

*Janine Ann Nesbit*  
*Attorney*  
*4210 W Hemlock Street*  
*Oxnard, CA 93035*  
*Ph: 805-758-8810 Email: j9nesbit@yahoo.com*

July 27, 2018

Los Angeles Regional Water Board Commissioners  
C/O Rosario Aston, LARWQB Staff Representative  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Attn: Madelyn Glickfeld, Chair  
Lawrence Yee, Vice- Chair  
Irma Munoz, Member  
Charles Stringer, Member  
Cynthia Guzman, Member  
Cassandra D. Owens, LARWQB Chief, Industrial Permitting Unit

Re: Notice to Thomas DiCiulli, Plant Manager Dated June 28, 2018  
Mandalay Generating Station Tentative Termination of WDRs, Oxnard CA  
California South LP Mandalay  
NPDES No. CA00001180 / CI No. 2093

Dear Honorable Commissioners:

The many residents and visitors of the Channel Islands Harbor in Ventura County have been experiencing an extremely serious condition significantly and adversely affecting the formerly pristine waters in the Channel Islands Harbor. The current deplorable condition of the waters in Channel Islands Harbor have caused the death of marine life, muddy disgusting waters and a noxious stench in the North end of the Harbor which is so foul that residents are forced to stay indoors with their windows closed. The appalling condition of the waters in the Channel Island Harbor is a matter of grave concern and demands your immediate attention.

The Channel Islands Harbor is the fifth largest recreational harbor in the State of California. It has often been cited as the cleanest harbor in the State of California. Tragically, the Harbor has recently suffered a devastating blow to its formerly pristine condition.

The Board's approval of the early shut down of the NRG Mandalay Generating Station in accordance with the NPDES mandate for closing water-cooled generating stations has had a dramatically destructive impact on the Channel Islands Harbor waters, its sea life and its benefits to all who reside near and visit this once beautiful Harbor.

We have evidence that the Board's approval of the shut-down of the NRG circulation system, which has existed in this Harbor from its completion in 1965, and which has kept the Harbor the cleanest in the State of California, has significantly and adversely affected the Harbor's waters and marine life.

***I am requesting with the strongest urgency that the Board immediately REVERSE its decision to allow suspension of the NRG NPDES permit and the acceptance of the shutdown of its circulation pumps prior to the legally-mandated shutdown date. I urge that the Board require NRG to reinstate the pumps operations or otherwise facilitate the outflow of the Edison Channel waters until such time as an alternate method of water circulation and flushing for the Channel Islands Harbor can be determined and implemented.***

I am hopeful that the Board was unaware of the environmental impact of its approval of NRG's request for an early shutdown of its operation. The early shutdown approval resulted in the stopping of the pumps that pushed fresh sea water through the Channel Islands Harbor via the Edison Canal (aka Mandalay Canal). Sea life has died, the waters are disgusting, and the stench is foul. The environmental and ecological impact of the Board's decision on our formerly vibrant and healthy Channel Islands Harbor is detrimental to the survival of the sea life and welfare of all who enjoy this formerly beautiful Harbor.

The situation in the Channel Islands Harbor has added complexity because the Edison Canal also serves as irrigation run-off for miles of farm fields, thus infusing chemicals and fertilizers into the Harbor waters which, as a result of the Edison Canal blockade, are flowing directly into the Harbor with no filtration of any kind.

I can only assume that NRG could easily have predicted the disastrous impact of this shutdown would have on the entire Harbor. I also assume that NRG would have had an obligation to disclose the impact of the closure on its application for closure.

Thank you for your time and attention to this matter. I look forward to a prompt resolution which will serve the residents, visitors, sea life and waters of the Channel Islands Harbor.

Regards,

A handwritten signature in black ink, appearing to read 'Janine Nesbit', with a stylized, looping flourish extending from the end of the signature.

Janine Nesbit  
Attorney at Law

Cc: Timothy B. Flynn, Mayor of the City of Oxnard  
Mark Sandoval, Director of Channel Islands Harbor, County of Ventura