
Los Angeles Regional Water Quality Control Board

July 21, 2015

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REVIEW OF THE MALIBU CREEK WATERSHED COORDINATED INTEGRATED MONITORING PROGRAM, PURSUANT TO PART VI.B AND ATTACHMENT E, PART IV.B OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Permittees participating in the Malibu Creek Watershed Enhanced Watershed Management Program Group:

The Regional Water Board has reviewed the monitoring program submitted on June 26, 2014 by the Malibu Creek Watershed Group (MCW Group) for the Cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village, and the County of Los Angeles and the Los Angeles County Flood Control District. This monitoring program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop and implement a coordinated integrated monitoring program (CIMP) that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E. These programs must be approved by the Executive Officer of the Regional Water Board.

The Regional Water Board has reviewed the MCW Group's draft CIMP and has determined that, for the most part, the CIMP includes the elements set forth in Part II.E of Attachment E and will achieve the Primary Objectives as set forth in Part II.A of Attachment E of the LA County MS4 Permit. However, some additions and revisions to the CIMP are necessary. The Regional

Water Board's comments on the draft MCW CIMP, including detailed information concerning necessary additions and revisions to the CIMP, are found in Enclosure 1 and Enclosure 2.

Additionally, through this letter, the Regional Water Board is approving the following request related to the Malibu Creek and Lagoon Bacteria TMDL compliance monitoring program:

- As part of the CIMP, the MCW Group requested to relocate two bacteria monitoring sites (MCW-10 and MCW-13) designated in the Malibu Creek and Lagoon Bacteria TMDL Compliance Monitoring Plan.

Through this letter, the Regional Water Board is denying the following request related to the Malibu Creek Watershed Trash Monitoring and Reporting Program (TMRP):

- As part of the CIMP, the MCW Group requested to discontinue monitoring at two TMRP sampling sites, CMS LVC 1 and CMS LVC 2.

See Enclosure 1 for more details regarding the approval and disapproval of changes related to specific TMDL monitoring requirements.

Please make the necessary additions and revisions to the CIMP, as identified in the enclosures to this letter, and submit the revised CIMP as soon as possible and no later than **September 4, 2015**. The revised CIMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Malibu Creek Watershed Coordinated Integrated Monitoring Program" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Rebecca.Christmann@waterboards.ca.gov.

Upon approval of the revised CIMP by the Executive Officer, the MCW Group must prepare to commence the monitoring program within 90 days. If the necessary revisions are not made, the MCW Group must comply with the Monitoring and Reporting Program and future revisions thereto, in Attachment E of the LA County MS4 Permit.

Until the MCW Group's CIMP is approved by the Executive Officer, the monitoring requirements pursuant to Order No. 01-182 and Monitoring and Reporting Program CI 6948 and pursuant to approved TMDL monitoring plans shall remain in effect for the MCW Group.

If you have any questions, please contact Ms. Rebecca Christmann of the Storm Water Permitting Unit by electronic mail at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Kelly Fisher, City of Agoura Hills
Alex Farassati, City of Calabasas
Joe Bellomo, Cities of Hidden Hills and Westlake Village
Angela George, County of Los Angeles, Department of Public Works

Enclosures: Enclosure 1 – Summary of Comments and Required Revisions
Enclosure 2 – Comments on Aquatic Toxicity Testing

Los Angeles Regional Water Quality Control Board

**Enclosure 1 to July 21, 2015 Letter Regarding the Malibu Creek Watershed Group
Draft Coordinated Integrated Monitoring Program,
Pursuant to Part VI.B and Attachment E, Part IV.B of the LA County MS4 Permit
(Order No. R4-2012-0175)**

**Summary of Comments and Required Revisions to the
Draft Coordinated Integrated Monitoring Program**

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
General Comments		
Sections 2.1.1 & 3.1, pp. 6 and 23		Update the OAL and USEPA approval dates and the effective date for the revised Malibu Creek and Lagoon Bacteria TMDL. The OAL approval date is November 8, 2013; the USEPA approval date is July 2, 2014; and the effective date of the revisions is July 2, 2014.
Table 3		<p>Update Table 3, "2010 303(d) Listings in Malibu Creek Watershed" to include the specific TMDL developed, if any, to address the listing.</p> <p>Correct Table 3 entries indicating "No TMDL" for Benthic-Macroinvertebrate Bioassessments and Sedimentation/Siltation listings in Las Virgenes Creek, which are addressed by the USEPA established "Malibu Creek & Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments."</p> <p>Correct Table 3 entry for Malibu Beach Indicator Bacteria, which states "Outside of Region covered by the Malibu Creek EWMP/CIMP." While the beach may lay outside of the boundaries of the EWMP area, the group members are subject to the requirements of the SMB Beaches Bacteria TMDL in Attachment M, subpart A. See Regional Water Board letter dated October 28, 2003 (attached).</p>
Table 5, pg. 22		Update Table 5 to reflect that the Malibu Creek Watershed Nutrients TMDL includes the tributaries to Malibu Creek, which include Cheeseboro Creek, Palo Comado Creek, and Triunfo Canyon Creek. In addition, Las Virgenes Creek is 303(d) listed for invasive species.
Section 3.3, pg. 26		Electronic data submittal must be to CIWQS and CEDEN. The Regional Water Board's Stormwater site at MS4stormwaterRB4@waterboards.ca.gov is no longer in use.
Appendix C	Attachment D Part III.B (page D-5) and	<p>Revise Appendix C of the draft CIMP to specify the following:</p> <ul style="list-style-type: none"> Mercury shall be analyzed per EPA Method 245.7 or 1631E not

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
	Attachment E Part III.G (page E-6)	method 245.1; and <ul style="list-style-type: none"> • Aqueous PCBs parameter was not included. It is preferable samples be analyzed using EPA Methods 8270 or 1668C (as appropriate), and High Resolution Mass Spectrometry. Monitoring for PCBs in sediment or water will be reported as the summation of a minimum of 40 (and preferably at least 50) congeners and Aroclors as specified in Table E-2 of the Attachment E of the Permit. See Table C8 in the state’s Surface Water Ambient Monitoring Program’s Quality Assurance Program Plan (Page 72 of Appendix C), which can be downloaded at http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf for guidance.
Throughout the CIMP		Throughout the CIMP please verify Section, Table, Figure and Appendix references; since many have been found to be erroneous. In addition, the text on page 59 is duplicative and needs to be deleted.
Receiving Water Monitoring		
Section 4.1, Table 7, pp. 27-31 and Table 11, pp. 38-39	Attachment E Parts VI.A.1.b.ii and VI.B.1.c page E-14	Section 4.1.1 of the CIMP describes the tributary drainage area of the mass emission station, which will be used for purposes of meeting the MS4 receiving water monitoring requirements. In Table 7, two additional MS4 receiving water monitoring sites are listed -- MCW-CIMP-10 and MCW-CIMP-12; however, no justification is provided for selection of these MS4 monitoring sites. The revised CIMP should provide justification for the selected receiving water monitoring sites. In addition, given the multiple tributaries in the watershed and the MS4 network, the Regional Water Board recommends including monitoring station MCW-CIMP-7 at Las Virgenes Creek as a MS4 receiving water monitoring site; in order to determine potential pollutant loadings from each major tributary to the main stem of Malibu Creek. It would be helpful if the revised CIMP includes a map of the MS4 receiving water monitoring sites, which includes the tributary watershed area for each monitoring location.
Section 4.1.1, Tables 8 and 9, pp. 31-32, and Table 11, pp. 38-39	Attachment E Part VI.B.3 pp. E-14 & E-15	Section 4.1.1 and Tables ES-2, 8, 9 and 11 list the constituents that will be monitored at the mass emission station S-02; however, some constituents are missing, as follows: <ul style="list-style-type: none"> • In addition to total phosphorus and total nitrogen, TMDL monitoring for nutrients will include nitrate as nitrogen plus nitrite as nitrogen per Attachment M, Section D.3; • In addition to total phosphorus, total nitrogen, TSS, turbidity and bioassessment monitoring, TMDL monitoring for benthic community impairments will include dissolved oxygen, ammonia and chlorophyll <i>a</i>, as stated in Section 4.1.1, (except ammonia),

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		<p>and Section 4.2.4;</p> <ul style="list-style-type: none"> • Malibu Creek is 303(d) listed for sedimentation and siltation; therefore total suspended solids (TSS) and suspended-sediment concentration (SSC) are required to be monitored during wet weather; and • Field parameters include pH and hardness, during wet weather only. <p>The revised CIMP shall ensure that these changes are also reflected in the appropriate Tables.</p>
Section 4.3.1, pg. 36	Attachment E Part VI.C.1.a page E-15	Section 4.3.1 addresses wet weather monitoring frequency. According to Section 4.3.1, aquatic toxicity monitoring will occur at MCW-CIMP 12 and MCW-CIMP 14; however, Table 11 lists aquatic toxicity monitoring at MCW-CIMP 10 and MCW-CIMP 12. Revised the CIMP as needed to address this inconsistency.
Sections 4.1.2 and 4.3.1, pp. 33, 36	Attachment E Part VI.C.1.b page E-15	Sections 4.1.2 and 4.3.1 of the CIMP indicate that wet weather monitoring will occur during the first significant storm event of the year and two additional storm events. Section 4.1.2 is clear that these two additional events will occur in the same [wet] season. The same clarity is needed in Section 4.3.1, which states only that, "In addition, two storm events are monitored during the year."
Sections 4.1.2 and 4.1.3, Tables 10 and 11, pp. 32-33	Attachment E Part VI.C.1.d pp. E-15 & E-16 and Part VI.D.1.c page E-17	<p>Sections 4.1.2 and 4.1.3 and Tables 10 and 11 list the constituents that will be monitored in the receiving water; however, some constituents are missing from some tables, as follows:</p> <ul style="list-style-type: none"> • Hardness is required to be monitored at receiving water monitoring stations during wet weather (missing from Table 10); • As stated in Table 11 during dry weather, when metals are monitored, hardness and TSS will be monitored; TSS is missing from Table 10; • Las Virgenes Creek (MCW-CIMP 7), Medea Creek (MCW-CIMP 10), and Triunfo Canyon Creek (MCW-CIMP 12) are 303(d) listed for sedimentation and siltation; therefore, TSS and SSC are required to be monitored during wet weather; • Table 10 needs to include the TMDL monitoring constituents listed in Table 8 or a reference that TMDL monitoring for bacteria, trash, nutrients, and benthic community impairments will be conducted as part of the receiving water monitoring program; • Table 10 needs to include the 303(d) monitoring constituents listed in Table 9 or a reference that 303(d) listed constituents will be monitored as part of the receiving water monitoring program; and • In Table 9, Triunfo Canyon Creek Reach 1 and Reach 2 are 303(d) listed for lead and mercury.

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		The revised CIMP shall ensure that these changes are reflected in the appropriate Tables.
Section 4.3.2, pp. 36-37	Attachment E Parts VI.D.1.b pp. E-16 & E-17	<p>Section 4.3.2 of the CIMP states, “Dry weather events are defined as periods with no rainfall above 0.1 inches within the 72 hours preceding the sample collection event, as measured from Los Angeles County controlled rain gauges within the Malibu Creek Watershed.” The dry weather receiving water monitoring requirements need to be revised to indicate that the dry weather determination will be based on measurements from 50% or more of the rain gauges <i>within the Malibu Creek watershed</i> unless sufficient justification is provided for an alternate approach.</p> <p>Whereas the CIMP defines dry weather based on rainfall, wet weather is defined based on flow. The revised CIMP should provide justification for using different criteria to define dry and wet weather.</p>
Outfall Database		
Section 5.2, pp. 40-41 and Appendix J	Attachment E Part VII.A pp. E-20 - E-21	<p>Although many of the basic maps and database elements were included, the revised CIMP needs to include the following:</p> <ul style="list-style-type: none"> • Effective impervious area overlay map (If not available, please state in the CIMP); • Map showing the location of open channels and underground pipes 18 inches in diameter or greater; and • Notation of outfalls with significant non-stormwater discharges. If not currently available please indicate when this information will be reported. <p>The revised CIMP also needs to include the source(s) of the Geographic Information System (GIS) data used to generate the maps and database. In addition, submit the GIS database per the requirements in Attachment E, Part VII.A of the LA County MS4 Permit.</p>
Stormwater Outfall Based Monitoring		
Section 5.2, pp. 40-47	Attachment E Part VIII.A.2.a page E-21	<p>The CIMP proposes 4 outfall monitoring locations, one per each HUC-12 subwatershed. As reported in the CIMP outfall sites were selected within each HUC-12 subwatershed based on land use representative of the developed portion of the HUC-12 subwatershed. In the revised CIMP include an additional table after Table 12 that provides the proportion for each land use category of the total ‘developed’ land use area for each HUC-12 subwatershed such that it can be better compared with the land use breakdown within the drainage area of the corresponding outfall site.</p> <p>In Figures 8 through 11, show the catchment area for each outfall</p>

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		monitoring location.
Section 5.3.1, Table 15, pp. 48-49	Attachment E Part VIII.B.1.c pp. E-22 & E-23	<p>Section 5.3.1 and Table 15 list the stormwater outfall monitoring constituents; however, some constituents are missing, as follows:</p> <ul style="list-style-type: none"> • As previously stated, TMDL monitoring for nutrients must include total nitrogen, total phosphorus and nitrate as nitrogen plus nitrite as nitrogen. Nutrient TMDL monitoring must also be conducted at stormwater outfall TRUNFOC-095A located in the Potrero Valley subwatershed; • As previously stated, TMDL monitoring for benthic community impairments must include TSS, turbidity, total phosphorus, total nitrogen, dissolved oxygen, ammonia, chlorophyll a, and bioassessment monitoring, as stated in Section 4.1.1 (except ammonia), and Section 4.2.4; • 303(d) listed monitoring for benthic community impairments should include the same list of constituents as monitoring for benthic community impairments that are addressed by a TMDL; • The stormwater outfall (TRUNFOC-035) located in the Cold Creek – Malibu Creek subwatershed discharges to Triunfo Canyon Creek Reach 1, which is 303(d) listed for lead and mercury. Therefore, lead and mercury are required to be monitored at outfall TRUNFOC-035; • Las Virgenes Creek (LAVCR-054), Triunfo Canyon Creek Reach 1 (TRUNFOC-035), Triunfo Canyon Creek Reach 2 (TRUNFOC-095A), and Lindero Creek Reach 2 (LNDRC-074) are 303(d) listed for sedimentation and siltation; therefore, TSS and SSC are required to be monitored at the stormwater outfalls discharging to these waterbodies; and • Hardness is a field parameter and is required to be monitored during each stormwater outfall monitoring event. <p>The revised CIMP shall ensure that these changes are also reflected in the appropriate Tables.</p>
Section 5.3.1, Table 15, pp. 48-49	Attachment E Part VIII.B.1.d pg. E-23	<p>It appears that the CIMP proposes to monitor the stormwater outfalls for the parameters listed in Attachment E, Table E-2 of the LA County MS4 Permit in the monitoring event the year following detection in the downstream receiving waters. Wet weather receiving water monitoring of the parameters listed in Table E-2 is required to be conducted during the first significant rain event of the first year of monitoring. The revised CIMP shall include storm water outfall monitoring of the second and subsequent storm events for the parameters in Table E-2, which exceed the lowest applicable water quality objectives at the receiving water monitoring station sampled after the first significant rain event.</p>

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
Section 5.3, pg. 48		The CIMP proposed to implement a phased approach for stormwater outfall monitoring. The MCW Group will install automatic samplers at the stormwater outfall sampling sites. Two auto-samplers will be installed at outfall sites each of the first two years of the monitoring program. Stormwater outfall sampling will commence at each station upon completion of the auto sampler installation. The revised CIMP needs to provide a schedule that identifies the location and timeframe for completion at each stormwater outfall.
Non-Stormwater Outfall Based Monitoring		
Section 6.3.1, pg. 53	Attachment E Part IX.B.1 page E-24	Section 6.3.1 of the CIMP states “After the initial event, NSW outfalls where flow greater than a trickle was observed during the initial screening event will be revisited for two more events. During the second and third screening events, all of the information listed above will be gathered. In addition, visual field estimates of flow will be gathered.” All major outfalls being should be screened for significant non-stormwater discharges for all 3 events rather than only screening outfalls where flow greater than a trickle was observed during the initial screening event, in order to capture potential seasonal variability in non-stormwater discharge conditions.
Section 6.3.2 pp. 53-54	Attachment E Part IX.B.2 page E-24	Revise the CIMP to include a process for reassessing the non-stormwater outfall screening and monitoring plan within the current permit term pursuant to Attachment E, Part IX.B.2.
Section 6.3.2 pp. 53-54	Attachment E Part IX.C.1 pp. E-24 & E-25	Revise the CIMP to include more specificity on how a significant non-stormwater discharge will be determined. In particular, provide greater specificity on thresholds for field measurements, including flow and water quality data that will be used to determine whether the non-stormwater discharge is significant. The MCW Group should consider collecting bacteria samples and considering bacteriological water quality as a factor in determining whether a non-stormwater discharge is significant, given the Malibu Creek Bacteria TMDL requirements.
Section 6.4.2 and Table 17, pg. 57	Attachment E Parts IX.G.1.b and IX.G.1.c. pg. E-27	Section 6.4.2, Table 17 of the CIMP does not list the specific pollutants assigned TMDL WLAs or the receiving water pollutants identified on the 303(d) list, which will be monitored as part of the non-stormwater outfall monitoring program. The revised CIMP needs to either list these parameters or reference where this information is located in the CIMP.
Section 6.4.2, pg. 57	Attachment E Parts IX.G.1.d pg. E-27	Section 6.4.2 of the CIMP states, “Toxicity monitoring is only required when triggered by recent receiving water toxicity monitoring where a toxicity identification evaluation (TIE) on the observed receiving water toxicity test was inconclusive.” The revised CIMP should also specify that non-stormwater outfall monitoring will include pollutants

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		identified in a TIE conducted in response to observed aquatic toxicity during dry weather at the nearest downstream receiving water monitoring station during the last sample event.
Section 6.4.3, pp. 57-58	Attachment E, Part IX.G.5 pg. E-28	<p>Section 6.4.3 of the CIMP states, "As NSW discharges are addressed, monitoring at the outfall will cease. Additionally, if monitoring demonstrates that discharges do not exceed any WQBELs, NALs, or water quality standards for pollutants identified on the 303(d) list, monitoring will cease at an outfall after the first year."</p> <p>Revise the CIMP to be consistent with the permit requirements, as per Part IX.G.5 of Attachment E of the LA County MS4 Permit, the Group may submit a written request to the Executive Officer (EO) of the Regional Water Board following one year of monitoring to reduce or eliminate monitoring of specified pollutants based on an evaluation of monitoring data. Additionally, if monitoring at a particular outfall will cease or the location of outfall monitoring will be changed, a written request to the EO of the Regional Water Board is required.</p>
Section 6.3.1, pg. 53	Attachment E, Part IX.H.1 page E-28	Section 6.3.1 states, "...outfalls will be observed during dry weather, at least 72 hours after a rain event of 0.1 inches or greater." The revised CIMP needs to clearly define dry weather (i.e. days when precipitation is less than 0.1 inch of rain and those days not less than 3 days after a rain event of 0.1 inch or greater.)
Aquatic Toxicity		
Appendix H	Attachment E Part XII.G page E-31	Appendix H of the draft CIMP does not propose to use critical life stage chronic toxicity test methods for assessment of toxicity in wet weather samples and instead proposes to use acute toxicity test methods. This is not acceptable; the appropriate chronic toxicity test method listed in the MRP must be used and both survival and sublethal endpoints must be reported. In addition, the revised CIMP needs to address the other comments discussed in Enclosure 2.
TMDL Monitoring Requirements		
Section 2.1.5, pp. 12-13		<p>Correct the adoption date for the dry weather TMDL for bacteria at Santa Monica Bay Beaches to January 24, 2002. The adoption date for the wet weather TMDL for bacteria at SMB Beaches is correctly stated as December 12, 2002. Both TMDLs became effective on July 15, 2003.</p> <p>Correct the two erroneous statements that, "Because the municipalities within the Malibu Creek Watershed are assigned WLAs within the Malibu Creek Bacteria TMDL, they are not assigned separate WLAs for these areas for the SMB Bacteria TMDL. Westlake Village, Agoura Hills, and Hidden Hills are not assigned WLAs in the SMB Bacteria TMDL." See Regional Water Board letter dated October 28,</p>

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		2003.
Section 4.2.1, pg. 34	Part IV.B.3 page E-7	<p>The MCW Group proposed to relocate two monitoring sites designated in the Malibu Creek and Lagoon Bacteria TMDL Compliance Monitoring Plan. The Regional Water Board approves the following changes:</p> <ol style="list-style-type: none"> 1. Relocation of monitoring site MCW-10 to 1,000 ft. downstream of its current position at MCW-CIMP-9; and 2. Relocation of monitoring site MCW-13 to 1,500 ft. downstream of its current position at MCW-CIMP-11. <p>The other eight (8) bacteria monitoring sites (MCW-2 through MCW-7, MCW-11 and MCW-16) may not be relocated. All bacteria monitoring sites will continue to be monitored weekly as specified in the approved Malibu Creek and Lagoon Bacteria TMDL CMP.</p>
Section 4.2.1, pg. 34	Malibu Creek Bacteria TMDL	The revised CIMP must confirm that the CIMP is addressing the outfall monitoring plan requirement per the revised Malibu Creek Bacteria TMDL.
Section 4.2.2, pp. 34-35	Part IV.B.3 page E-7	<p>The MCW Group proposed to eliminate two (2) monitoring sites designated in the Malibu Creek Watershed Trash Monitoring and Reporting Plan (TMRP). Since data has not been submitted to date there is no justification for eliminating any monitoring sites. Therefore, the Regional Water Board does not approve of eliminating monitoring for trash in Las Virgenes Creek at monitoring sites CMS LVC-1 and CMS LVC-2. The CIMP should be revised to include trash monitoring at CMS LVC-1 and CMS LVC-2. In addition, no trash monitoring sites may be moved or relocated. All trash monitoring will be conducted as specified in the approved Malibu Creek Watershed TMRP.</p>
Section 4.2.3, pg. 35	Malibu Creek Nutrient TMDL	<p>As stated previously, monitoring for the Malibu Creek Watershed Nutrients TMDL must include total phosphorus, total nitrogen and nitrate as nitrogen plus nitrite as nitrogen. Nutrient monitoring is proposed to be conducted at four monitoring locations: Malibu Creek (MES S-02), Las Virgenes Creek (MCW-CIMP 7), Medea Creek Reach 1 (MCW-CIMP 10) and Lindero Creek Reach 1 (MCW-CIMP 11). As listed in Attachment M, Section D.3 of the LA County MS4 Permit waste load allocations are also assigned to the tributaries of Malibu Creek. Therefore, Nutrients TMDL monitoring must also be conducted at Lindero Creek Reach 2 (MCW-CIMP 13), Triunfo Canyon Creek (MCW-CIMP 12), Medea Creek Reach 2 (MCW-CIMP 9), Stokes Creek (MCW-CIMP 6), and Cold Creek (MCW-CIMP 5).</p>
Section 4.2.4, pg. 35	TMDL for Benthic Community	As previously stated, monitoring for the Malibu Creek TMDL to address Benthic Community Impairments must include TSS, turbidity, total phosphorus, total nitrogen, dissolved oxygen, ammonia, chlorophyll a,

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
	Impairments	and bioassessment monitoring. As stated in Section 4.2.4 of the CIMP monitoring is proposed to be conducted at four monitoring locations: Malibu Creek (MES S-02), Las Virgenes Creek (MCW-CIMP 7), Medea Creek (MCW-CIMP 10) and Lindero Creek Reach 1 (MCW-CIMP 11). The Regional Water Board recommends adding monitoring at Triunfo Canyon Creek (MCW-CIMP 12). This data will provide loading information from each major tributary to the main stem of Malibu Creek.
Section 2.1.6, pg. 13	SMB Debris TMDL	The CIMP states that there are no industrial facilities or activities related to the manufacturing, handling, or transportation of plastic pellets within the Malibu Creek Watershed. The Cities of Agoura Hills, Calabasas, Hidden Hills and Westlake Village need to submit documentation of the absence of industrial facilities and activities within their jurisdiction that are related to the manufacturing, handling and transportation of plastic pellets as required by the SMB Debris TMDL to support this claim. In addition, these Cities need to submit a Plastic Pellets Spill Response Plan, which was due on September 20, 2013.
Section 2.1.7, pg. 13 and Section 4.2.5, pg. 36	SMB TMDL for DDTs and PCBs and Attachment E Part VI.C.1.d pp. E-15 & E-16	<p>At Section 4.2.5 the CIMP states, "The CIMP MS4 stakeholders will coordinate with the NSMB CIMP stakeholders to monitor for DDT and PCBs. The monitoring site where samples will be collected is in the downstream portion of the Malibu Creek Watershed within the City of Malibu. Monitoring for PCB and DDT will be coordinated with North Santa Monica Bay Coastal Watersheds EWMP group at receiving water site NSMBCW-RW2 as shown in Figure 6 and Table 7."</p> <p>The SMB TMDL for DDTs and PCBs provides input on stormwater monitoring and states, "As both DDT and PCBs are highly associated with particles, monitoring should focus on sediment particles which may be transported during storms (e.g., as in Curren et al., 2011). We recommend that stormwater permittees filter water from their mass emission stations and analyze particles for DDT and PCBs. This will provide more meaningful estimates of mass loading than traditional water column sampling. We also recommend using sufficiently sensitive methods for DDT and PCBs (e.g. EPA method 1668c for PCB congeners). Monitoring should be conducted on a coordinated watershed-wide basis. The monitoring design and assessment framework should be designed to provide credible estimates of the total mass loadings to the Bay. Any such estimates will require some extrapolation from a few locations to the entire watershed. Stormwater permittees should document the methodology for any such extrapolation." (USEPA Region IX, 2012, Santa Monica Bay Total Maximum Daily Loads for DDTs and PCBs, page 56).</p>

CIMP Reference	MRP Element/ Reference (Attachment E)	Summary of Comments and Necessary Revisions
		The revised CIMP needs to monitor for DDT and PCBs at the mass emission station (MES) S-02 or provide justification why monitoring will not be conducted at the MES as recommended by USEPA. In addition, if the MCW Group intends to rely on sampling performed by the North Santa Monica Bay Coastal Watershed Group, then the MCW Group must provide a copy of an agreement of collaboration between the MCW Group and the North Santa Monica Bay Coastal Watershed EWMP Group under the LA County MS4 Permit to conduct the required monitoring through a CIMP per Part VI.B-D of Attachment E.
Section 5.3.1, and Table 15, pp. 48-49	SMB TMDL for DDTs and PCBs and Attachment E Part VIII.B.1.c pp. E-22 & E-23	The CIMP does not include stormwater outfall monitoring of DDT and PCBs, which are pollutants addressed by a TMDL. Per Attachment E, Part VIII.B.1.c.ii, these pollutants must be monitored in stormwater discharges. The revised CIMP needs to include the sampling locations and methodology that will be used to sample storm-borne sediments for DDT and PCBs discharged from the MS4 to Santa Monica Bay.
Sections 2.1, and 2.1.2 pp. 5 and 9		Include the Regional Water Board approval date, May 30, 2014, of the Malibu Creek Watershed Trash Monitoring and Reporting Plan (TMRP).
Appendix G		Include the approved Malibu Creek Watershed Trash Monitoring and Reporting Plan. In addition, include the Malibu Creek and Lagoon Bacteria TMDL Compliance Monitoring Plan as another appendix to the CIMP, so that all monitoring program elements can be found within a single document.

Curren J., S. Bush, S. Ha, M.K. Stenstrom, S. Lau, I.H. Suffet. 2011. Identification of subwatershed sources for chlorinated pesticides and polychlorinated biphenyls in the Ballona Creek watershed. Science of the Total Environment 409: 2525–2533



California Regional Water Quality Control Board

Los Angeles Region



Winston H. Hickox
Secretary for
Environmental
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October 28, 2003

Dear Responsible Agencies and Jurisdictions,

Clarification of Responsibilities of Jurisdictions and Agencies within the Malibu Creek and Ballona Creek Subwatersheds under the Santa Monica Bay Beaches Dry Weather and Wet Weather Bacterial Total Maximum Daily Loads (TMDLs)

The following letter is intended to clarify the responsibilities of jurisdictions and agencies within the Malibu Creek and Ballona Creek subwatersheds under the Santa Monica Bay Beaches Dry Weather and Wet Weather Bacteria TMDLs (SMBBB TMDLs). Nothing in this letter expands or reduces the regulatory requirements applicable to responsible jurisdictions and agencies. However, because the Regional Board is continuing to develop bacteria TMDLs for the Ballona Creek and Malibu Creek subwatersheds, some jurisdictions and agencies within these subwatersheds assumed there were no compliance requirements under the SMBBB TMDLs. In fact, the existing SMBBB TMDLs require responsible jurisdictions and agencies within the Ballona Creek and Malibu Creek subwatersheds to establish compliance monitoring locations at beaches associated with these subwatersheds and meet final compliance targets, as set in the SMBBB TMDLs, at these beaches.

Background

The SMBBB TMDLs, which went into effect on July 15, 2003, address bacterial impairments at forty-four (44) beaches along Santa Monica Bay. The SMBBB TMDLs recognize and focus on the water quality impacts to Santa Monica Bay beaches resulting from discharges originating within the various subwatersheds that drain into the Bay. In the SMBBB TMDLs, the Santa Monica Bay Watershed Management Area (WMA) was divided into twenty-eight (28) subwatersheds as shown in Figure 1.¹ Due to their large size, the Ballona Creek subwatershed and Malibu Creek subwatershed are shown further divided into several drainage areas within each subwatershed.²

For the purposes of the SMBBB TMDLs, "responsible jurisdictions and responsible agencies" are defined as: (1) local agencies that are responsible for discharges from publicly owned treatment works to the Santa Monica Bay watershed or directly to the Bay, (2) local agencies that are permittees or co-permittees on a municipal storm water permit [within the Santa Monica Bay WMA], (3) local agencies that have jurisdiction over a beach adjacent to Santa Monica Bay, and (4) the California Department of Transportation pursuant to its storm water permit.³ All responsible jurisdictions and responsible agencies within a subwatershed are jointly responsible for complying with the TMDL requirements for each

¹ See also Santa Monica Bay Beaches Wet-Weather Bacteria TMDL Staff Report, 11/07/02, Figure 1 and Santa Monica Bay Beaches Dry-Weather Bacteria TMDL Staff Report, 01/14/02, Figure 1.

² For the Ballona Creek subwatershed, these drainage areas include Cienega, Culver City, Hollywood, West Los Angeles, Westwood Village, and Windsow Hills. For the Malibu Creek subwatershed, these drainage areas include Las Virgenes, Lidero Canyon, Monte Nido, Russell Valley, Sherwood, and Triunfo Canyon.

³ See Attachment A to Resolution No. 2002-004, Table 7-4.1, at footnote 3 and Attachment A to Resolution No. 2002-022, Table 7-4.4, at footnote 3.

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associated beach location identified in Attachment A to Resolution No. 2002-022, Table 7-4.5 and Attachment A to Resolution No. 2002-004, Table 7-4.2a.⁴

Malibu Creek and Ballona Creek Subwatersheds

Several of the beach locations covered by the SMBBB TMDLs are impacted by discharges originating within the Ballona Creek and Malibu Creek subwatersheds. See Table 1 for a list of existing shoreline monitoring locations that are primarily impacted by discharges originating within these subwatersheds. Due to bacterial water quality impairments in both the Ballona Creek and Malibu Creek subwatersheds, the Regional Board will develop separate bacterial TMDLs for these subwatersheds in the near future. The Regional Board recognizes, therefore, that the implementation plan and implementation schedule for the beach locations impacted by these two subwatersheds will be highly dependent upon the overall TMDL implementation plans and schedules for the Ballona Creek and Malibu Creek subwatersheds. The Regional Board intends to develop these subwatershed bacterial TMDLs taking into consideration downstream TMDL requirements (i.e., the requirements of the SMBBB TMDLs).

However, the existing SMBBB TMDLs establish beach locations associated with the Ballona Creek and Malibu Creek subwatersheds as required compliance monitoring locations. Beaches associated with these subwatersheds are not included as compliance monitoring locations under the proposed Malibu Creek Watershed Bacteria TMDL, nor is it the Regional Board's intent to include them under the forthcoming Ballona Creek Watershed Bacteria TMDL. This is because the TMDL analytical units established in the Consent Decree for the Malibu Creek subwatershed bacterial impairments and for the Ballona Creek subwatershed bacterial impairments did not include the downstream beaches. Consequently, it should be clear that responsible agencies and jurisdictions under the SMBBB TMDLs include those agencies and jurisdictions within the Malibu Creek and Ballona Creek subwatersheds that meet the criteria outlined in footnote 3 to Table 7-4.1 (Attachment A to Resolution 2002-004, Dry Weather TMDL) and footnote 3 to Table 7-4.4 (Attachment A to Resolution 2002-022, Wet Weather TMDL). See attached Table 2 for a list of these responsible jurisdictions and responsible agencies for the Ballona Creek and Malibu Creek subwatersheds.

For the foregoing reasons, the SMBBB TMDLs establish responsibility for compliance monitoring and final compliance at the beach locations impacted by discharges originating within the Ballona Creek and Malibu Creek subwatersheds. However, the Regional Board staff anticipates that the agencies and jurisdictions that are responsible for meeting the wasteload allocations (WLAs) under the SMBBB TMDLs will be the same as the agencies and jurisdictions responsible for meeting the WLAs under the proposed Malibu Creek Watershed Bacteria TMDL and the forthcoming Ballona Creek Watershed Bacteria TMDL.

The point of confusion seems to be that no jurisdictional groups (JGs) were created for beaches associated with the Malibu Creek subwatershed or the Ballona Creek subwatershed. However, the Basin Plan amendments implementing the SMBBB TMDLs only created JGs for purposes of *implementation planning and scheduling under the Wet Weather TMDL*. The purpose of the JGs was to provide governmental entities additional flexibility in meeting interim compliance targets under the Wet Weather TMDL. Essentially, the JGs allow responsible agencies and jurisdictions to prioritize implementation activities so it is not necessary to work towards compliance at all locations simultaneously. The creation of JGs recognizes that implementation strategies may not lend themselves to incremental reductions in

⁴ See Attachment A to Resolution 2002-022, Table 7-4.4 "Waste Load Allocations" and Attachment A to Resolution 2002-004, Table 7-4.1 "Waste Load Allocations".

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bacteria loading at a particular location, but may instead be a complete solution for that beach. JGs allow improvements to be made at a few locations within a jurisdictional group to meet the interim compliance targets without necessarily making incremental progress at all beaches.

No JGs were created for responsible agencies and jurisdictions within the Malibu Creek subwatershed and Ballona Creek subwatershed because the Regional Board recognized that it would be premature to try to set interim compliance targets for the beaches and compliance monitoring sites impacted by discharges originating within these two subwatersheds. Instead, the Regional Board recognized that the implementation plans and schedules for these beaches would be highly dependent upon the overall TMDL implementation plans for Malibu Creek subwatershed and Ballona Creek subwatershed. Note that because no interim targets are set under the Dry Weather TMDL, no JGs were even created (or needed) for that TMDL.

To resolve this confusion, Regional Board staff is considering recognizing two ad hoc JGs for responsible agencies and jurisdictions within the Malibu and Ballona subwatersheds and indicating (as has already been done in the amendment) that interim compliance targets are not being set in the SMBBB TMDLs in light of the fact that implementation at these beach locations will be highly dependent upon the overall TMDL implementation plans and schedules developed for the separate bacterial TMDLs for these subwatersheds. This change would not create any new regulatory requirements, but would simply clarify the existing requirements as they are currently described in the Basin Plan, as amended by the incorporation of the SMBBB TMDLs.

Conclusion

With the foregoing discussion, the Regional Board staff hopes to clear up the misunderstanding regarding the role of jurisdictions and agencies within the Ballona Creek and Malibu Creek subwatersheds under the SMBBB TMDLs. All requirements of the SMBBB TMDLs apply to responsible jurisdictions and agencies within these two subwatersheds except for the following:

- (1) Requirements to submit a draft written report twenty (20) months after the TMDL's effective date and a final written report two (2) years after the TMDL's effective date outlining how responsible jurisdictions and responsible agencies intend to cooperatively (through Jurisdictional Groups) achieve compliance with the Wet Weather TMDL. (Attachment A to Resolution 2002-022, Table 7-4.7)
- (2) Interim compliance targets for wet weather identified in Attachment A to Resolution 2002-022, Table 7-4.6.

These requirements are not being imposed on responsible jurisdictions and agencies within the Malibu Creek and Ballona Creek subwatershed at this time because, as stated earlier, the implementation plans and schedules for beach locations impacted by discharges originating within these subwatersheds will be highly dependent upon the overall TMDL implementation plans and schedules for these subwatersheds. Therefore, Regional Board staff believes that it would be premature to require submittal of TMDL compliance plans and set interim compliance targets for these beach locations prior to developing the overall TMDL compliance plans and schedules for the proposed Malibu Creek Watershed Bacteria TMDL and the forthcoming Ballona Creek Watershed Bacteria TMDL.

To meet the 120-day requirement to submit a coordinated shoreline monitoring plan, the Regional Board encourages responsible jurisdictions and agencies within these two subwatersheds to consider working

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cooperatively with the Technical Steering Committee (TSC) made up of representatives from the other seven (7) jurisdictional groups, which has been actively working for several months to develop a consistent, coordinated shoreline monitoring plan to meet the requirements of the SMBBB TMDLs. If responsible jurisdictions and agencies within these two subwatersheds are unable to come to agreement with the TSC, and due to the misunderstanding regarding the responsibilities of the jurisdictions and agencies within these two subwatersheds, the Executive Officer is willing to entertain a limited extension of the 120-day requirement, if requested.

If you have any questions, please feel free to contact Renee DeShazo, Staff Environmental Scientist, at (213) 576-6783 or by e-mail at rdeshazo@rb4.swrcb.ca.gov. We look forward to working with you toward successful implementation of the Santa Monica Bay Beaches Bacteria TMDLs for the benefit of the millions of residents and visitors that enjoy Santa Monica Bay's beaches every year.

Sincerely,



Dennis A. Dickerson
Executive Officer

Attachments

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**Figure 1: Santa Monica Bay Watershed Management Area
Major Watersheds, Subwatersheds, Streams and Lakes**

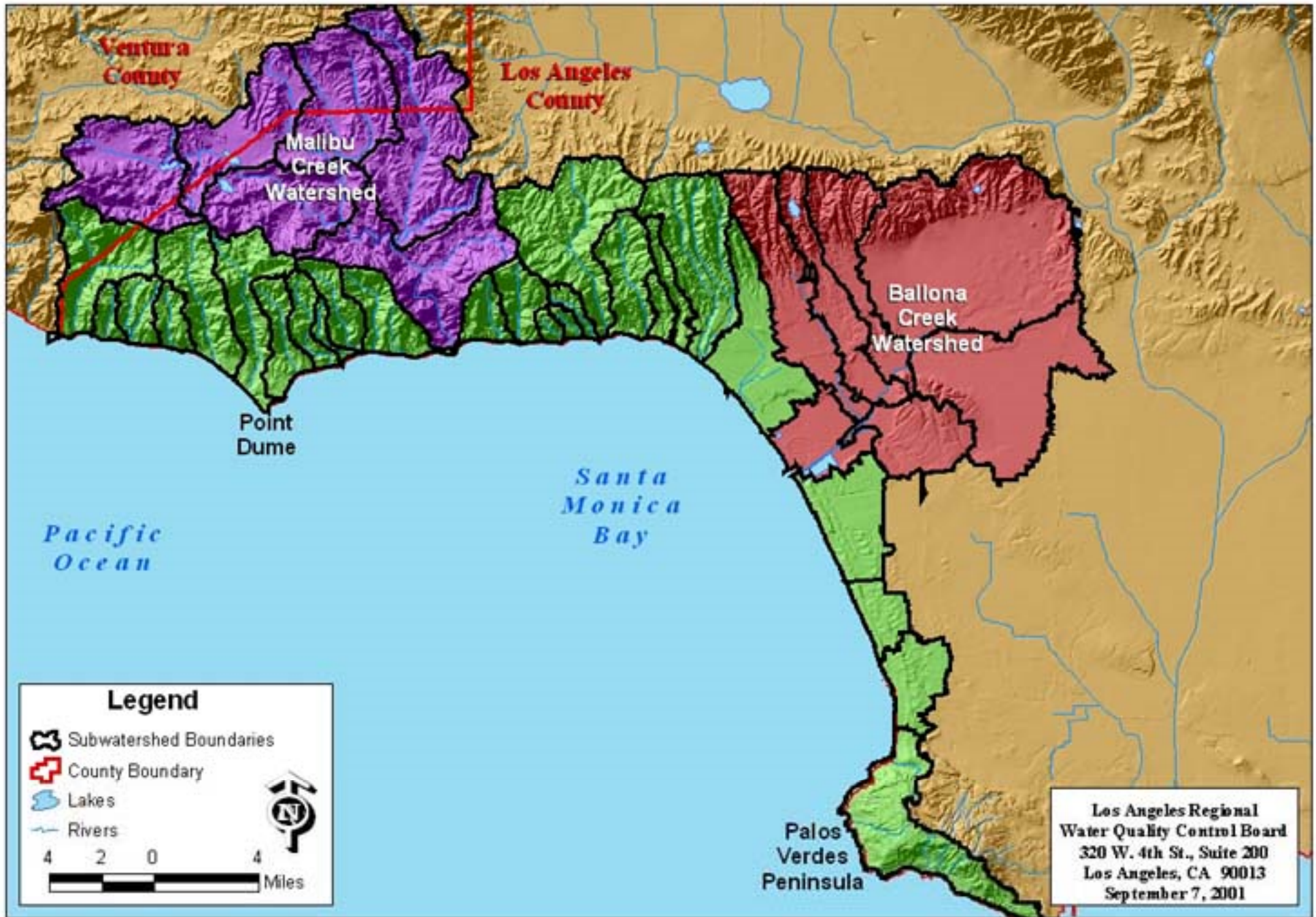


TABLE 1

List of Existing Shoreline Monitoring Stations impacted by Discharges originating within the Ballona Creek or Malibu Creek Subwatersheds

Malibu Creek Subwatershed	Ballona Creek Subwatershed
S1 – Surfrider Beach (breach point) DHS 002 – Malibu Pier – 50 yards east DHS 003 – Malibu Point DHS 003a – Surfrider Beach (second point)	S10 – Ballona Creek entrance – 50 yards south

TABLE 2

Responsible Jurisdictions and Agencies within the Ballona Creek and Malibu Creek Subwatersheds per the SMBBB TMDLs

Malibu Creek Subwatershed	Ballona Creek Subwatershed
Agoura Hills Calabasas CA Dept. of Parks & Recreation (beach only) CA Dept. of Transportation (Caltrans) Hidden Hills LVMWD (Tapia Water Reclamation Facility)* Los Angeles County Malibu Simi Valley Thousand Oaks Ventura County Westlake Village	Beverly Hills CA Dept. of Transportation (Caltrans) City of Los Angeles Culver City Inglewood Los Angeles County Santa Monica West Hollywood

*The Tapia Water Reclamation Facility has a WLA of zero (0) allowable exceedance days per its NPDES permit. Compliance monitoring will be addressed in the monitoring requirements contained in its permit.

ENCLOSURE 2
COMMENTS ON AQUATIC TOXICITY TESTING
MALIBU CREEK CIMP

Part XII.G.1. (Page E-30) and Part XII.G.2. (Page E-30) of the Monitoring and Reporting Program states that Permittees shall conduct aquatic toxicity monitoring utilizing the critical life stage chronic toxicity test methods listed. The draft CIMP does not propose use of critical life stage chronic toxicity test methods for assessment of toxicity in wet weather samples and instead proposes use of acute toxicity test methods. This is not acceptable; the appropriate chronic toxicity test method listed in the MRP must be used and both survival and sublethal endpoints must be reported. We suggest the group consult the State Water Resources Control Board 2011 publication, "Implementation Guidance: Toxicity Testing for Stormwater" to gain insight on how to run chronic toxicity tests on wet weather samples.

Part XII.I.1. (Page E-33) of the Monitoring and Reporting Program states that a toxicity test sample is immediately subject to TIE procedures if either survival or sublethal endpoints demonstrate a Percent Effect value equal to or greater than 50% at the Instream Waste Concentration. The draft CIMP does not propose to perform a TIE when at least a 50% sublethal effect is seen but instead proposes to first collect a confirmatory sample two weeks later.

This is not an acceptable approach. The CIMP seems to be implying that chronic toxicity has some inherent non-persistent quality to it that makes the results unreliable. It also implies that chronic toxicity is of lesser importance. Although it would be hard to generalize to all possible situations, the fact that a large number of invertebrates (or fish) living in a receiving water can survive an ambient pollutant concentration but are impacted in terms of growth or reproduction means that the population as a whole will be impacted, and could eventually collapse. Some species living in the receiving water have very short lifespans and during critical times of the year may be prey for other organisms that will in turn be impacted by their population decline.

Suggested Special Study: The 2013 study released by the California Stormwater Quality Association (CASQA) entitled "Review of Pyrethroid, Fipronil and Toxicity Monitoring Data from California Urban Watersheds" reviewed stormwater data from studies conducted during 2005 - 2012 and highlighted the toxicity impacts from use of pesticides not currently required to be monitored for by the MRP. We suggest the group begin monitoring for these chemicals in the receiving water and, in addition, assess toxicity using the 2002 acute toxicity testing protocol (EPA-821-R-02-012) with the amphipod *Hyaella azteca* as the test organism. *H. azteca* is known to be much more sensitive to pyrethroids than is *Ceriodaphnia dubia* while the latter is useful for its sensitivity to OP pesticides. The two species together may also prove to be more useful in detecting toxicity from fipronil. And, should 50% or greater effect be detected in the toxicity test, we suggest a procedure to incorporate pyrethroids into the subsequent TIE be documented (three possible treatments have been identified by researchers, see <http://www.pubfacts.com/detail/20018342/Focused-toxicity-identification-evaluations-to-rapidly-identify-the-cause-of-toxicity-in-environment>). While fipronil does not have a TIE procedure identified currently, chemical testing for the parameter (and degradates) and comparison to U.S. EPA Office of

Pesticide Program's aquatic life benchmarks at http://www.epa.gov/oppefed1/ecorisk_ders/aquatic_life_benchmark.htm will aid in determining the cause(s) of toxicity in order to follow up with outfall testing of the parameter(s) with the ultimate goal of removing the source. This approach will also help minimize inconclusive TIE results which would lead to required toxicity testing in the representative upstream outfall(s).