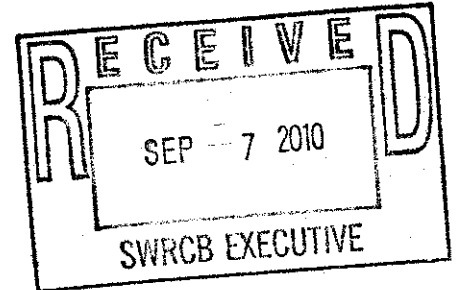


3152 Shad Court  
Simi Valley, CA 93063  
September 6, 2010

Ms. Jeanine Townsend, Clerk to the Board  
SWRCB  
P.O. Box 100  
Sacramento, CA 95812-0100



Re: "Comment Letter - California Ocean Plan".

Dear Ms. Townsend:

The following are my comments on the aforementioned subject for the State Water Board to take into consideration.

- #1 - Page 17, my thanks to Board staff for making the Alternative "2" change (Alternatives and Analysis).
- #2 - Pages 18 - 22, my thanks to Board staff for listening to commenters suggestions, and adding the descriptive information, and for including the "Figure VIII-..." statement to the MAPS OF THE OCEAN, COAST, AND ISLANDS. These additions make the MAPS OF THE OCEAN, COAST, AND ISLANDS "user-friendly".
- #3 - Page 23, glad to see staff follow-through on another commenter's suggestion by including "Laboratory's" under the fourth bullet point. The same follow-through was done on Page 25 "Laboratory" at the bottom of the page under "Year" 2007 and "Resolution" 2007-0058, and on Page 26, under IV. REFERENCES, number 5 ("State Water Board.2007.University of California, Davis Bodega Marine Laboratory's...").

ERRORS

1. Pages 21 and 22, the spacing between the maps and the "Figure..." statement is not consistent with the spacing on Pages 18 - 20.

2. Page 26, each of the REFERENCES must be numbered in order to ease pointing out a particular reference in a comment.
3. Page 11, APPENDIX B (Public Comments and State Water Board Staff Responses), under the Teresa Jordan May 6, 2009 ("Received") Comment it is stated that "...this lock of response if mind boggling." Please note that I have checked my letter and this error I did not make. Please change "lock" to "lack", and "if" to "is".
4. Page 7, APPENDIX B, bottom of page, last sentence under Staff Response, it is stated "staff is removing the term 'untreated' form the description of the exception". The word "form" must be changed to "from".

#### QUESTIONS

1. Page 2, APPENDIX B, bottom of page, under Staff Response it is stated that "We will consider posting the documents as time and resources permit in the future. At this time it is not feasible due to limited staff resources". Is this still the case?
2. Page 3, APPENDIX B, bottom of page, under Staff Response it is stated that "Comment has been noted. Staff disagrees that the wording should be added to the Staff Report because the rationale for the amendment need not be included in the Ocean Plan itself. Rather, the rationale belongs in the staff report". Is this still the case? Will this be included in the new Staff Report?
3. Page 9, APPENDIX B, bottom of page, under Staff Response it is stated that "These two issues are not the cause of any perceived lack of enforcement". Does Board staff mean by the Response "any perceived lack of enforcement" statement that I am the one perceiving the state of the situation? Please note that I just read the May 2010 State and Regional Water Boards' 2009 Annual Enforcement Report and I feel stronger than ever that "Issues 1 and 2 are the reason that State and Regional Water Boards enforcement is sorely lacking", and the reason that "there is still quite a difference between Water Boards' Mission statements" (Teresa Jordan May 6, 2009 ("Received") Comment). After reading the 2009 Report, though, I see that this lack of enforcement is no longer being blamed

on the State Office of the Attorney General because among the ADDITIONAL REGIONAL WATER BOARD ENFORCEMENT PRIORITIES listed for Region 4 (Page 104, 2009 Report) it is stated "Increase enforcement activity by expanding the 401/UST/Remediation pilot to other programs to investigate unpermitted dischargers and facilities not in compliance with regulatory requirements and work with OCC, OE and the AG's office to take formal enforcement actions".

4. Page 7, APPENDIX B, bottom of page, it is stated that "Regarding striking the term 'untreated' from proposed changes to Table VII-1, it should be noted that the term 'untreated' was derived from page 2 of Resolution WQ 79-16, which states: 'Untreated wet weather diversions require an exception to the Ocean Plan.' However, WQ 79-16 states in its conclusions (page 20, V. Conclusions) that 'the proposed wet weather discharges by the City and County of San Francisco from eight diversion structures in the Richmond Sunset Sewerage Zone are excepted from the requirements of the Ocean Plan.' Therefore, since the term 'untreated' is not present in the conclusions of the exception, staff is removing the term 'untreated' from the description of the exception". I thought that a Resolution's language carried a lot of weight, unless a Resolution is appealed to have changes made. Even though Resolution WQ 79-16 has been on the books for decades, under what State Water Board policy, or State of California law, can State Water Board staff make this terminology change? I have not taken the time to cross-reference WQ 79-16 due to other commitments, but if there were environmental or other type of organizations opposed to this exception, do they know currently about this misstep? Do treated wet weather diversions require an exception to the Ocean Plan? Do untreated wet weather diversions require an exception to the Ocean Plan?

Sincerely,

Teresa Jordan