

VENTURA COUNTY



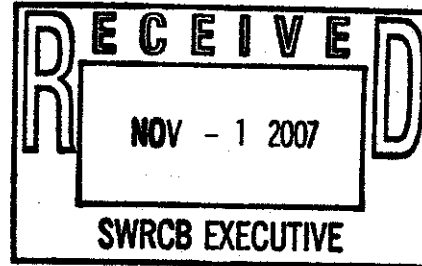
Public Comment TMDL
Ventura River Estuary
Deadline: 11/1/07 by 12 p.m.

PUBLIC WORKS AGENCY
RONALD C. COONS
Agency Director

WATERSHED PROTECTION DISTRICT

November 1, 2007

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



Jeff Pratt
District Director

Gerhardt Hubner
Water/Environmental Resources

Peter Sheydayi
Design/Construction

Sergio Vargas
Planning/Regulatory

Tom Lagier
Operations/Maintenance

Subject: COMMENT LETTER ON DRAFT STAFF REPORT FOR TRASH TOTAL MAXIMUM DAILY LOAD FOR THE VENTURA RIVER ESTUARY AND PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN – LOS ANGELES REGION FOR THE VENTURA RIVER ESTUARY TRASH TMDL

Dear Ms Townsend:

The Ventura County Watershed Protection District (District) appreciates the opportunity to provide comments on the *Amendments to the Water Quality Control Plan – Los Angeles Region for the Ventura River Estuary Trash TMDL Basin Plan Amendments* (BPA). As stakeholders in the Ventura River Estuary Watershed, we have been actively working with Regional Board staff to develop a Trash TMDL for the Ventura River Estuary that will result in a mechanism for reducing trash discharges and also maintain the ability of the stakeholders in the watershed to coordinate and effectively implement the TMDLs. This process has included numerous conversations with Regional Board staff in April and May of 2007, and formal submission of comments to Regional Board staff outlining our concerns.

Our principal concern is the District being included as a point-source discharger in this TMDL. We believe assigning the District a point source waste-load allocation (WLA) to be unfounded and inaccurate. As we have previously affirmed with Regional Board Staff on several occasions, the District has no land use authority and has no means of conveyance via a point source facility. Therefore, we do not generate trash that could be transported via an MS4 point source discharge into the Ventura River Estuary. Attached Number 1 outlines (in red) the only facility that the District owns and maintains in the impaired segment of the waterbody being addressed by this TMDL. This levee is adjacent to the southern bank of the Ventura River, and as previously pointed out, has no outfalls or point sources discharging from this structure. The structure itself is limited to one side of the Ventura River and this in itself is not a true conveyance facility. **Therefore, we request the Basin Plan Amendment be changed to delete the District as a point source discharger from this TMDL.**

Recognizing that the District owns and maintains a levee in the vicinity of the Estuary, and that any trash being disposed of on this levee may have the potential to result in trash being deposited in the Ventura River, we acknowledge that de-minimus amounts of trash may be carried via non-point sources. As such, assigning a nonpoint source load allocation (LA) to the District is clearly warranted and accepted.

Furthermore, during the development of the TMDL, the Regional Board staff recognized that the Ventura River Estuary watershed varied significantly from the Los Angeles River watershed and contained significantly different sources. The Ventura River Estuary is at the base of a large watershed. Simply installing full capture devices on the urban discharges will not result in the trash targets being met in the watershed. Installing full capture devices will not address what we feel is the primary source of trash to the watershed, nonpoint sources of litter from private property and agriculture.

To address this situation, the TMDL included a mechanism of compliance with the TMDL called the Minimum Frequency of Assessment and Collection (MFAC)/ Best Management Practice (BMP) program. That program requires responsible parties conduct regular trash pick ups in the drains discharging to the waterbody and in the waterbody itself to reduce the amount of trash in the waterbody. As a stakeholder, we fully support this approach addressing trash in waterbodies and feel it is the most effective method for the District to undertake. Such a combined MFAC/BMP program allows us to install BMPs to address areas that are generating the largest amount of trash with structural solutions, while addressing less problematic areas through cleaning up drainage areas as well.

However, our support for the TMDL was tempered by actions taken at the June 7, 2007 Regional Board hearing on this TMDL. At the hearing, the ability of point sources to comply using a MFAC/BMP program was significantly diminished by the addition of requirements to the TMDL. Although we recognize the reasoning behind the change, we feel that the State Board should understand that the MFAC/BMP program is an essential part of compliance for the District.

In the current proposed order we are listed as a responsible party for point and non-point source discharges. As a nonpoint source, our only mechanism of compliance is through the MFAC/BMP program. We need to be able to coordinate our point and nonpoint requirements so that resources are not wasted and trash discharges are effectively addressed. The changes to the TMDL during the Regional Board hearing made it unclear whether or not this will be possible.

Based on conversations with the Regional Board staff, it is our understanding that additional language will be proposed that clarifies the mechanisms for compliance in the TMDL (Attachment Number 2). We understand that these language changes will address some of the inconsistencies within the Basin Plan Amendment that resulted from the changes that occurred in the Regional Board hearing and clarify that point sources can

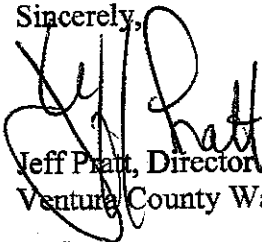
Ms. Jeanine Townsend
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comply with the TMDL through any mechanism that achieves the required reductions. With those language clarifications, we feel that we will be able to determine the most effective ways to address trash discharges and continue to work with other nonpoint source dischargers, such as agriculture, to meet the TMDL requirements.

In summary, we would like to express our support for the MFAC/BMP approach in the BPA, and support for adoption of the BMP if our understanding of the additional language clarifications are included, as discussed via a conference call with Regional Board staff and stakeholders on October 26, 2007, and the District is deleted as a point source responsible party. If the additional language clarifications are not included, we would like consideration of the attached clarifications that were discussed with Regional Board staff. We appreciate the State Board's consideration of the comments presented in this comment letter.

If you have any questions on this letter or the attachment, please contact Gerhardt Hubner at (805) 654-5051.

Sincerely,



Jeff Pratt, Director
Ventura County Watershed Protection District

Attachments:

- Number 1: Map outlining the Watershed Protection District levee
- Number 2: Changes to the Basin Plan Amendments Discussed with RWQCB on 10/26/07

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Legend

 VCWPD Ownership

Ventura River Estuary

Ventura River Levee

VENTURA RIVER BRIDGE

RAILROAD

OLIVE ST

GARDEN ST

MAIN ST

VENTURA AV

CEDAR ST

SANTA CAROLINA

Attachment Number 2

Changes to the Basin Plan Amendments Discussed with RWQCB on 10/26/07

The discussed changes would be the same for both the Ventura River Estuary and Revolon Slough Trash TMDLs.

Under Implementation for Point Sources, third paragraph:

"In certain circumstances (if approved by the Executive Officer), point source dischargers may alternatively comply with WLAs by implementing a program for minimum frequency of assessment and collection in conjunction with best management practices (MFAC/BMPs)."

Deleted: also

In Table 7-24.2a and Table 7-25.2a, change the title as follows:

"Implementation Schedule for Point Sources"

Deleted: Full Capture System

Change the text those same tables as follows:

| | |
|---|---|
| 3 | Submit results of Trash Monitoring and Reporting Plan, recommend trash baseline WLA, and propose <u>prioritization of Full Capture System installation or implementation of other measures to attain required trash reductions.</u> |
| 4 | Installation of Full Capture Systems <u>or other measures</u> to achieve 20% reduction of trash from Baseline WLA*. |
| 5 | Installation of Full Capture Systems <u>or other measures</u> to achieve 40% reduction of trash from Baseline WLA*. |
| 6 | Evaluate the effectiveness of Full Capture Systems <u>or other measures</u> , and reconsider the WLA. |
| 7 | Installation of Full Capture Systems <u>or other measures</u> to achieve 60% reduction of trash from Baseline WLA*. |
| 8 | Installation of Full Capture Systems <u>or other measures</u> to achieve 80% reduction of trash from Baseline WLA*. |
| 9 | Installation of Full Capture Systems <u>or other measures</u> to achieve 100% reduction of trash from Baseline WLA*. |

Deleted: Full Capture System

*Compliance with percent reductions from the Baseline WLA will be deemed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to...

Deleted: assumed

Table 7-24.2b and Table 7-25.2b, the second sentence of the footnote language was changed as follows:

"At Task 4, all Responsible Jurisdictions must demonstrate full compliance and attainment of the zero trash target's requirement that trash is not accumulating in deleterious amounts between the required trash assessment and collection events."

Deleted: including