

**California Regional Water Quality Control Board, Los Angeles Region
531st Regularly-scheduled Meeting of November 5, 2009 (Los Angeles)**

Item 9 (Volume 2 – Written Comments and Staff Responses)

Subject Malibu Civic Center Area: Consideration of an amendment to the *Basin Plan* to prohibit discharge from on-site wastewater disposal systems in the Malibu Civic Center area (including Malibu Valley and surrounding hillsides, Winter Canyon and surrounding hillsides, and the coastal strips along the Pacific Coast Highway between and including Surfrider Beach and Amarillo Beach).

Attachments Response Matrices
Written Comments

Introduction On July 31, 2009, staff distributed the prohibition drafts for public review and comment. The review period, ending October 8, 2009, lasted 69 days. During the review period, staff conducted a workshop and a community meeting, to take oral comments and questions. Also, staff has expended significant time in meetings, phone, and e-mail communications with parties interested in the proposed prohibition. At the end of the review period, staff received 46 written comments, which are appended to this document.

In a series of matrices, staff has summarized the written comments and provided responses. Staff has written filled out the matrices as succinctly as possible. Similar comments are grouped. Abbreviations are used. References are made to other documents that include a draft resolution, a draft Technical Staff Report (including five technical memoranda), a draft Environmental Staff Report (including an environmental checklist), peer reviews of scientific elements of the Technical Staff Report, TMDLs (total maximum daily loads), and the *Basin Plan*. Staff does not repeat extensive information in these documents.

Parties Forty-six interested parties submitted written comments, all of which are appended to this document. These comments have been organized into categories of parties, including: government, non-government organizations (NGOs), dischargers regulated by the Regional Board, other dischargers (residents and businesses in the prohibition area), and others (interested parties who live or work outside of the prohibition area).¹ The attached table identifies each party that submitted a written comment, and designates an abbreviation for that party for cross-reference with the responses.

Basin Plan and TMDLs Many comments were outside of the scope of this action – e .g. comments objecting to beneficial uses designated in the *Basin Plan* and TMDLs (total maximum daily loads). These comments raise issues on decisions already made by the Board. Although staff did summarize the rationale behind many of these decisions, staff did not respond in detail to all these comments, due to time limitations and the fact that the proposed regulatory action is not intended to re-open *Basin Plan* and TMDL decisions already made by the board.

¹ Staff has made reasonable attempts to determine which category each party should be grouped with. However, the location of some parties could not be clarified in the time allowed.

Responses Staff is in the process of preparing response matrices, organized by issue. Similar or duplicative comments are being consolidated in the following matrices:

- ***Support, Opposition, Opposition to 2014 Deadline, and Financial Hardship Concerns***
- ***Objections to the Regulatory Process for Adoption of the Prohibition***
- Objections to Staff's Analysis of Compliance (Tech Memo #1) and MOU Issues
- Objections to Staff's Analysis of Hauling Practices (Tech Memo #5)
- Objections to Staff's Analyses of Impairments to Water Resources
 - Groundwater (Tech Memo #2)
 - Beaches (Tech Memo #3)
 - Malibu Lagoon (Tech Memo #4)
- Concerns about Boundaries
- Support or Opposition to Exemptions from the Prohibition
- ***Concerns about CEQA (California Environmental Quality Act)***
- ***Legal Concerns***
- Other Concerns

With the October 27th transmittal, we are including only the four matrices indicated in bold italic type above. Other matrices are still in process, and staff will submit the entire set of matrices in a supplemental mailing the end of the week.

Written Comments Submitted as of October 8, 2009

Category	Party	Abbreviation	Page
Government	City of Malibu (submitted by Jenkins & Hogin)	City	100
	City of Malibu Wastewater Advisory Committee	WW Advisory Committee	185
	County of Los Angeles	County	188
	Santa Monica Bay Restoration Commission	Bay Restoration Commission	195
	Las Virgenes Municipal Water District	Las Virgenes MWD	197
	Santa Monica-Malibu Unified School District	School District	209
NGOs	Santa Monica BayKeeper	Baykeeper	212
	Malibu Chamber of Commerce (dated Oct 2, 2009)	Chamber – 1 st	230
	Malibu Chamber of Commerce (dated Oct 2, 2009)	Chamber – 2 nd	232
	Heal the Bay	Heal the Bay	234
	Malibu Surfing Association	Surfing Association	238
	Coalition of Surfing Clubs (petitions)	Surfing Coalition	241
WDR Dischargers	Malibu Colony Plaza (from Malibu Bay Company)	Colony Plaza	262
	R.L. Embree	Embree (MWPCP*)	309
	Morton Gerson	Gerson	314
	HRL Laboratories	Hughes	316
	Malibu Canyon Village HOA submitted by, Ross Morgan & Co.	Malibu Canyon Village HOA (MWPCP*)	319
	Pepperdine University	Pepperdine	320
Other Dischargers	Mike Barsocchini	Barsocchini (Knolls)	380
	Sally and Chris Benjamin	Benjamin (Knolls)	381
	Steven and Helen Clarke	Clarke	404
	Ken Duzy (dated Sept 2, 2009)	Duzy (Knolls) – 1 st	406
	Ken Duzy (dated Oct 7, 2009)	Duzy (Knolls) – 2 nd	407
	Jeff Harris	Harris	410
	La Paz, submitted by Chris Deleau	La Paz (Deleau)	411
	La Paz, submitted by Cox Castle Nicholson	La Paz (Cox)	415
	Lady of Malibu Church submitted by Carl Ehrlich	Lady of Malibu Church	421
	Latham & Watkins (submitted on behalf of three unidentified dischargers)	Latham & Watkins	427
	Malibu Knolls POA submitted by, Richard N. Scott Inc.	Malibu Knolls POA	475
	Marmol Radziner & Associates, submitted for unidentified residents	Marmol Radziner	477
	Rick Metzler	Metzler	478
	Grant Adamson, MHAB Trust	MHAB (Adamson)	479
	Gaines & Stacey LLP, submitted for MHAB Trust	MHAB (Gaines)	482
	Jean Rosenfeld	Rosenfeld	486
	Laura Rosenthal	Rosenthal	487
	Ozzie Silna	Silna	488
	Daniel and Carole Stark	Stark	489
	Malibu Towing, submitted by Robert Gold, Big Rock Partners	Towing	491
Other	Advanced Onsite Systems	Advance Onsite	586
	Frank Angel	Angel	589
	Meg Henry / Ensitu	Ensitu	591
	Environmental Engineering & Contracting	Env Engineering	593
	Pat Maginnis	Maginnis	597
	Cholada Thai Cuisine	Thai Cuisine	599
	George Toberman Construction Co	Toberman	600
	Tobias Architecture, Lester Tobias	Tobias	601

* MWPCP: Malibu Water Pollution Control Plant, also known as the Maison DeVille Sewage Treatment Plant, which serves four multi-family complexes located in Winter Canyon.