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Monday, December 22, 2014

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

Re: Proposed Amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List

Dear Ms. Townsend:

Heal the Ocean (HTO), a Santa Barbara based citizens' action group focused on stopping sources of ocean pollution, has for years made input into the 303(d) listing process, and we have used the 303(d) list itself not only to target areas for cleanup funding, but to conduct further research into sources of pollution in areas on the list. The Proposed Amendment to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List raises some serious questions – if not alarm – and we ask that the State Board consider our comments seriously.

The 303(d) List is the most important source of information providing guidance for remediation – not just for TMDL development – but for securing funding to target sources of pollution. While we are very supportive of efforts to enhance efficiency – like "timelier 303(d) list submittals to EPA by the State Water Board" – and strongly favor streamlined public participation, we are absolutely against any steps by the State Water Board that would damage the integrity of the listing process.

Heal the Ocean is strongly opposed to both the *second* and *fourth* "changes" identified in the *Notice of Opportunity to Comment* on this issue.

- We do not support the proposed *second* change in the Listing Policy Amendment that would "clarify" that assessments are not required from all regions in each listing cycle. If regions are allowed to opt out of full assessment within any listing cycle it will compromise the integrity of the 303(d) listing process. It is critical that water body impairment is regularly identified across the State. The 303(d) List is in fact the core work of the State Water Board and the Regional Water Boards, and its regular update – in full – cannot be omitted by any Regional Board in any listing cycle. The spinoff of such omission is considerable: Attachment 2 of AB 885 (septic system regulations for

California) is based on the 303(d) List. The 303(d) List is the primary basis for State Board funding of problem areas, and with considerable State funding around the corner with the passage of Proposition 1, it is inconceivable that a 303(d) List wouldn't be as complete as possible. The 303(d) List ensures that help is directed where it's needed most.

- Likewise, Heal the Ocean strongly opposes the proposed *fourth* change, and any change to the public review process that could empower a State Water Board Executive Director over adequate Board/public review. While we understand that there would still be a public comment process under the proposed changes, it is crucial to have adequate review and approval by the State Water *Board* itself. These decision makers are appointed by the Governor specifically for oversight and public review. Any steps that would reduce the Board's oversight in this process would further remove the public from its ability to input on the formation of the 303(d) List. The State Water Board cannot prioritize efficiency above public accountability on a matter as important as determining the list of impaired water bodies across California.

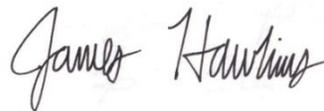
We are very concerned that the State Water Board is proposing these changes – and cannot help but wonder if these proposed changes are due to budgetary constraints at both State and Regional Board levels? If this is the case, a budgetary review is in order. If these changes *are* in fact due to budgetary constraints then this problem should be clearly stated and circulated so that the public and lawmakers understand that the State and Regional Water Boards are not provided with adequate funding to conduct their basic responsibilities in protecting California's water bodies. Heal the Ocean believes that #1 and #3 are reasonable changes to the listing process, but the other proposed changes would be serious errors that we would be forced to contest.

Please keep us on the Interested Parties List in this matter, with notices of all future hearings.

Sincerely,



Hillary Hauser, executive director



James O. Hawkins, policy analyst