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July 1, 2011

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RE: Memorandum of Understanding
City of Malibu
Regional Water Quality Control Board
Item No. 12 on the July 14th, 2011 Board Hearing

Dear Mr. Unger:

I am a residential Property Owner and Board Member in Serra Canyon and am included in the Phase II area of the proposed sewer implementation plan for central Malibu. I am writing to express my concern about the approval of the proposed MOU between the City of Malibu and the RWQCB.

Despite the best efforts of the City and the RWQCB to craft a practical implementation plan, the proposed agreement contains language and provisions that may have severe consequence to our property and neighborhood. According to the phasing plan outlined in the agreement, Serra Canyon is included in the mandatory Phase II implementation. We have not had the opportunity to study the proposal in detail, to provide constructive input, to analyze potential impacts, or to propose alternative ideas.

Though I speak as an individual, nearly all of my neighbors with whom I have spoken agree that if the canyon, or properties within the canyon are contributing to increased bacterial or nitrogen related levels within the watershed, we need to participate in measurable corrective solutions. After listening to presentations by many scientists at the recent Malibu Water Symposium, it is apparent that scientific evidence of impact from most residential on-site wastewater systems in our canyon is not indicated. Moreover, there is increasing belief by many within the scientific community that the requirement of the connection by our properties to a centralized system will not affect the levels of bacteria and/or nitrogen in any measurable way.

Our on-site septic system was permitted, installed and inspected in 2000. It has operated flawlessly since the beginning. We have not received notice of any operating violation or notice of contribution to an impaired waterway (or any waterway) as required by Water Code 13280. No test wells or monitoring has occurred within the canyon, to my knowledge—though there are 2 sites indicated on the USGS monitoring map near Serra Canyon at the Cross Creek bridge along Malibu Creek—each with no positive indicators for human fecal bacteria.

I urge you to postpone action on the MOU to allow residents within the canyon to analyze and provide specific suggestions and responses as they relate to our specific properties and neighborhood. Although we applaud and support the efforts of the RWQCB and the City of Malibu to work toward a practical solution, the existing prohibition and implementation plan has already had devastating affects on property values and property rights.

Please provide us the opportunity to suggest alternatives without prejudice toward the eventual solution and modified implementation. I respectfully request that you postpone any action with regard to the MOU as written.

Sincerely,

R Jeffrey Follert