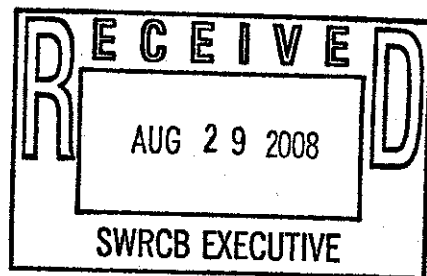


9/16/08 Bd. Hrng. Item 9
Sediment Quality Objectives
Deadline: 9/5/08 by 12:00 p.m.



3152 Shad Court
Simi Valley, CA 93063
August 29, 2008

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: "Comment Letter - Sediment Quality Objectives."

Dear Members of the Board:

When I read the public notice on the draft SQOs in 2007, I did not comment on the item because the scientific and technical aspects were way out of my league. After my extensive research for the September 16, 2008 new public hearing, because the Notice stated that "Review by OAL revealed that the statutorily-required newspaper notification of the November hearing had not occurred", I am commenting this time around.

LEGAL NOTICE

- #1 - Because the new public hearing Notice did not give the day of the November 2007 public hearing in the aforementioned sentence and in the statement "The State Water Board held a public hearing on the Plan in November 2007...", I was under the impression that Board and OAL staff were missing a few screws after logging onto the November 6, 2007 Board meeting--listed under the Website's 2007 Meeting/Workshop Agendas & Minutes section--and not finding the SQOs public hearing.
- #2 - I lost a lot of time and effort researching the November 2007 public hearing that could have gone into the new deadline because the Board's 2007 Schedule was no longer posted. I found it through extensive research, and that is how I came across the November 19, 2007 public hearing. Had I checked out all of the Program Website information, I would have possibly found it

sooner. The point is that the exact day in November 2007 should have been mentioned in the Board's SQOs' new public hearing Notice.

- #3 - All of my efforts were not in vain because I came across the February 5, 2008 related public hearing and realized that 3 public hearings (November 19, 2007; February 5, 2008; and February 19, 2008) had been voided because of this gargantuan oversight by Board staff. How fortunate for the dischargers because they got more time--almost a year--with the status quo because Resolution 2008-0014 has been voided along with staff reports, and exhibits.

- #4 - While the new public hearing Notice states on Page 2 that "Please note that the State Water Board's record for the proposed Plan includes all comment letters that were previously submitted to the State Water Board in a timely manner prior to February 19, 2008", the fact is that all of the oral comments from Board members, staff and the public Commenters from 3 public hearings are now null and void.

- #5 - Though it is stated on Page 2 of the Notice that "Commenters need not resubmit their prior comments but may simply reference them in any new comment letters", the fact is that this statement is not made by Board counsel. There is no room for: 1. any further legal quagmires, 2. approval delays of SQOs, and 3. non-compliance of mandate because the January 29, 2008 Draft Plan is void. Just this week, my written comments on the MUN NPDES permits for the Camarillo Sanitary District, the City of Simi Valley, and the City of Thousand Oaks Plants slated for the LARWQCB's September 11, 2008 meeting were being suppressed. These NPDES permits and the Ventura County MS4 NPDES permit are connected to the toxic hot spot Mugu Lagoon/Calleguas Creek tidal prism, Eastern Arm, Main Lagoon, Western Arm (Page 52, Table 4.2, Enclosed Bays, High Rank). And, yet Cal/EPA and Governor Schwarzenegger have delayed the decision on whether or not to have the Boeing Company's Santa Susana Field Laboratory (SSF), formerly Rocketdyne, listed as a USEPA Superfund site.

- #6 - All written comments and evidentiary materials including those submitted in a non-timely manner must be made part of the record, even any that were submitted during the November 19, 2007; February 5, 2008; and February 19, 2008 Board public hearings since all comment submittal avenues, including before the Board, count.
- #7 - Page 59, it is stated under Section 4.4 POINT SOURCES REGULATED UNDER CLEAN WATER ACT Section 402, second paragraph, last sentence, "The State Water Board's SIP addressed the implementation of numeric toxic pollutant criteria and objectives of bay, estuarine, and inland surface waters." On Page 46, it is stated that the SIP is not applicable to stormwater discharges, nor address sediment quality specifically. The City of Simi Valley, City of Thousand Oaks, and the Camarillo Sanitary District Plants NPDES permit Orders newly revised have had storm water removed and not removed.

JULY 18, 2008 DRAFT PLAN

- #1 - Comparing the new public hearing Draft Plan to the January 29, 2008 Draft Plan was difficult due to various text format changes from sentences to paragraphs, to entire sections. Re-wording, and reshuffling of Sections. Some information highlighted in yellow turned out not to be new. There were still some of the same underlined areas as in the January 29, 2008 Draft Plan. Sections' titles changed to statements from questions. List of Tables did not coincide, etc.

JULY 18, 2008 DRAFT PLAN ADDITIONS

1. Page 1, Section 1.1, first paragraph, second sentence change "where the SQOs" to "for".
2. Page 1, Section 1.1, first paragraph, second sentence add "the" between is and Water Quality.
3. Page 1, Section 1.1, first paragraph, second sentence add "," between Boards and stakeholders.

4. Page 54, last paragraph, last sentence, add "be" between had to and based on.

JULY 18, 2008 DRAFT PLAN ERRORS

1. Page ii, Table of Contents, Section 4 indentations.
2. Page iii, Table of Contents, Section 5 indentations.
3. Page iii, Table of Contents, Section 5.7: the "." between 7 and Application.
4. Page 46, top of page, second paragraph and second bullet point, spacing.
5. Page 54, second and third paragraphs, spacing.
6. Page 55, Section 4.2.4, first paragraph and bullet points, spacing.
7. Page 60, the Sections numbers for Municipal and Industrial Discharges, and Construction, and Caltrans are missing.

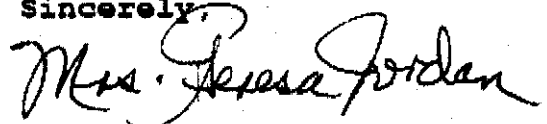
JULY 18, 2008 DRAFT PLAN QUESTIONS

1. Since the November 19, 2007, February 5, 2008, and February 19, 2008 public hearings have been voided, should not the September 27, 2007 public hearing Draft Plan and Appendices have been re-released for public comment? If not, why not? If so, why has a new Draft Plan been released for comment? Is it to save staff time since Part 2 is ready to go through the public review and comment process?
2. Has the November 19, 2007 SQOs public hearing been voided?
3. Has the February 5, 2008 SQOs public hearing been voided?
4. Has the February 19, 2008 SQOs public hearing been voided?

5. Have the November 19, 2007 SQOs public hearing's Commenters been voided?
6. Have the February 5, 2008 SQOs public hearing's Commenters been voided?
7. Have the February 19, 2008 SQOs public hearing's Commenters been voided?
8. Have the January 29, 2008 Draft Plan Part 1 and Appendices been voided?
9. Were there Commenters at the November 19, 2007 SQOs' public hearing?
10. Are there Minutes of the November 19, 2007 public hearing available to the public? If not, why not?
11. Is the posting of the Notice in the newspaper included in any of the office of the Clerk to the Board's communication to the Board?
12. How could the certification of the posting of the public hearing Notice bypassed scrutiny by the office of the Clerk to the Board, and the Office of Chief Counsel?
13. Does the Los Angeles Region have requirements for training and education? (Page 63)
14. Does the Los Angeles Region have provisions for nursery operators and owners? (Page 63)

Members of the Board, I will submit the rest of my comments on the July 18, 2008 Draft Plan, most especially on the Sections' Alternatives Staff Recommendations, and the accompanying documents in a follow-up letter.

Sincerely,



Mrs. Teresa Jordan