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July 10, 2017

commentletters@waterboards.ca.gov

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



Re: Comment Letter—303(d) List for Waterbodies in the Los Angeles Region

Dear Ms. Townsend:

The City of San Buenaventura (City) appreciates the opportunity to comment on the proposed 303(d) list for waterbodies in the Los Angeles Region. The City previously submitted comment letters to the Los Angeles Regional Water Quality Control Board (“Regional Board”) in March of this year, and the points raised in those letters are not repeated herein. Because of the importance of the Ventura River to the City’s water supply needs, the City’s comments focus on the “pumping” and “water diversions” components of the proposed 303(d) list for Reaches 3 and 4 of the Ventura River.

The City supports the proposal to delist Reach 3 of the Ventura River from the 303(d) list for “pumping” due to flaws in the original listing. As the Regional Board staff has properly concluded, the purported impairment listing for “pumping” was not based on any data. In addition to the lack of data supporting the original listing, the City believes that Reach 3 should be delisted for “pumping” because, as explained more fully below, a list for “pumping” is not legally appropriate in the first instance.

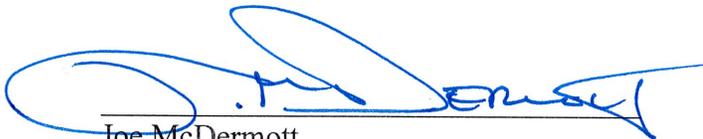
The City requests that the State Board also delist Reach 4 of the Ventura River from the 303(d) list for “pumping” and “water diversions”. In accordance with the State Board’s Listing Policy, waters shall be listed as water quality limited segments if a water quality standard is not attained, if the standards nonattainment is due to toxicity, a pollutant or pollutants, and if remediation of the standards attainment problem requires one or more TMDLs. Pumping and water diversions are not pollutants nor toxicity as defined in the Clean Water Act. (33 U.S.C. section 1313(d)(1).) As such, listing a water body as impaired for “pumping” and “water diversions” is not a proper listing, and delisting is legally required.

Jeanine Townsend, Clerk to the Board
Page 2
July 10, 2017

Moreover, development of a TMDL is not required to address pumping and water diversions in the Ventura River. In fact, the Environmental Protection Agency has already concluded that a TMDL for pumping and water diversions is not required. On June 28, 2013, EPA determined that it was not necessary to establish a separate TMDL for pumping and water diversions for the Ventura River. In making this determination, EPA concluded that the Ventura River Nutrient TMDL more properly addressed the conditions of concern in the Ventura River.

As the State Board is aware, flow conditions in the Ventura River Watershed are already being considered as part of Action 4 of the California Water Action Plan. Currently, both the Department of Fish and Wildlife and the State Board are actively engaged in a multi-year effort to assess flow conditions in the Ventura River. The City as well as other interested parties are participating in this effort. Coupled with the existing Ventura River Nutrient TMDL, the California Water Action Plan provides an alternative path to considering flow issues in the Ventura River. Therefore, in addition to being an improper basis for a listing, the conditions of concern, if any, are being addressed already through other processes.

For these reasons, the City requests delisting of both Reach 3 and 4 of the Ventura River from the 303(d) list for both "pumping" and "water diversions".



Joe McDermott
Acting General Manager
Ventura Water