

Los Angeles Regional Water Quality Control Board

February 25, 2022

Malibu Creek Watershed Management Group¹

Via Email

STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF LOSS OF DEEMED COMPLIANCE STATUS

Dear Malibu Creek Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order), directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).²

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.³

The Los Angeles Water Board reviewed the Malibu Creek Watershed Management Group's (MCW Group) document(s) submitted on June 30, 2021, to assess the MCW Group's demonstration of completion of all work associated with current and prior milestones according to the requirements set forth by the 2020 SB Order and to determine the MCW Group's deemed compliance status.⁴

¹ (Permittees of the Malibu Creek Watershed Management Group include the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village, the County of Los Angeles, and the Los Angeles County Flood Control District.)

² (2020 SB Order, at p. 167 available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf [as of August 31, 2021].)

³ (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

⁴ (Revised Draft Enhanced Watershed Management Program for Malibu Creek Watershed [June 2021 Revised Draft MCW EWMP] and demonstration of compliance, June 30, 2021.)

The Los Angeles Water Board Approval Letter dated April 27, 2016, outlined the actions and milestones that the MCW Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after EWMP approval that should have been completed prior to June 30, 2021.

Table 1: MCW Group Required Actions

Required Actions	Implementation Update
Implementation of minimum control measures (MCMs) discussed in Section 5.1 of the Feb. 2018 MCW EWMP. ⁵	This task was met per Section 4.2.1 of the June 2021 Revised Draft MCW EWMP.
<p>Implementation of the following EWMP Institutional and Source Controls milestones in Table 42 on p. 97 of the Feb. 2018 MCW EWMP:</p> <p>Pet Waste MCMs:</p> <ul style="list-style-type: none"> • Outreach to pet owners by Dec. 2017 (Agoura Hills, Calabasas, Hidden Hills, Westlake Village) <p>Trash Receptacle MCMs:</p> <ul style="list-style-type: none"> • Trash hauler/business letters & outreach materials by Dec. 2017 (Calabasas) • Signs on/near trash receptacles to keep lids closed by Dec. 2017 (Calabasas) <p>Industrial Commercial MCMs:</p> <ul style="list-style-type: none"> • Increase trash collection at restaurants by Dec. 2017 (Calabasas) <p>Equestrian/Livestock Facility MCMs:</p> <ul style="list-style-type: none"> • Education materials on water efficient landscaping/fertilizer reduction by Dec. 2016 (Agoura Hills, Hidden Hills, Westlake Village) • Update CAFO inventory and educate Property Owners on bacteria by Dec. 	It is unclear if this task was met: The MCW Group provided some updates on institutional and source controls in the June 2021 demonstration of compliance letter. However, it was insufficient to determine compliance with Table 42.

⁵ (The original approved MCW EWMP, dated April 27, 2016, was revised on February 22, 2018, as part of the Adaptive Management Process. The actions and milestones outlined in the April 27, 2016, approval still apply.)

<p>2017 (Agoura Hills, Calabasas, Hidden Hills, Westlake Village)</p> <ul style="list-style-type: none"> • Create equestrian BMP outreach materials by Dec. 2017 (Agoura Hills, Calabasas, Hidden Hills, Westlake Village) • Signage reminding equestrian users to clean up after their horses at City and County property by Dec. 2017 (County of LA, Agoura Hills, Calabasas, Hidden Hills, Westlake Village) • Exclusion fences by Dec. 2017 (Calabasas) • Manure management by Dec. 2017 (Agoura Hills, Calabasas, Hidden Hills, Westlake Village) <p>Trash MCMs:</p> <ul style="list-style-type: none"> • Advanced street sweeping by Dec. 2017 (LA County and Calabasas) 	
<p>Implementation of the following EWMP Compliance Schedule milestones in Table 43 on p. 105 of the Feb. 2018 MCW EWMP:</p> <ul style="list-style-type: none"> • Begin Private Regional BMP Outreach Program by April 2016 • Eliminate significant non-stormwater discharges in the MCW by Dec. 2017 • Comply with Nutrient TMDL targets by Dec. 28, 2017 • Complete special studies to understand and quantify natural sources of pollutants in MCW by June 2019 • Complete natural source study by Dec. 2019 • Complete design for all regional BMPs and green streets to be implemented by 2021 deadline 	<p>It is unclear if the MCW Group completed this task. The MCW Group has implemented several efforts to minimize dry-weather runoff as discussed in Section 4.2.1 on p. 4-2 of the June 2021 Revised Draft MCW EWMP. However, the MCW Group didn't submit updates regarding the rest of the listed tasks.</p>
<p>Implementation of the following tasks for Regional BMPs per Table 31 on p. 56 of the Feb. 2018 MCW EWMP:</p> <p>LA County:</p>	<p>This task was not met. The following information was obtained from the MCW Group's June 2021 demonstration of compliance letter:</p>

<ul style="list-style-type: none"> • Design of TC-02 by 12/2019 • Completion of LVC-14 by 8/2017 <p>Westlake Village:</p> <ul style="list-style-type: none"> • Design of TC-37 by 12/2019 • Design of TC-35 by 12/2019 • Design of TC-29 by 12/2019 <p>Agoura Hills:</p> <ul style="list-style-type: none"> • Design of MEC-12 by 12/2019 • Completion of LC-02 by 7/2017 • Completion of MEC-09 by 12/2017 	<p>LA County:</p> <ul style="list-style-type: none"> • The design for TC-02 has not been completed and the MCW Group continues the feasibility study. • LVC-14 construction has been completed. <p>Westlake Village:</p> <ul style="list-style-type: none"> • The MCW Group continues to pursue the feasibility and design of TC-37 and therefore the design has not been completed. • An update was not provided for TC-35. • An update was not provided for TC-29. <p>Agoura Hills:</p> <ul style="list-style-type: none"> • The MCW Group continues the feasibility study and design of MEC-12 and therefore the design has not been completed. • An update was not provided for LC-02. • The MCW Group continues the feasibility study and design of MEC-09 and the project has not been completed.
<p>Implementation of the following structural BMP capacity (acre-ft.) by 2017, per Figure 33 on p. 94 of the Feb. 2018 MCW EWMP:</p> <ul style="list-style-type: none"> • Regional BMPs – 2.2 • Green Streets – 7.9 • Low Impact Development (LID) – 1.9 	<p>This task was not met. The following information regarding implemented BMP capacity (acre-feet) for distributed projects (green streets and LID) was obtained from Table 4-11 and Table 4-12, on pp. 4-15 to 4-16 of the June 2021 Revised Draft MCW EWMP:</p> <ul style="list-style-type: none"> • Distributed Projects – 2.63 • Onsite Biofiltration – 1.2 <p>An update on the currently implemented BMP capacity from Regional BMPs was not provided.</p>

Based on the Los Angeles Water Board’s review of the MCW Group’s document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, as listed in Table 1, above, was not completed.

Accordingly, this letter serves to inform the MCW Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the Group's EWMP. The MCW Group submitted a revised draft EWMP on June 30, 2021. Deemed compliance status may be regained upon approval of a revised WMP.⁶

If the MCW Group disagrees with the Los Angeles Water Board's findings, the MCW Group must provide supplemental information demonstrating compliance with all missed milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

Submit the documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>
Username: RB4MS4-Upload
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at Susana.Vargas@waterboards.ca.gov for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Renee Purdy
Executive Officer

⁶ (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. The Regional MS4 Permit (Order No. R4-2021-0105) adopted on July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called "WMPs".)