board's provisions are the model for the proposed statewide policy resolution provisions,
5. that California is one of the 10 U.S. states with the highest percentage of major facilities exceeding their Clean Water Act,

6. that Los Angeles County is one of the 10 U.S. counties with the most facilities exceeding their Clean Water Act permit limits at least once between January 1, 2005 and December 31, 2005 ("Troubled Waters: An analysis of 2005 Clean Water Act compliance" by the Environment Colorado Research & Policy Center; October 2007),
7. that "Although we have made significant progress in improving water quality since the passage of the Clean Water Act, we are far from realizing the Act's original vision" (October 2007 Environment Colorado Research & Policy Center analysis of 2005 Clean Water Act compliance report "Troubled Waters"; Page 1; my comments #5, #6, and #7),
8. that the DTSC's Santa Susana Field Laboratory's Website's Document Library is being reorganized, and requested documents require a password to log in (posted 2/19/08),
9. that "a TMDL adopted as a Basin Plan amendment would not need to have an implementation schedule approved by USEPA under CWA" Section "303(c)",
10. that lawsuits will be limited,
11. that dischargers' resources will supposedly be better used,
12. that State Water Resources Control Board resources will supposedly be better used,
13. that this statewide uniform policy and provisions implementation consistency need was identified at the State Water Board's October 25, 2006 meeting "to consider compliance schedule authorizations for the San Diego Region" (March 18, 2008 Water Board Meeting Agenda Item Draft Staff Report, Page 2),
14. that the two Regional Water Boards, who have not amended their Basin Plans authorizing compliance schedules in NPDES Permits, and the one Regional Water Board who withdraw its Plan will be the ones mostly impacted by this statewide policy,

15. that while it is stated on Page 4, Draft Staff Report, "REGIONAL WATER BOARD IMPACT Yes, all Regional Water Boards", the grandfathering of the six(6) Regional Water Boards(San Diego only if approved by the USEPA)' effective dates under the Draft Resolutions "THEREFORE BE IT RESOLVED THAT: ...d...shall apply..." section, Pages 2 and 3, does not impact them as much as the two Regional Water Boards who have not amended their Basin Plans, and the one Board who withdrew it,
16. that the Supplemental Environmental Projects(SEPs) could be considerably limited, or deleted, from the proposed Water Quality Enforcement Policy, and
17. that "storm water permits for municipal separate storm sewer systems(MS4s) are not required to comply with CWA" Section "301. In California, MS4s are required to comply with water quality standards, but through an iterative approach" (Page 6, Draft Staff Report),

I am opposed to the proposed statewide policy for NPDES Permit compliance schedules. The following are my stances on the "Policy Issue Question", the California Code Regulations Title 23, Section 3777(a) related Environmental Checklist, and the various Policy Issues' Alternatives.

POLICY ISSUE QUESTION

1. Should the State Water Board adopt the proposed statewide Policy for compliance schedules in NPDES permits?

JORDAN: No!

ENVIRONMENTAL CHECKLIST (APPENDIX D)

1. "Staff found that there would be no adverse environmental impacts resulting from the actions proposed in the policy." (Page 73, Staff Report.)
JORDAN: Do not agree with. Please note that the Environmental Checklist pages did not include the boxes' columns headings/titles of "Potentially Significant Impact", "Less

Than Significant With Mitigation Incorporated", "Less Than Significant Impact", and "No Impact" (Pages D2 - D8).

POLICY ISSUES' ALTERNATIVES

- 1: SCOPE
JORDAN: "Alternative 1.a: No action." Please note there is an error on Page 45 at the end of "Recommended Alternative: 1.d" paragraph.
- 2: DURATION OF COMPLIANCE SCHEDULES
JORDAN: "Alternative 2.a: Five Years."
- 3: DEADLINES FOR COMPLYING WITH APPLICABLE STANDARDS
JORDAN: "Alternative 3b: Ten years."
- 4: EXTENDED COMPLIANCE SCHEDULES FOR TMDL-BASED PERMIT LIMITATIONS
JORDAN: "Alternative 4.a: No special provisions for TMDLs."
- 5: DISCHARGER ELIGIBILITY ("New" and "Existing" Discharger Definitions--proposed to be based on the SIP definitions which for "new dischargers" is "virtually identical to the CTR definition")
JORDAN: "Alternative 5.c: Define "new" and "existing" discharger based on the federal regulations. This section needed further clarification with regards to the USEPA's "cut-off date modified to reflect the CTR."
- 6: QUALIFYING PERMIT LIMITATIONS
JORDAN: "Alternative 6c: Existing compliance schedules in NPDES permits that were authorized by the Water Boards prior to the effective date of this policy will continue to be authorized with a "newly interpreted" water quality standard federal regulation definition.
- 7: APPLICABILITY TO PROHIBITIONS
JORDAN: "Alternative 7.a."
- 8: APPLICATION REQUIREMENTS
JORDAN: "Alternative 8.f."

9: PERMIT REQUIREMENTS**JORDAN: "Alternative 9.c."**

[NOTE: Water Board staff recommended alternatives: 1.d, 2.b, 3.b, 4.c, 5.b, 6.a.2 and 6.b.2, 7.a, 8.f, and 9.c. Jordan's: 1.a, 2.a, 3.b, 4.a, 5.c, 6.c, 7.a, 8.f, and 9.c.]

JORDAN QUESTION

1. Why can't the Water Board wait to implement this statewide policy until 2010 when the SIP-authorized compliance schedules expire on May 18th?

JORDAN REFERENCES

1. Draft Strategic Plan Update 2008-2012 (State and Regional Water Boards; January 25, 2008).
2. Workforce Planning Framework Report (State Water Resources Control Board; May 15, 2007).
3. Draft Water Quality Enforcement Policy (State Water Resources Control Board; January 8, 2008)--the "Table of Contents" the numbering sequence was off on Pages i, ii and iii. Also, textual State Water Board and Regional Water Boards references were confusing. Difficult to determine if "Water Boards" meant State and Regional Water Boards, or just Regional Water Boards, or State Water Board's. [Addressing the State and Regional Water Boards 2008-2012 Draft Strategic Plan Update, and the Draft Statewide Policy for NPDES Permit Compliance Schedules left no time to address this Draft of the Water Quality Enforcement Policy--NOTE.]
4. Draft Water Quality Control Plan for Enclosed Bays and Estuaries - Part 1 Sediment Quality Resolution (State Water Resources Control Board; February 19, 2008 Meeting Agenda Item 8).
5. Draft Policy to Protect Wetlands and Riparian Areas Resolution (State Water Resources Control Board; March 18, 2008).

6. Draft Work Plan to Control Excess Sediment (November 14, 2007), and "Watershed Management" Website section (North Coast Regional Water Quality Control Board; accessed February 11, 2008).
7. "Watershed Management" section (San Francisco Bay Regional Water Quality Control Board Website; accessed February 11, 2008).
8. "Water News"--"Wildfires 2007 Regulatory Information and Guide", and "Shipyard Sediment Site Cleanup Project and Tentative Cleanup and Abatement Order No. R9-2005-0126"--"Waivers", and "Watershed Management" sections (San Diego Regional Water Quality Control Board Website; accessed February 11, 2008).
9. Water Quality Control Plan (Basin Plan) for the Central Coast Basin (Central Coast Regional Water Quality Control Board; September 8, 1994; accessed February 11, 2008).
10. Boeing Company's Santa Susana Field Laboratory (Rocketdyne) Draft Group 6 RCRA Facility Investigation Report (Cal/EPA - DTSC; 2007).
11. Boeing Company's Santa Susana Field Laboratory (Rocketdyne) Draft Group 4 RCRA Facility Investigation Report (Cal/EPA - DTSC; 2007).
12. "Troubled Waters: An analysis of 2005 Clean Water Act compliance" (Environment Colorado Research & Policy Center; October 2007).
13. Local Groundwater Assistance Grants Program section (California DWR Website).
14. Integrated Regional Water Management Grant Program section (California DWR, and State Water Resources Control Board Websites).
15. County of Ventura and Watershed Protection District State Legislation to authorize property-related fees to pay for NPDES Permit projects (Nava).
16. City of Simi Valley fiscal years Preliminary Base Budgets since 2000.

17. Complaint to the Federal Emergency Management Agency (FEMA) regarding the City of Simi Valley, and County of Ventura duplication of federal funds for the Regional Storm Water Detention Basins project.
18. Complaint to the FEMA regarding the City of Simi Valley's federal funds application for the Tapo (Gillibrand) Canyon Water Treatment Plant.
19. Complaint to the U.S. EPA regarding non-compliance by the City of Simi Valley for not adhering to its NPDES Permit detention basins' mitigation measures.
20. Draft 2007 Los Angeles Regional Water Quality Control Board's Ventura Countywide MS4 Permit.
21. Draft 2007 Los Angeles Regional Water Quality Control Board's Boeing Company's Santa Susana Field Laboratory (Rocketdyne) Cease & Desist Order.
22. Cal/EPA - DTSC 2007 Agreement with the Boeing Company, DOE, and NASA regarding the Santa Susana Field Laboratory (Rocketdyne).
23. Current FEMA/County of Ventura/Nolte Preliminary Flood Insurance Study (FIS).
24. Current FEMA/County of Ventura/Nolte Preliminary Flood Insurance Rate Maps (FIRMs).
25. Current City of Simi Valley Flood Insurance Study (FIS), and Flood Insurance Rate Maps (FIRMs).
26. Current State of California Water Plan.
27. Draft Recycled Water Policy (State Water Resources Control Board; 2008).

Members of the Board, the statewide policy on compliance schedules in NPDES permits should have been hashed out back in 2000 not 2008 about two years before 2010 when the SIP expires so that all Regional Water Boards would have been on the same page. If you decide to approve this statewide policy, then, I ask that all 9 Regional Water Boards Basin Plans include the type of descriptive detail that the San

Diego Regional Water Quality Control Board put in its Basin Plan amendment to reach the "equitable regulation" goal.

Members of the Board, it was too late for me to submit a final correction by the Draft Strategic Plan Update 2008-2012 (Version 3) February 15, 2008 deadline. I did not realize that my February 10, 2008, February 12, 2008, and February 13, 2008 E-mailed letters were addressed to "1001 E Street" instead of "1001 I Street". To date, I have no idea why I addressed them as such. At least my January 28, 2008 letter was addressed correctly.

Sincerely,

A handwritten signature in cursive script that reads "Mrs. Teresa Jordan". The signature is written in black ink and is positioned above the typed name.

Mrs. Teresa Jordan