

From: St.John.Matt@Waterboards
To: Reed.Charles@Waterboards
Subject: 10-8-2015 2036734 DENNIS O LEARY, GUERNEVILLE
Date: Thursday, October 08, 2015 4:17:57 PM

From: mcranch [mailto:mcranch@sonic.net]
Sent: Thursday, October 08, 2015 3:03 PM
To: St.John, Matt@Waterboards
Cc: Brenda S. Adelman
Subject: Comments - Russian River Draft TMDL

From: Dennis O'Leary, Property Owner - P.O. Box 251 Guerneville, CA 95446
To: North Coast Regional Water Quality Control Board - Attn: Matt St. John
Re: Comments on the Draft TMDL for the Russian River

Dear Sir:

Thank you for the opportunity to comment on this important document. I respectfully submit the following comments and questions.

1. I provided several verbal comments at the public workshop held in Monte Rio on September 22nd, saying that the Implementation Area needs to be better defined than it is in the Draft TMDL. Now I wish to add to those comments by saying that a map is needed showing the specific boundaries of the high and low priority areas and, property owners within these high and low priority areas should receive direct notification. I am concerned that the draft document does not follow proper due process of notifying affected property owners and it does not provide adequate time for them to study the document, consider the consequences and provide comments. I request a more reasonable timeline for all of this to happen before the TMDL is considered for approval. More time is needed.
2. The draft TMDL seems to assume that all OWTS are sources of pathogen pollution to the Russian River without providing data to support that assumption. I ask, can the RWQCB prove that any one OWTS is causing bacteriological contamination of the river? Has the board ever tried the low tech method of using concentrated dye to prove that specific OWTS's are polluting the river? Is it possible that the target should be a low number of very bad polluters compared to targeting all OWTS's in the area?
3. Assuming that the RWQCB is responsible for undertaking enforcement requirements (OWTS Policy 4.7), does the board have the authority to trespass on private property to determine if violations of TMDL policies exist?
4. The Draft Basin Plan Amendment contains a document titled "Effect of Russian River Dry Season Stream Flow Management On E-Coli Bacteria". Page 2 of this document states: "The Biological Opinion requires (from the State Board) that the minimal flow requirements be changed to 70 cfs, May 1 to October 15 in Guerneville". I ask, where in the Biological Opinion does it say this? It is my understanding the Biological Opinion did not mandate any specific low flow. Instead, the BO called for experimenting with various flows between 70 cfs and 125 cfs and studying the results these lower flows have compared to the current flows called for in Decision 1610.
5. I request that the Regional Board conduct a financial analysis showing how the cost of this draft TMDL will impact property owners in the targeted areas, including analyzing how these implementation strategies tip the scales in favor of more affluent property owners who can afford these expensive upgrades, compared to low income property owners who may be forced to relocate.

Respectfully,
Dennis O'Leary