



CAPISTRANO BAY DISTRICT

35000 Beach Road Capistrano Beach, CA 92624 Phone: (949) 486-6576 Fax: (949) 487-9224 email: cbd@capobay.org

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April 24, 2007

Regional Water Quality Control Board
9174 Sky Park Court, #100
San Diego, CA 92123-4353
% Jeremy Haas

Re: **Comments/Tentative Order No. R9-2007-0002/Orange County MS4
Prima Descheca Channel at Poche Beach (M01)**

Dear Mr. Haas,

The Capistrano Bay Community Services District ("District") has been closely watching the lack of progress at this extremely polluted location. Through regular communication with Jim Volz at Orange County RDMD, the District has learned that over 75% of the high count of bacteria (among the highest in all of OC) has been identified as originating in the *upper third* of this watershed, above the Shorecliffs Golf Course and below the county landfill. The report titled *Prima Descheca Canada Watershed: Poche Beach Bacterial Source Tracking Investigation Abbreviated Report* of Nov., 2006, further explains that funding for this project was insufficient to determine the precise source of the bacteria at Poche Beach.

The County of Orange and the City of San Clemente should not be allowed to continue discharging this level of pollution into the ocean. Both agencies should be given a strict compliance deadline to solve the pollution problem or be leveled with heavy fines. This would force them to complete the *source tracking investigation* and determine exactly where the pollution is coming from.

The District understands that the County and the City are trying to reach an agreement over the future costs of O&M for the proposed bacteria disinfection project and we are concerned that without assertive action and pressure by the RWQCB, this project will be subordinated while the City of San Clemente funds other projects that attract more tourist dollars to its more popular beach areas. Since 2002 the District has been watching for the two agencies to actively pursue the completion of this project. In the five years since, the only result is the report stating how high the bacteria levels are, a general idea of the source and the extremely disappointing disclosure of insufficient funding for the *source tracking investigation*. The District considers this to be absolutely unacceptable and requests that the City of San Clemente and the County of Orange be aggressively pressed to solve the bacteria problem as soon as possible.

Sincerely,

Donal S. Russell, General Manager
Capistrano Bay Community Services District

Cc: CBCSD Board of Directors