



Executive Committee

June 3, 2010

Sent via E-mail

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United Water Conservation District

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Farm Bureau of Ventura County

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Yanjie Chu

Jenny Newman

Los Angeles Regional Water Quality Control Board

320 West Fourth Street, Suite 200

Los Angeles, CA 90013

SUBJECT: Comments on Proposed Basin Plan Amendment for Indicator Bacteria in the Santa Clara River Estuary and Reaches 3, 5, 6, and 7

Dear Mr. Chu and Ms. Newman:

The Ventura County Agricultural Irrigated Lands Group (VCAILG) appreciates the opportunity to provide comments to the Los Angeles Regional Water Quality Control Board (LARWQCB) regarding the proposed Basin Plan Amendment (Tentative BPA) and Staff Report to incorporate a TMDL for Indicator Bacteria in the Santa Clara River (SCR) Estuary and Reaches 3, 5, 6, and 7. VCAILG is a discharger group formed to comply with the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R4-2005-0080). The following comments highlight issues we have identified in our review of the both the Staff Report and Tentative BPA and are as follows:

Comment 1. *E. coli* Numeric Targets

The VCAILG appreciates the Regional Board acknowledgment of new efforts currently addressing more appropriate water quality objectives for freshwater Rec-1 beneficial uses. By utilizing targets for *E. coli* only for freshwater reaches of the Santa Clara River, Regional Board staff is implementing new standards and policies which will most likely be in place by the effective date of this TMDL. *E. coli* is the preferred indicator for freshwater as identified in the 1986 *USEPA Ambient Water Quality Criteria for Bacteria*, which is the basis of the Basin Plan WQOs. According to the 1986 *USEPA* guidance, *E. coli* provides equivalent protection to recreational uses as fecal coliform and could therefore be used as the sole target in the TMDL. Additionally, the use of *E. coli* objectives only and the removal of fecal coliform objectives are listed as one of the issues to be considered by Regional Water Board staff during the Triennial Review.

Comment 2. Inclusion of a High Flow Exemption

A high flow exemption for the reaches of the Santa Clara River in Ventura County should be included in this TMDL. During high flow conditions, REC1 and REC2 bacterial indicator Water Quality Objectives (WQOs) should be suspended in identified channels within the Santa Clara River watershed where the wet weather events and resulting high flows create physically unsafe conditions. During wet weather events, the resulting flows within the channels can create life threatening conditions during and immediately following storm events. The inherent danger of recreating in the creeks, streams, and/or channels during these conditions is widely recognized and already addressed in related Ventura County Watershed Protection District (VCWPD) operations. Los Angeles Regional Board Resolution 2003-010 (July 10, 2003) created a limited temporary suspension of the water contact recreational uses for various water body segments in Los Angeles County. This was based on the results of a use attainability analysis, which determined that REC1 and REC2 uses are not fully attainable in concrete lined channels during storm events of 0.5 inch or greater – and the 24 hrs following the rain event. The Santa Ana Regional Water Board is preparing to consider a suspension of REC1 and REC2 beneficial uses during wet weather (CEQA scoping meeting conducted 1/28/10) that contains approaches that could be viable for the Santa Clara River (i.e. the exemption applies for storms greater than 0.5 inches that generate a specified amount of flow in the river). High flow conditions should be defined for this purpose, and not solely applied to only concrete lined channels, and a standardized suspension policy should be adopted during this effort that can be utilized watershed wide. The high flow conditions and suspension policy should be developed to ensure that it is clear when and where the WQOs apply and to create consistency in implementation of policies for the Santa Clara River watershed that includes both Los Angeles and Ventura Counties.

Comment 3. TMDL Implementation and Monitoring through the Conditional Waiver for Irrigated Lands

The use of the Conditional Waiver for Irrigated Lands as the mechanism for fulfilling implementation and monitoring requirements of this TMDL is appreciated. The VCAILG believes that this approach will avoid duplication of efforts on behalf of agricultural growers and landowners working to comply with the Conditional Waiver, TMDLs and food safety requirements.

Comment 4. Re-Evaluation of Standards, Objectives, and Sources

As noted earlier, we appreciate Regional Board staff incorporating new policies directly resulting from the vast array of research, studies, and policy evaluations being conducted in Southern California. The application of utilizing only *E. Coli* in freshwaters is a direct outcome of these efforts, yet this was only one small piece of the numerous ongoing projects most likely to be completed within the next two years. Much work is still taking place that may ultimately impact numerous components of this TMDL. We respectfully request that to incorporate these findings and outcomes of these studies, a TMDL reopener be included in the Tentative BPA schedule, and suggest the TMDL be reviewed to incorporate new information on an annual basis or at the very least, three years after the effective date. Without this being included in the BPA schedule, we believe it will be difficult and extremely challenging to incorporate new information that may ultimately assist in meeting final compliance deadlines.

June 3, 2010

Page 3

The VCAILG would like to thank you for considering these comments. If you have any questions regarding the information presented in this letter, please contact Amy Storm of Larry Walker Associates at (805) 585-1835.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edgar Terry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edgar Terry
Steering Committee Chairman
Ventura County Agricultural Irrigated Lands Group

Cc: John Krist, Farm Bureau of Ventura County
Dale Zurawski, Farm Bureau of Ventura County
Amy Storm, Larry Walker Associates