



Los Angeles Regional Water Quality Control Board

April 4, 2022

Ventura County MS4 Permittees within the Upper Malibu Creek Subwatershed¹

Via Email Only

REVIEW OF THE NOTICE OF INTENT (NOI) TO JOIN THE MALIBU CREEK WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE REGIONAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105)

Dear Ventura County MS4 Permittees within the Upper Malibu Creek Subwatershed:

The Regional MS4 Permit (Order No. R4-2021-0105) authorizes discharges from the MS4s operated by 99 municipal Permittees within the coastal watersheds of Los Angeles and Ventura Counties (hereafter, Regional MS4 Permit or Order). The Regional MS4 Permit became effective on September 11, 2021. The Regional MS4 Permit allows the Permittee(s) the option to use a Watershed Management Program (WMP) to implement many of the permit's requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs).

Pursuant to Part IX.F.2 of the Order, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) has reviewed the Notice of Intent (NOI) submitted by Ventura County MS4 Permittees within the upper Malibu Creek subwatershed on December 13, 2021 to join the Malibu Creek WMP.² The Los Angeles Water Board is pleased that the Ventura County MS4 Permittees are proposing to work in partnership with the Los Angeles County MS4 Permittees through a single WMP for this watershed that straddles Ventura and Los Angeles Counties.

The Los Angeles Water Board acknowledges that the NOI addresses the upper Malibu Creek subwatershed only, where Ventura County MS4 Permittees have jurisdictional

¹ Permittees within the upper Malibu Creek subwatershed include Ventura County Watershed Protection District, the County of Ventura, and the City of Thousand Oaks.

² Permittees in the currently approved Malibu Creek WMP include Los Angeles County Flood Control District, County of Los Angeles, and the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village.

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

area, and that if the Ventura County Watershed Protection District (VCWPD), the County of Ventura, and City of Thousand Oaks are not successful in negotiations to join the existing Malibu Creek Watershed WMP developed by Los Angeles County MS4 Permittees, the Ventura County-Wide WMP would potentially be modified to include the upper Malibu Creek subwatershed. The NOI to develop a Ventura County-wide WMP was a separate submittal and our review of it is transmitted under separate cover. In addition, the intent to join the Malibu Creek Coordinated Integrated Monitoring Program (CIMP) was included with the NOI to join the Malibu Creek WMP and our review of that submittal is also transmitted under separate cover.

The Los Angeles Water Board has reviewed the NOI and has determined that, for the most part, the NOI includes the elements required in Part IX.F.2 of the Order. However, in order to completely fulfill the requirements of Part IX.F.2 of the Order, some revisions to the NOI are necessary. Please revise the NOI to address the following comments:

- 1) Section 3 of the NOI discusses the Water Body-Pollutant Combination (WBPC) categories, where Category 1, 2, and 3 WBPCs are divided into two Groups. The second group of WBPCs (1A, 2B, 2C, 2D, and 3B) are to be further evaluated and potentially addressed in the WMP to determine if MS4s are causing or contributing to receiving water exceedances. The NOI further states that WBPCs in these categories will be included in the WMP if MS4 discharges are identified as causing or contributing to receiving water exceedances. Note that for Category 1A WBPCs, which are those with past TMDL deadlines, Ventura County MS4 Permittees separately or in conjunction with Los Angeles County MS4 Permittees would need to submit a request for additional time per Part X.E of the Order if they wished to address these in the WMP.
- 2) Table 4 of the NOI does not include Category 1A WBPCs with interim TMDL deadlines per the Malibu Creek Watershed Nutrients TMDL. If the intent is to consider addressing these interim TMDL deadlines in the WMP, please revise Table 4 accordingly. Tables 3 and 4 of the NOI should be clear on which Category 1 WBPCs pertain to interim TMDL deadlines and which pertain to final TMDL deadlines.
- 3) Table 3 of the NOI lists *E. coli* (wet) as Category 1B. However, the revised Malibu Creek and Lagoon Bacteria TMDL (Attachment C to Resolution No. R21-001) is not currently in effect as of the submittal date of the NOI (December 15, 2021). Per Part IV.A.2 and 3 in Attachment O of the Order, Permittees are subject to the Malibu Creek and Lagoon Bacteria TMDL (Attachment A to Resolution No. R12-009), which has past due TMDL deadlines, upon effective date of the Order until the revised Malibu Creek and Lagoon Bacteria TMDL becomes effective. Please revise Table 3 of the NOI to note this and explain that the revised TMDL deadline is not yet in effect but is expected to be in effect by the time the WMP is approved. Also revise the NOI to include *E. coli* (wet) as Category 1A.
- 4) Tables 3 and 4 of the NOI lists Total Coliform, Fecal Coliform, *Enterococcus*, and *E. coli* as Category 1A and 1B WBPCs per the Malibu Creek and Lagoon

Bacteria TMDL (Malibu Creek Bacteria TMDL). However, Ventura County MS4 Permittees only discharge to the waterbodies within the upper Malibu Creek subwatershed. For the upper Malibu Creek subwatershed, only the *E. coli* WBPC per the Malibu Creek Bacteria TMDL applies to Ventura County MS4 Permittees. Therefore, in Tables 3 and 4 of the NOI, you may remove Category 1 WBPCs for Total Coliform, Fecal Coliform, and *Enterococcus* in Potrero Canyon Creek, Lindero Creek Reach 2, Medea Creek Reach 2, and Westlake Lake.

- 5) Per Table J-6 in Attachment J of the Order, the City of Thousand Oaks, County of Ventura, and VCWPD are named as responsible Permittees for the Santa Monica Bay Beaches Bacteria TMDL (SMB Bacteria TMDL). However, Section 3 of the NOI does not include WBPCs for the SMB Bacteria TMDL. The currently approved Malibu Creek WMP addresses these WBPCs. Therefore, please revise the tables in Section 3 of the NOI to include the WBPCs for the SMB Bacteria TMDL. Specifically, Category 1 WBPCs for Total Coliform, Fecal Coliform, and *Enterococcus* apply to Santa Monica Bay.
- 6) The 2003 Malibu Creek Watershed Nutrients TMDL and Malibu Creek and Lagoon Bacteria TMDL apply to all waterbodies within the upper Malibu Creek subwatershed. If there are any waterbodies within the upper Malibu Creek subwatershed that have MS4 discharges (e.g., Lake Sherwood, Schoolhouse Canyon, Westlake Creek, etc.) and Ventura County MS4 Permittees intend to consider inclusion of those WBPCs in the Malibu Creek Watershed WMP, please add the WBPCs to Tables 3 and 4.

For example, Tables 3 and 4 of the NOI are missing WBPCs for Lake Sherwood. Per an email with an attached map from the County of Ventura, sent to the Los Angeles Water Board on August 4, 2016, the County of Ventura owns and maintains MS4s on Potrero Rd. Therefore, if the intent is to consider Lake Sherwood WBPCs for inclusion in the WMP, the NOI should include them.

If the NOI is not revised per the comments identified in this letter, per Part X.B.2.b.iv of the Order, Ventura County MS4 Permittees within the upper Malibu Creek subwatershed cannot be deemed in compliance for any receiving water limitations per Part V.A of the Order for WBPCs that are not listed in Tables 3 and 4 of the NOI submitted on December 13, 2021.

Please make the necessary revisions to the NOI as identified in this letter and submit the revised NOI no later than **May 4, 2022**. The revised NOI must be submitted electronically as a PDF file to: MS4StormwaterRB4@waterboards.ca.gov with the subject line "Ventura County Revised NOI to Join Malibu Creek WMP" with a copy to Erum.Razzak@waterboards.ca.gov.

Pursuant to Part IX.F.4 of the Order, until the WMP is approved by the Los Angeles Water Board, Ventura County MS4 Permittees that elect to join the Malibu Creek WMP shall:

- a. Continue to implement their existing stormwater management programs, including actions within each of the six categories of minimum control measures consistent with 40 CFR section 122.26(d)(2)(iv) in lieu of Part VIII.D through Part VIII.I of the Order;
- b. Comply with all other Parts of the Order, including Parts III, IV, VI, VII, VIII.A and B and Attachments K through S; and
- c. Comply with Part V of the Order for WBPCs not identified in the NOI.

If you have any questions, please contact Erum Razzak with the Municipal Stormwater Permitting Unit by email Erum.Razzak@waterboards.ca.gov or phone (213) 620-2095. Alternatively, you may also contact Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

Renee Purdy, Executive Officer

cc: Jay Spurgin, City of Thousand Oaks
Paul Jorgensen, City of Thousand Oaks
Ewelina Mutkowska, County of Ventura
David Laak, VCWPD
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