

Public Comment
Anti-Degradation Policy
Deadline: 12/17/08 by 12 noon

3152 Shad Court
Simi Valley, CA 93063
November 19, 2008

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

Re: "Comment Letter - Anti-degradation Policy (Resolution 68-16)."

Dear Members of the Board:

After reading numerous documents to address the questions posed in the October 16, 2008 NOTICE OF STAFF WORKSHOP for the aforementioned subject, I have opted not to outright provide answers to the Board staff's inquiries, but instead I will share my concerns, and suggestions.

Members of the Board, when I recently addressed the California Department of Toxic Substances Control's the Boeing Company's Santa Susana Field Laboratory (SSFL)'s Group 8 RCRA RFI, I came across a September 2002 power point presentation by Mr. Bill Van Derveer. His points on "Fate" with regards to Water Quality Standards (WQS) were extremely informative and useful, I was left with utter shock over three small words in Mr. Van Derveer's presentation--"Avoiding Environmental Protection". Already I was privy to the Board's botched 2007 and 2008 public hearings on the SQOs for bays and estuaries. And, then there was the attempt by the Los Angeles Regional Water Quality Control Board (LARWQCB) to block my evidentiary material submitted for the Cities of Simi Valley and Thousand Oaks, and the Camarillo Sanitary District waste water treatment plants municipal NPDES permits' hearings. If alarm bells had not gone off before with all of these situations, they sure did when I read that the USEPA had determined Perchlorate was okay in drinking water systems. After all, years ago, the City of Simi Valley was going to enter into a joint well water program with the Calleguas Municipal Water District for which no public hearings took place. If I understood the City's 2005 Urban Water Management Plan update, the joint well water project has not been approved to date. Major changes in the State's

anti-degradation policy that benefit polluters--some who have enjoyed WQS flexibility to any extent--enjoy better returns on their investments at the detriment to the environment, and the public's health is not sound science, nor an ethical move.

Members of the Board, it was unsettling to read in the USEPA's July 6, 2007 updated Water Quality Handbook's Chapter 4 (Antidegradation) that the States have developed the "Tier 2½" concept in their antidegradation policies in order to get around the Tier 3 Outstanding National Resource Waters (ONRWs) requirements--thus, "relatively few water bodies are designated ONRWs". It was more unsettling to read that the USEPA "accepts this additional tier" -- which supposedly is "a more stringent application of the Tier 2 provisions"--just because the Agency has found this activity "permissible under Section 510 of the CWA" (Section 4.2 Summary of the Antidegradation Policy). If Tier 2½ serves Tier 2's purpose, then, amend the State's Antidegradation policy to reflect this by adding the language to existing Tier 2. But, Tier 3 provisions must be carried out to the letter. One only need to read the State's 2009 Water Plan update's hydrologic regions Pre-Administrative reports' Water Quality and Water Supplies sections to realize why this is extremely crucial.

Members of the Board, even though the USEPA's July 6, 2007 updated Water Quality Handbook's Chapter 4 states that "Nothing in either the water quality standards or the waste load allocation regulations requires the same degree of public participation or intergovernmental coordination for such non-high-quality waters as is required for high-quality waters" (Section 4.8.2. Antidegradation and the Public Participation Process), public notices and hearings must be followed up the same as for point source projects. Members of the public should not have to ask to have a public hearing scheduled. It must be a given. Also, Regional Boards' must stop including in tentative and final NPDES permits the provision that no further public notification will occur because if this information is not picked up on by "interested parties" that section will be set in concrete.

Members of the Board, though I have read and re-read through APU Number 90-004's Antidegradation Analysis provisions and understand the different levels, if the State's Antidegradation Policy is amended, then to

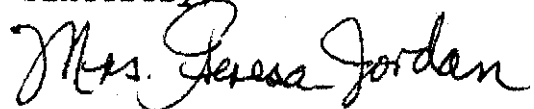
streamline, and simplify the process an antidegradation analysis must be required under all circumstances because too much credit is given State and Regional Boards to do right by the environment and the public's health.

Members of the Board, since the APU Number 90-004 document includes a questions section, if the State's Antidegradation Policy is amended, please keep the existing inquiries and responses, and add new questions.

Members of the Board, I have seen what happens when statements of overriding considerations are made. It is high time that the Mission of the State and Regional Water Boards is followed to the letter of the law.

Members of the Board, the State's Antidegradation Policy's implementation procedures must be formally adopted as regulations.

Sincerely,



Mrs. Teresa Jordan