



January 17, 2017

Via email: commentletters@waterboards.ca.gov

The Honorable Felicia Marcus and Members of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814

RE: Comment Letter – Proposed Approval of an Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Establish an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments

Dear Chair Marcus and Members of the Board:

The Las Virgenes – Triunfo Joint Powers Authority (JPA) appreciates the opportunity to comment on the proposed approval of the subject amendment to the Basin Plan. The JPA worked extensively with staff at the Los Angeles Regional Board during development of the Implementation Plan, supports their efforts and recommends approval of the proposed Basin Plan Amendment.

The JPA and Regional Board staff developed mutually agreeable conditions in the Implementation Plan, which the JPA feels are reasonable and achievable. The JPA is committed to the continued stewardship of the Malibu Creek Watershed and shares the State's goals to protect in-stream biology and habitat. As part of this commitment, the JPA has already initiated a program to achieve significant additional nutrient reductions through the construction of an advanced water treatment facility. The ambitious program is the culmination of an eighteen-month stakeholder process to identify and evaluate alternatives to minimize discharges into Malibu Creek. The facility will enable indirect potable reuse of the excess recycled water from the Tapia Water Reclamation Facility. A significant effort is required, including an estimated investment of \$95 million. When completed, the JPA will be one of the first water agencies in the state to implement indirect potable reuse through reservoir augmentation, which will protect in-stream habitat and advance the prudent use of California's limited water supply.

The success of this program is largely dependent upon public acceptance, which the JPA is confident can be achieved within the thirteen and a half years specified in the Implementation Plan. While the JPA is confident that this time frame provides enough time to both address the complex challenges of building an advanced water treatment facility and gain public acceptance, it is still an extremely tight time frame. This was recognized by Regional Board staff during discussions on the Draft Implementation Plan when the time frame was extended from ten years. The JPA appreciates the Regional Board's willingness to provide adequate time to ensure program success. The attached timeline highlights the tasks to be completed in the period provided.

The JPA is committed to minimizing nutrient discharges to Malibu Creek and we look forward to continuing to work with Regional Board staff to protect water quality and natural resources in the watershed.

Thank you again for the opportunity to provide comments.

Sincerely,

David W. Pedersen, P.E.
Administering Agent/General Manager

Attachment: Las Virgenes-Triunfo Joint Powers Authority Indirect Potable Reuse Program Schedule

Las Virgenes-Triunfo Joint Powers Authority

Indirect Potable Reuse Program Schedule

1	2	3	4	5	6	7	8	9	10	11	12	13	
<u>Years 1 - 5</u> Public Outreach and Acceptance Design and Construct Demonstration Project Regulatory Compliance (SWRCB, DDW, RWQCB) Pre-Design CEQA/NEPA Analysis Land Acquisition Financing and Funding Brine Disposal Agreement					<u>Years 6 - 8</u> Public Outreach and Acceptance Final Design Equipment Procurement Construction Permitting			<u>Years 9 - 11 ½</u> Public Outreach and Acceptance Construction of: Advanced Water Treatment Facility Pipelines Brine Line Reservoir Mixing Facilities			<u>Years 11 ½ - 13 ½</u> Public Outreach Start-up Regulatory Compliance		

January 26, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov

Central Services Department
J. Tabin Cosio, Director

Engineering Services Department
Christopher E. Cooper, Director

Transportation Department
David L. Fleisch, Director

Water & Sanitation Department
Michaela Brown, Director

Watershed Protection District
Glenn Shephard, Director

**Subject: COMMENT LETTER – IMPLEMENTATION PLAN FOR U.S. EPA MALIBU
NUTRIENT AND SEDIMENTATION TMDLS**

Dear Ms. Townsend:

The County of Ventura (County) and Ventura County Watershed Protect District (District) appreciate the opportunity to submit comments on the Proposed Approval of an Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Establish an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments. Our comments are limited to the fact that the proposed Amendment does not include primary property owners such as Rancho Simi Parks & Recreation District, U.S. National Park Service, Mountains Recreation and Conservation Authority, Conejo Open Space Conservation Authority, and California Department of Parks and Recreation who own approximately 51% of undeveloped lands in upper Malibu Creek Watershed (MCW), i.e., above Los Angeles County line. As estimated by U.S. Environmental Protection Agency during development of Malibu Creek Nutrients TMDL and referenced in the Regional Water Quality Control Board's TMDL Staff Report, these lands contribute 25.2% of the total nitrogen load and 5.5% of the total phosphorus load during the winter period and 9.3% of the total nitrogen load and 10.6% of the total phosphorus load during the summer period. Upper MCW offers opportunities for recreation including equestrian uses, which may need to be evaluated for Best Management Practices towards nutrient reduction and improvement of water quality. **The primary land owners of undeveloped lands should be subject to the same requirements as Municipal Separate Storm Sewer Systems (MS4s) including monitoring requirements for lakes, assignment of load allocations (LAs), and monitoring and implementation requirements for the upper MCW or participation in watershed-wide approach if chosen.**

The proposed TMDL Implementation Plan provides an option to the Responsible Parties to develop a watershed-wide approach towards achieving LAs and wasteload allocations (WLAs), which can be done most efficiently and successfully if all primary property owners, MS4 and other TMDL Responsible Parties are participating. County of Ventura has been working on identifying opportunities for stormwater treatment control measures in upper Malibu Creek. It has come to our attention that significant portion of the stormwater runoff entering County's storm drain system comes from properties owned by other parties, especially large undeveloped areas upstream of the County's storm drain system. If primary property owners of undeveloped lands are involved in watershed-wide efforts,



more opportunities for stormwater capture may present itself within jurisdictions of all participating parties.

As proposed in the Proposed Amendment, the U.S. National Park Service and/or California Department Parks and Recreation were only listed under Cooperative Parties for Malibou Lake and Sherwood Lake, and to meet requirements for sedimentation below Malibou Lake (outside upper MCW). The Proposed Amendment does not require the U.S. National Park Service and California Department Parks and Recreation to address nutrients and conduct monitoring required for MS4s. Other primary property owners of undeveloped lands such as Rancho Simi Parks & Recreation District, Mountains Recreation and Conservation Authority, and Conejo Open Space Conservation Authority are not listed in the Proposed Amendment.

Request: Include the Rancho Simi Parks & Recreation District, U.S. National Park Service, Mountains Recreation and Conservation Authority, Conejo Open Space Conservation Authority, and California Department of Parks and Recreation as responsible parties in the Proposed Amendment for monitoring and implementation plan development efforts within their jurisdictional areas at the comparable requirement levels as MS4s and other TMDL Responsible Parties.

The proposed addition ensures that the primary property owners of the undeveloped lands in upper MCW are responsible for implementing TMDL requirements and willing to collaborate with local agencies towards the common goal of reducing nutrient levels and improving water quality in MCW.

Thank you for the opportunity to submit comments on the Proposed Amendment for your consideration. If you have any questions or need additional information, please feel free to contact Ewelina Mutkowska at Ewelina.Mutkowska@ventura.org or (805) 645-1382.

We look forward to working with all Responsible Parties and regulatory agencies to implement the TMDLs.

Sincerely,



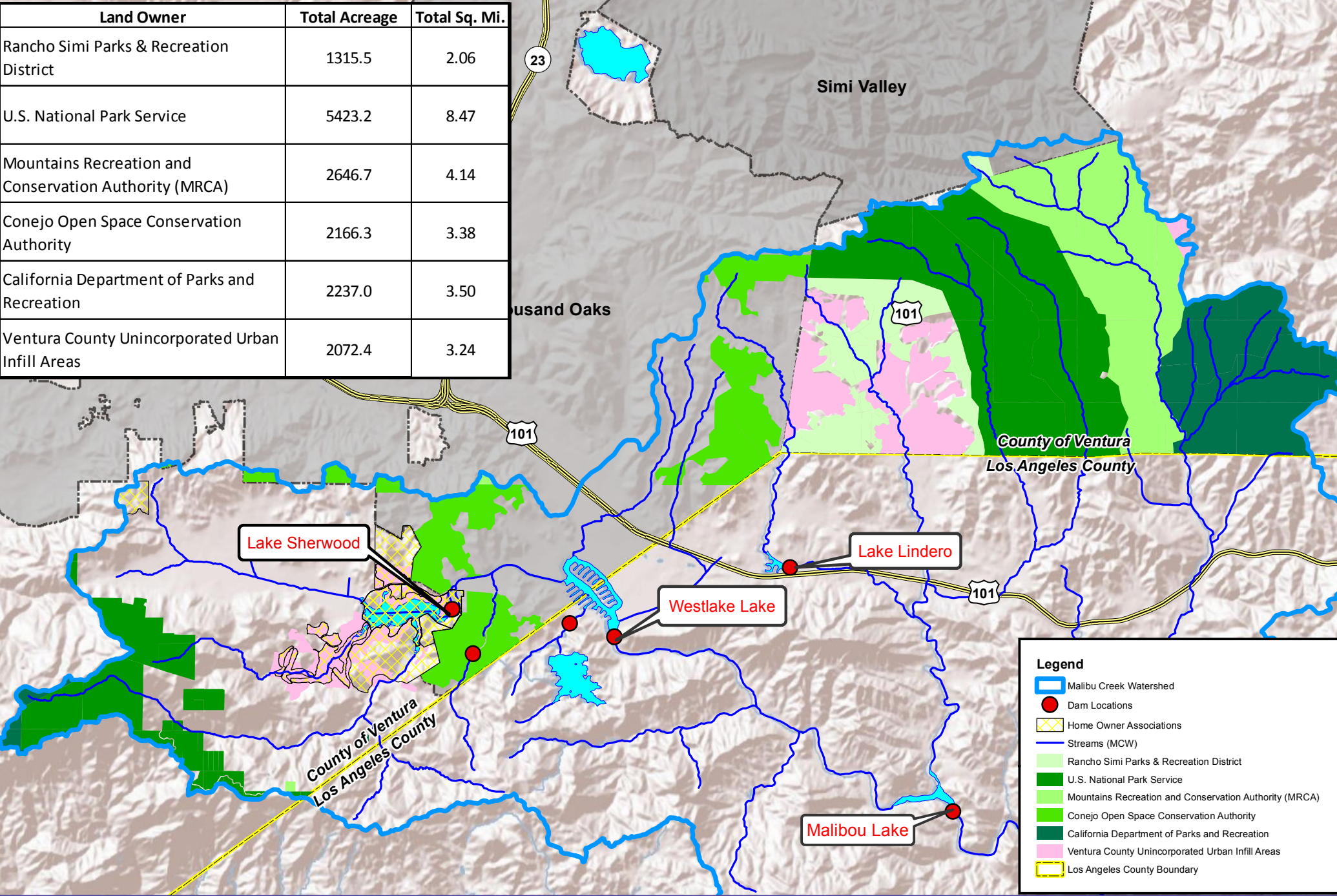
Arne Anselm
Ventura County Watershed Protection District
Deputy Director

Attachment: Figure 1 – Upper Malibu Creek Watershed Map

Cc: Renee Purdy, Regional Programs Chief, Los Angeles Regional Water Quality Control Board (LARWQCB)
Jenny Newman, TMDL Section Chief, LARWQCB
Jeff Pratt, Director, Ventura County Public Works Agency
Glenn Shephard, Director, Ventura County Watershed Protection District
Ewelina Mutkowska, Stormwater Program Manager, Ventura County Public Works Agency



Land Owner	Total Acreage	Total Sq. Mi.
Rancho Simi Parks & Recreation District	1315.5	2.06
U.S. National Park Service	5423.2	8.47
Mountains Recreation and Conservation Authority (MRCA)	2646.7	4.14
Conejo Open Space Conservation Authority	2166.3	3.38
California Department of Parks and Recreation	2237.0	3.50
Ventura County Unincorporated Urban Infill Areas	2072.4	3.24



Sources:
County of Ventura GIS data
LARWQCB HUC boundaries,
as amended October 28, 2011

FIGURE 1
Upper Malibu Creek Watershed
Land Use Breakdown





From: E. D. Michael
To: [commentletters](#)
Subject: Implementation Plan amendment - LARWQCB Basic Plan, Malibu Creek drainage area
Date: Wednesday, January 25, 2017 8:35:33 AM

I have prepared a paper that I hope the Board will consider even though it may be received a day or so after the January 26 deadline. The Malibu Creek drainage area certainly needs the continued attention of the State Water Resources Control Board. With regard to the subject proposed Implementation Plan, the following assertions summarized from my paper should be considered.

1. TMDLs cannot rationally be applied to the Malibu Creek drainage area until its hydrodynamic character, which so far has been ignored, is fully understood.
2. The Malibu Creek drainage area is absolutely unique; as such, TMDLs for it cannot be based statistically on conditions of other drainage areas except possibly as applied to certain limited processes.
3. Neither the Malibu Lagoon Restoration and Enhancement Project facility nor any part of it is a wetland, and attempts to apply CRAM analysis to it as a measure of its environmental character are meaningless.
4. A "black goo" which covers the MLREP facility channel bottoms appears to be an unnatural substance the origin and chemical character of which needs to be determined as a first step in assessing the facility's environmental value, particularly in terms of whatever benthic community it may support.
5. Waters in the channels of the MLREP facility do not circulate in the accepted sense of the term, *i.e.*, by circuitous flow; rather, they drain and receive waters in a manner involving some sort of mass transfer and replacement this is not understood.
6. Sedimentation rates in Malibu Creek drainage area streams, as in streams everywhere, are strictly a function of streamflow velocity and sediment grain size; therefore, because it is not possible to control such rates, sedimentation TMDLs for that area would be environmentally meaningless and impossible to maintain.



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