



PO Box 3156, Fremont, CA 94539  
(510) 770 9764 [www.cacoastkeeper.org](http://www.cacoastkeeper.org)

Humboldt Baykeeper  
Inland Empire Waterkeeper  
Klamath Riverkeeper  
Monterey Coastkeeper  
Orange County Coastkeeper  
Russian Riverkeeper  
San Diego Coastkeeper  
San Francisco Baykeeper  
San Luis Obispo Coastkeeper  
Santa Barbara Channelkeeper  
Santa Monica Baykeeper  
Ventura Coastkeeper

July 10, 2009

The Honorable Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA 95814

The Honorable Theodore R. Kulongoski  
160 State Capitol, 900 Court Street  
Salem, Oregon 97301-4047

The Honorable Christine O. Gregoire  
P.O. Box 40002  
Olympia, WA 98504-0002

**c/o: WCGA Executive Committee Staff**  
**VIA ELECTRONIC MAIL: [comments@westcoastcoceans.gov](mailto:comments@westcoastcoceans.gov)**

**Re:** Comments on West Coast Governors' Agreement on Ocean Health: "Polluted Runoff ACT Draft Work Plan"

Dear Governor Schwarzenegger, Governor Kulongoski and Governor Gregoire:

The California Coastkeeper Alliance (CCKA or Alliance) and its 12 member Waterkeepers work to protect the health of the California coast from the Oregon border to San Diego. On behalf of the Alliance, I welcome this opportunity to provide comments on the "Action Coordination Teams' Draft Work Plans for Public Comment," dated June 2009. In particular, we would like to provide comments on the "Polluted Runoff ACT Draft Work Plan" (Work Plan), which is intended to protect and improve coastal water quality pursuant to your West Coast Governors' Agreement on Ocean Health (Agreement).

As detailed in our July 23, 2007 letter to you on your Agreement, polluted runoff (both stormwater and non-stormwater runoff) is the most significant and widespread source of contamination of coastal waters. The Commission on Ocean Policy found that fully "[n]inety percent of impaired water bodies do not meet water quality standards at least in part because of nonpoint source pollution."<sup>1</sup> Your Agreement appropriately highlights polluted runoff for immediate action, but **the tasks outlined in the Polluted Runoff ACT Draft Work Plan fail to meet the critical hurdle of effective, swift action to reduce pollution and ensure clean, adequate coastal flows**, which are essential to the good health of ocean ecosystems and marine life. Instead, the Work Plan primarily reiterates existing

<sup>1</sup> U.S. Commission on Ocean Policy, *An Ocean Blueprint for the 21st Century: Final Report*, p. 213, found at [http://oceancommission.gov/documents/full\\_color\\_rpt/14\\_chapter14.pdf](http://oceancommission.gov/documents/full_color_rpt/14_chapter14.pdf) (COP Report).

activities and collaboration efforts, and fails to seize on the significant opportunity provided by the focused attention of three important Governors to this issue. Moreover, it barely touches on the issue of non-stormwater polluted runoff, which is a growing threat to the health of marine life (especially the iconic salmon) and of our coastal waters.

We respectfully request that the tasks described in the Work Plan be expanded to include tasks that will result in *measurable*, near-term, on-the-ground results. In particular, we request that the Work Plan:

- Move beyond the status quo of “examining” incentive-based stormwater control programs, and further “collecting information on” and collaborating about such programs, and instead commit to specific actions to *implement and fund* such efforts, rather than focusing on continuing to talk about them.
- Address the energy as well as environmental benefits of increasing stormwater capture/storage through low-impact development, as opposed to energy-intensive and environmentally destructive water sources such as ocean desalination, and link that discussion to the Climate Change Work Plan.
- Adopt specific tasks by all three states to advance the Commission on Ocean Policy’s call for “enforceable best management practices” for non-stormwater polluted runoff.

Our recommendations are detailed further below.

**THE WORK PLAN SHOULD INCLUDE TASKS THAT WILL RESULT IN MEASUREABLE, NEAR-TERM REDUCTIONS IN STORMWATER RUNOFF, REDUCED IMPERVIOUS SURFACE AREAS, AND INCREASED STORMWATER CAPTURE AND STORAGE.**

***Stormwater Runoff Is a Significant Source of Coastal Pollution***

Stormwater runoff is a significant source of coastal pollution, particularly for popular coastal recreation areas such as Southern California. As noted by the Commission on Ocean Policy,

[p]oor stormwater management may increase flooding, causing property damage from flash floods and leading to higher insurance rates. Stormwater is also a source of bacterial contamination, leading to increased disease incidence, thousands of beach closures in the United States each year, and loss of revenues from coastal tourism and sport fishing. Millions of dollars are spent on treating the symptoms of stormwater pollution but much less is spent on efforts to control its causes.<sup>2</sup>

A UCLA and Stanford University study found that nearly 1.5 million cases of gastrointestinal illnesses occur annually as a result of fecal contamination in Southern California’s waters. The researchers estimated that health care costs for the cases range from \$21 million annually (based

---

<sup>2</sup> *Id.* at 217.

on very conservative assumptions) to \$414 million.<sup>3</sup> Moreover, stormwater discharges from roadways pollute nearby waters with metals (copper, lead, and zinc) from brake pads and tires, as well as synthetic organics (petroleum products and pesticides), sediment, nutrients, debris, oxygen-demand substances (decaying vegetation, animal waste, and other organic matter), and other pollutants.

Land use decisions dramatically affect the amount and type of stormwater runoff created, and so can significantly impact coastal water quality. For example, aquatic ecosystem health becomes “seriously impaired” when over 10% of the watershed is covered by impervious surfaces. By comparison, impervious surfaces cover 25%–60% of the area in medium-density residential areas, and can exceed 90% at strip malls and other commercial sites.”<sup>4</sup>

Recognizing the connections between development and stormwater pollution, the Commission properly noted that “while best management practices can be effective, these tools may not be sufficient on their own. In urban areas, construction activities still contribute significantly to sediment loadings and, where impervious surfaces are prevalent, stormwater flows directly into surface waters and sewer systems. A comprehensive approach will be required to minimize disturbance to the natural hydrology, minimize water flow over surfaces, and maintain water quality...”<sup>5</sup> The Commission formally recommended that state and local governments “adopt or revise existing codes and ordinances to require land use planning and decision making to carefully consider the individual and cumulative impacts of development on water quality, including effects on stormwater runoff.”<sup>6</sup>

### ***Low-Impact Development Techniques Have Multiple Benefits in Addressing the Problem of Contaminated Stormwater Runoff***

To control runoff effectively and reduce expensive cleanup costs downstream, pollution should be better controlled at the source. Implementation of low-impact development (LID) measures, as referenced in the Work Plan, is critical to reducing stormwater pollution into coastal waters. Examples of LID practices include designs for natural drainage; preservation of vegetation (*e.g.* through design of narrower streets with more vegetative buffers); rain gardens; grassy swales; and reducing impervious surfaces, such as the concrete surfaces of parking lots, by using porous pavement.<sup>7</sup> Pollution prevention through LID also offers myriad additional benefits over after-the-fact conventional treatment, such as pollution reduction, reduced stormwater runoff volume and rate (which reduces flooding), potentially increased groundwater recharge (potentially creating a low-energy, localized water supply), habitat protection, and greater cost-effectiveness. U.S. EPA found that using LID methods, rather than traditional stormwater management controls, resulted in cost *savings* of between 15% and 80%.

---

<sup>3</sup> UCLA, “Regional Public Health Cost Estimates of Contaminated Coastal Waters: A Case Study of Gastroenteritis at Southern California Beaches,” *Environmental Science and Technology* 40(16), 4851–4858 (2006).

<sup>4</sup> COP Report at 216-17.

<sup>5</sup> *Id.* at 220 (emphasis added).

<sup>6</sup> *Id.* (emphasis added).

<sup>7</sup> *Se, e.g.*, The Low-Impact Development Center website at <http://lowimpactdevelopment.org/> for more information.

As discussed in our July 23, 2007 comments to the Governors and as referenced in the Work Plan, the West Coast states have already begun development and implementation of LID strategies. Several key reports on LID have been released since then,<sup>8</sup> offering numerous other specific task recommendations. These include revising state and local codes and ordinances to encourage green design and remove disincentives to LID, as recommended in the COP Report. Most state and local stormwater codes and ordinances focus on peak flow rate control. These regulations should be revised to facilitate and require minimizing and reducing impervious surfaces, protecting existing vegetation, maintaining predevelopment runoff volume and infiltration rates, and providing water quality improvements.

***Further Action Is Needed to Address Contamination and Other Problems Associated with Stormwater Runoff, and to Turn Stormwater from Waste to Resource***

While the Commission on Ocean Policy (Commission) and the West Coast Governors have clearly recognized the threats posed by stormwater runoff and the opportunities involved in its control, the Work Plan unfortunately fails to move much beyond the status quo of examining incentive programs and conducting meetings. While building networks of contacts and information is of course important, these activities should be viewed as a support system for action, not ends in themselves.

Rather than tasking agencies with talking about actions, a “work plan” should task agencies with taking actions, including actions that will result in measurable, on-the-ground, near-term improvements. Such improvements generally would include reductions in stormwater runoff, reduced impervious surface, and/or increased stormwater capture/storage. Specific tasks that should be added would include *implementation*, not merely examination, of incentive-based and regulatory programs. For example, much can be done with carefully-targeted funding for model LID programs that demonstrate progress.<sup>9</sup> As such model programs are developed, their lessons should be deliberately applied elsewhere. The Work Plan accordingly should commit to developing a consistent process that would ensure that local and/or regional governments update their General Plans, codes and ordinances as needed to enhance the use of LID to reduce pollution, increase water supplies, reduce flooding risks, and/or ensure stormwater permit compliance. For example, those communities that accept funding for model projects should be required to make associated regulatory updates uncovered by the projects’ results. The Work

---

<sup>8</sup> See, e.g., Low Impact Development Center, “A Review of Low Impact Development Policies: Removing Institutional Barriers to Adoption” (Dec. 2007); U.S. EPA, “Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices,” EPA Pub. No. 841-F-07-006 (Dec. 2007); Tetra Tech, Inc., “State and Local Policies Encouraging or Requiring Low Impact Development in California” (Jan. 2008); all available at: [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20080229/06\\_LID/0802COPC\\_06\\_LID%20memo.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20080229/06_LID/0802COPC_06_LID%20memo.pdf); see also additional information on U.S. EPA website at: <http://www.epa.gov/nps/lid/>.

<sup>9</sup> For example, the 2009 stormwater bond funding Guidelines adopted by California’s State Water Board include funding for projects that “[e]liminate the barriers from municipal ordinances, regulations, site design guidelines, and standards that are preventing or hindering implementation of LID practices,” and that “[d]evelop and adopt incentives and standard requirements that encourage or require local jurisdictions to implement LID/green infrastructure techniques that promote the infiltration, capture, and treatment of storm water for reuse or groundwater basin recharge” and “encourage engineers and developers to use LID principles it is important that regulations and standards both allow and encourage their use.” Examples include “parking lot and driveway requirements, setback requirements, required conventional curbs, and required road and sidewalk widths.” Available at: [www.waterboards.ca.gov](http://www.waterboards.ca.gov).

Plan also should encourage retrofits for LID, rather than focusing primarily on new and redevelopment; LID has successfully been used in numerous retrofit situations (such as the Mint Plaza in San Francisco).

We also have significant concerns with the self-imposed limitations outlined in the Work Plan, in which ACT members found that “it will be difficult, if not impossible, to demonstrate improved water quality in coastal communities without expanding the effort significantly to address the various sources of polluted runoff.”<sup>10</sup> It appears that the relatively weak actions proposed in the Work Plan result from an unnecessarily discouraged viewpoint of the advantages to be gained with strong leadership and clear goals. In scaling back on potential opportunities for real action to implement proven LID strategies, the Work Plan would cement in place the self-fulfilling prophecy that progress cannot be made without widespread and simultaneous action across all pollution sectors. **We encourage the Governors to adopt necessary clear goals and action-based tasks, and then use their collective, impressive leadership to implement them.**

#### Stormwater Capture and Storage Can Provide Significant, Low-Energy, Localized Water Sources and Provide an Alternative to Destructive Ocean Desalination

Stormwater control through LID and other measures can address multiple different problems at once, including water quality, climate change adaptation/mitigation (through flood control), and water supply issues. As to the water supply, stormwater capture and storage can provide significant, low-energy, localized water sources that reduce a growing focus on destructive ocean desalination as a water source. The California Energy Commission has found that water management consumes 19% of the state’s electricity generated every year. If our water sources are not sustainable from an energy and climate change perspective, they will increasingly harm, rather than benefit, the ocean environment.

In an August 2008 report,<sup>11</sup> the Los Angeles County Economic Development Corporation (LAEDC) ranked conservation and “local stormwater capture” as the area’s most cost-effective, energy efficient, relatively immediate water sources. By contrast, ocean desalination using current technology, which devastates sensitive near-shore ecosystems, ranked *lowest* on the list of water supply strategies in terms of greenhouse gas emission impacts.<sup>12</sup> The Scoping Plan for California’s landmark “AB 32” greenhouse gas emission reduction law promotes stormwater capture/reuse, conservation and recycling as energy-efficient alternatives that can create *millions* of acre-feet of “new,” local water supplies. The AB 32 Scoping Plan specifically promotes LID as an energy-efficient, sustainable water source, and adds that up to 333,000 acre-feet of

---

<sup>10</sup> Work Plan at 10 (hyperlink to Work Plan details).

<sup>11</sup> LAEDC, *Where Will We Get the Water? Assessing Southern California’s Future Water Strategies* (rev’d Aug. 14, 2008); available at: [http://www.laedc.org/sclc/studies/SCLC\\_SoCalWaterStrategies.pdf](http://www.laedc.org/sclc/studies/SCLC_SoCalWaterStrategies.pdf).

<sup>12</sup> Though these comments do not specifically address the Climate Change section, we urge the Governors to include in the Climate Change Work Plan a specific process for discouraging ocean desalination as a water supply source, at a minimum until all other conservation, stormwater capture, recycling and other energy-efficient and sustainable water sources have been exhausted.

stormwater could be captured annually in urban Southern California alone.<sup>13</sup> Similarly, the January 2009 California Little Hoover Commission report on water governance states that:

[a] 2005 report by the Los Angeles and San Gabriel Rivers Watershed Council noted that 500,000 acre-feet of stormwater runoff flow from the Los Angeles County basin to the ocean each year. The report noted that if the region could instead capture that water and reuse it, Southern California would be less dependent on water imports from Northern California.<sup>14</sup>

Such water strategies should be significantly encouraged, and strategies that are destructive to the ocean should conversely be discouraged in the Work Plans.

The above water supply benefits information, which should be included in the Work Plan, demonstrates that LID implementation runs across both the Climate Change and Polluted Runoff Work Plans; the Work Plans should acknowledge and take action on this information. An example of likely actions that could then be adopted would be development of a thorough report on the West Coast water-energy carbon nexus, including ocean desalination, with follow-up recommendations of tasks that will simultaneously: (a) reduce polluted runoff, (b) reduce demands on water supply, and (c) mitigate climate change by encouraging low-energy (and discouraging high-energy) sources of fresh water.

The West Coast can and should focus on *integrated solutions* that advance the area's overall water, ocean and climate change goals, rather than impede them. State law, policy, funding and programs should be designed and implemented with careful attention to the overall impacts of our water sources – such as stormwater capture versus ocean desalination – on our goals of clean, healthy oceans and lower greenhouse gas emissions. The Work Plan currently fails to address these critical and timely issues, and we ask that this omission be rectified.

#### Development of Funding Sources Should Be a Consideration in the Work Plan

Funding sources other than fast-disappearing bond measures should be a consideration in the Work Plan, especially given the cost-effectiveness and benefits of LID. We ask that the Work Plan include actions to develop statewide fee schemes, or at a minimum create a model for interested cities to follow. For example, San Francisco has considered creating a LID fund or impervious service fee that would be supported with fees imposed on developers; numerous other options are possible and should be committed to in the Work Plan.

---

<sup>13</sup> California Air Resources Board, "Climate Change Scoping Plan: Volume 1," at C-135 (Dec. 2008), available at: [http://www.arb.ca.gov/cc/scopingplan/document/appendices\\_volume1.pdf](http://www.arb.ca.gov/cc/scopingplan/document/appendices_volume1.pdf).

<sup>14</sup> California Little Hoover Commission, "Clearer Structure, Cleaner Water," at 81 (Jan. 2009), available at: <http://www.lhc.ca.gov/studies/195/report195.pdf>.

## **THE WORK PLAN SHOULD INCLUDE FOCUSED ACTIONS TO REDUCE NON-STORMWATER POLLUTED RUNOFF THROUGH ENFORCEABLE “BEST MANAGEMENT PRACTICES.”**

### *Non-Stormwater Runoff Is a Significant Source of Coastal Pollution*

The Commission on Ocean Policy Report found that “substantial enhancement of coastal water quality will require significant reductions in nonpoint source pollution.”<sup>15</sup> Since the 2004 release of the COP Report, significant new scientific research has been unveiled demonstrating that **polluted runoff-caused contamination harms and kills fish even at low and legal concentrations**. Most recently, a study by NOAA and Washington State University found that five of the most common pesticides used in California and the Pacific Northwest – diazinon, malathion, chlorpyrifos, carbaryl and carbofuran – act in “deadly synergy” by suppressing an enzyme that affects the nervous system of salmon.<sup>16</sup> Exposures to a single chemical did no harm, but pairing chemicals lowered enzyme activity, sometimes fatally. Moreover, scientists noticed effects at lower pesticide levels when chemicals were applied in combinations. The scientists concluded that “[s]ingle-chemical risk assessments are likely to underestimate the impacts of these insecticides on salmon in river systems where mixtures occur.” This means that even if our existing water quality laws are implemented fully, they will fail to protect fish, because the standards on which they are based are too low.

An earlier NOAA/NMFS study of juvenile fall Chinook salmon similarly found that salmon accumulate significant concentrations of chemical contaminants even during relatively short residence times in estuaries, and that juvenile salmon from polluted environments “exhibit abnormalities ranging from subcellular effects to changes in immune function and growth. In many cases the effects alter physiological processes, such that the potential for survival is reduced.” The study further found that because the pollutants suppressed the salmon’s immune systems, there was an increased susceptibility to infectious disease.<sup>17</sup> This is consistent with multiple sets of findings from scientists presenting at the 2008 Annual Meeting of the American Association for the Advancement of Science (AAAS), who reported that **pesticides that run off the land and mix in rivers and streams combine to have a greater than expected toxic effect on the salmon nervous system than the pesticides would have individually**. The scientists concluded that “[c]urrent risk assessments based on a single chemical will likely underestimate impacts on wildlife in situations where that chemical interacts with other chemicals in the environment,” and that the findings may have relevance for human health because these toxins act on the nervous systems of salmon and humans in a similar way.<sup>18</sup>

---

<sup>15</sup> COP Report at 204.

<sup>16</sup> Laetz, Cathy, *et al.*, “The Synergistic Toxicity of Pesticide Mixtures: Implications for Risk Assessment and the Conservation of Endangered Pacific Salmon,” *Environmental Health Perspectives*, Vol, 117, No. 3 (March 2009), available at: [http://www.eenews.net/public/25/9960/features/documents/2009/03/03/document\\_gw\\_01.pdf](http://www.eenews.net/public/25/9960/features/documents/2009/03/03/document_gw_01.pdf). See also Goodman, Sara, “Mix of common farm pesticides deadly to salmon – study,” *New York Times* (March 3, 2009).

<sup>17</sup> Casillas, E., *et al.*, NOAA-NMFS-NWFSC, “Estuarine Pollution and Juvenile Salmon Health: Potential Impact on Survival” (2007) <http://www.nwfsc.noaa.gov/publications/techmemos/tm29/papers/casillas.htm>.

<sup>18</sup> Scholz, Nat, NOAA, “Health effects of pesticide mixtures: Unexpected insights from the salmon brain,” (AAAS Annual Meeting, Feb. 2008) [http://www.eurekalert.org/pub\\_releases/2008-02/nh-nsa\\_1021208.php](http://www.eurekalert.org/pub_releases/2008-02/nh-nsa_1021208.php) (emphasis added); see also NOAA Office of Communications, “New findings on emerging contaminants: Chemicals in our

The above research and numerous other studies demonstrate that even where concentrations of runoff-borne contaminants such as pesticides are low and/or legal, they can still kill and injure fish, including salmon. Unfortunately, many coastal waterways critical to fish health do not meet standards and are in fact significantly polluted, in many cases well above water quality standards. For example, California surface water monitoring data collected on agriculture-related polluted runoff discharges revealed that:<sup>19</sup>

- Toxicity to aquatic life was present at 63% of the sites monitored for toxicity, with over half toxic to more than one species.
- Pesticide water quality standards were exceeded in over half of the sites, many for multiple pesticides.
- Standards for one or more metals were violated at 2/3 of the sites monitored for metals.
- More than 80% of the sites tested exceeded standards for general water health (dissolved oxygen, pH, salt and total suspended solids).
- Human health standards for bacteria were violated at 87% of monitored sites.

As a result of these types of ongoing discharges, California's coastal waters are increasingly failing to meet water quality standards, as illustrated by CCKA's map of impaired surface waters at <http://www.cacoastkeeper.org/programs/mapping-initiative/ca-polluted-water-maps>. Using the State Water Resources Control Board's own data, CCKA developed this interactive map that allows the user to zoom in on specific water bodies and describes the types and sources of identified impairments. Pesticides and metals are the top causes of water body impairment in the state.<sup>20</sup> Again, as noted above, even *legal* concentrations of contaminants can kill and injure fish; *illegally* high concentrations, such as in these impaired rivers and streams, are an even more certain death sentence.

### ***Further Action Is Needed to Address This Growing Contamination and Associated Damage***

The Work Plan fails to address this growing problem in a meaningful way. Simply asking for more federal funding for an incentive-based polluted runoff program has proven insufficient to address this pervasive problem.<sup>21</sup> There is much more that the West Coast Governors can do, individually and together, to improve this situation through specific controls on runoff. As we noted in our July 23, 2007 comments on the Agreement, while the federal Clean Water Act fails to mandate controls on many sources of non-stormwater runoff, state law can and should fill the gap until that problem is corrected. Moreover, the Commission itself found that “[i]mprovements to the [nonpoint] programs should . . . require enforceable best

---

waters are affecting humans and aquatic life” (AAAS Annual Meeting, Feb. 2008), available at [http://www.eurekaalert.org/pub\\_releases/2008-02/s-nfo020808.php](http://www.eurekaalert.org/pub_releases/2008-02/s-nfo020808.php).

<sup>19</sup> Central Valley Regional Water Quality Control Board, “2007 Review of Monitoring Data: Irrigated Lands Conditional Waiver Program” (13 July 2007), available at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_land/monitoring/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_land/monitoring/index.shtml) (covering monitoring conducted May 2004 - Oct. 2006).

<sup>20</sup> State Water Resources Control Board. “California 2006 303(d) List: Total Number Pollutants Listed by Pollutant Category,” available at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/docs/303dlists2006/epa/stats\\_2006\\_303dlist.xls](http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/303dlists2006/epa/stats_2006_303dlist.xls).

<sup>21</sup> See <http://westcoastcoceans.gov/docs/Mollohan%20Frelinghuysen%20Letter.pdf>.

management practices and other management measures throughout the United States . . .<sup>22</sup> and recommended that “[t]o ensure protection of coastal resources nationwide, Congress should provide authority under the Clean Water Act and other applicable laws for federal agencies to establish enforceable management measures for nonpoint sources of pollution . . .”<sup>23</sup>

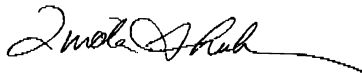
Accordingly, and as emphasized by the Commission, the existing federal programs of incentives and voluntary efforts, on which the Work Plan relies,<sup>24</sup> are simply insufficient to reduce non-stormwater polluted runoff. The Work Plan will only be effective in reducing non-stormwater polluted runoff if it: (a) supports the Commission’s call for “enforceable best management practices,” both in state law and in the Clean Water Act for all sources of polluted runoff, and (b) adopts specific tasks to implement this COP Report recommendation in each state.<sup>25</sup> **We ask that the Work Plan include tasks by all three states to further advance the Commission’s call for “enforceable best management practices” for polluted runoff.** The Work Plan must move beyond solely voluntary and incentive-based actions, which will not achieve clean coastal waters, and instead include a set of tasks that will result in the adoption and full implementation of state programs that mandate enforceable controls on polluted runoff. This action would be a model for the rest of the country, and potentially spur the adoption of similar controls within the federal Clean Water Act, as called for by the Commission.

\* \* \*

California, Oregon and Washington have a unique opportunity to take a leadership role in implementing new strategies, supported by the Commission on Ocean Policy, that are essential to controlling both stormwater and non-stormwater polluted runoff into our coastal and ocean waters. We respectfully request that the Work Plan include the above-described actions to protect water quality, in order to effectively ensure the good health of coastal and marine waters and affected habitat and life.

Thank you for your continued strong support and action for a vibrant coast and ocean.

Best regards,



Linda Sheehan  
Executive Director

---

<sup>22</sup> COP Report at 218 (emphasis added).

<sup>23</sup> *Id.* at 220 (emphasis added).

<sup>24</sup> See Work Plan Action 1.1 at [http://westcoastoceans.gov/Docs/PollRunoffACT\\_Draftworkplan\\_May09.pdf](http://westcoastoceans.gov/Docs/PollRunoffACT_Draftworkplan_May09.pdf).

<sup>25</sup> While California’s Porter-Cologne Water Quality Control Act already mandates such controls on polluted runoff, and the mandates of Porter-Cologne are beginning to be implemented, full statewide implementation of these mandates has yet to occur.