

Comment Letter–Policy for Toxicity Assessment and Control due 8.21.2012 NOON  
Joyce Dillard [dillardjoyce@yahoo.com](mailto:dillardjoyce@yahoo.com)  
Tue 8/21/2012 11:53 AM

24.1 → This policy is too general to address the problems of regional Basin Plans.

CEQA conceptually identifies “the was that environmental damage can be avoided or significantly reduced.” That concept is not being applied. There remains a potential for harm.

In Section 4 of the Region 4 Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, it states:

*The Southern California Coastal Water Research Project (SCCWRP), the Santa Monica Bay Restoration Project (SMBRP), and the University of Southern California (USC) Institute for Ocean and Coastal Studies have evaluated the characteristics of urban runoff, including pollutant loads, impacts, and toxicity, to coastal waters. The pollutant load and toxicity of urban runoff in the Region were found to be comparable to that of sewage effluent. The USEPA performed a nationwide evaluation of the environmental hazards posed by priority pollutants in urban runoff and found that cadmium, copper, lead, and zinc exceeded freshwater acute aquatic criteria in up to 50% of the samples analyzed (USEPA, 1983). In addition, these pollutants, along with cyanide, mercury, and silver, exceeded freshwater chronic criteria in at least 10% of the samples.*

Not stated is the adjudicated groundwater basins compared to the unadjudicated groundwater basins which include Santa Monica Bay Watershed, historically a major problem of contamination.

Also not stated is the J. F. Poland report “Geology, Hydrology and Chemical Charters of the Ground Water in the Torrance-Santa Monica Area, California” which talks about the relationship with the Silverado water bearing zone and the West Basin. The retention of clay layers are of importance as water.

Not mentioned is House Document 389, May 13, 1954 which is critical to the Basin Plan.

There is a cloud to the control of the Santa Monica Bay Restoration Project (SMBRP) and its representation under a state agency or a private foundation acting as a state agency without contractual commitments. This may be the basis for omitting critical information in the planning stages for the Basin Plan policy.

Permits have not been reviewed as to validity. We mean, by this, that temporary NPDES permits may be continuously and fraudulently used without the monitoring, assessment and supervision necessary.

24.1

→ When this happens, volatile compounds including hydrogen sulfide enter the system without the proper checks and balances.

The process is obviously flawed and the problem NEVER addressed by the enforcement agencies involved.

Dewatering volumes placed in the system is not measured.

You have a major problem with source identification and BMP Best Management Practices is a substitute for negligence.

No infrastructure analysis is submitted for aspects of broken pipes like sewers and water mains. Federal Pipeline and Hazardous Materials Safety Administration know of pipeline deterioration and safety under their jurisdiction.

You fail to tie in General Plans and their Elements with the Basin Plans. They are both State jurisdictions.

This policy is based on the assumption of POTW and NPDES alone. This is too short-sighted to resolve by implementing testing policy as a solution while ignoring the intent altogether of avoiding harm to the water.

Therefore, you state:

*Toxicity tests estimate the effects of discharges on the survival, growth and reproduction of test species, and are used to determine compliance with the objectives for toxicity established in the ten Regional Water Quality Control Plans (Basin Plans) adopted by the nine Regional Water Quality Control Boards (Regional Water Boards).*

*Each Basin Plan contains narrative toxicity objectives that require all waters to be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, terrestrial animals, and aquatic organisms.*

The premise is false. There is no guarantee that waters will be free of toxic substances in concentrations etc.

You state:

*The Secretary for Natural Resources has certified the following regulatory programs of the State Water Board as exempt: the adoption or approval of standards, rules, regulations, or plans to be used in the Basin/208 Planning program for the protection, maintenance, and enhancement of water quality in California (Cal. Code Regs., tit. 14, §15251, subd. (g)).*

You have failed to even address that goal properly and responsibly and without harm.

You have not even addressed the geology of oil and gas in Region 4 and its contribution to contamination directly and indirectly (fracking fluid).

24.1 → We urge you to take the care involved in the policy. The items in the Environmental Checklist are marked incorrectly. The Economic Impacts to the public are UNBEARABLE.

One size does not fit all in the State of California.

Joyce Dillard

P.O. Box 31377

Los Angeles, CA 90031