
Los Angeles Regional Water Quality Control Board

June 16, 2022

Ventura County MS4 Permittees within the Upper Malibu Creek Subwatershed¹

Via Email Only

ACCEPTANCE 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 MS4 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 and 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).

On December 13, 2021, Ventura County MS4 Permittees within the upper Malibu Creek subwatershed submitted a Notice of Intent (NOI) to join the Malibu Creek WMP.² Subsequently, on April 4, 2022, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) sent a review letter on the NOI and on April 26, 2022, held a meeting with Ventura County MS4 Permittees to provide clarification on the comments provided in the review letter. Based on comments received from the Los Angeles Water Board, Ventura County MS4 Permittees submitted a revised NOI on May 4, 2022. The Los Angeles Water Board acknowledges that the NOI addresses the upper Malibu Creek subwatershed only, where Ventura County MS4 Permittees have jurisdictional 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

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.

the existing Malibu Creek Watershed WMP developed by Los Angeles County MS4 Permittees, the Ventura County-Wide WMP would be modified to include the upper Malibu Creek subwatershed. The NOI to develop a Ventura County-wide WMP was a separate submittal and the Board's review of it is transmitted under separate cover.

The Los Angeles Water Board has reviewed the NOI submitted on May 4, 2022 and has determined that the NOI includes the elements required in Part IX.F.2 of the Order. Pursuant to Part IX.F.3 of the Order, please submit the revised Malibu Creek WMP and Reasonable Assurance Analysis (RAA) modeling files to the Los Angeles Water Board no later than **September 11, 2023**. Please submit using the Los Angeles Water Board's FTP site, as provided below. Submitted document(s) should be uploaded as a Compressed (zipped) Folder(s). For alternative submittal methods, please contact Ms. Erum Razzak via email at Erum.Razzak@waterboards.ca.gov.

FTP site link: <https://ftp.waterboards.ca.gov>

Username: RB4MS4-Upload

Password: RB4-bmBb3Z

Pursuant to Part X.B.2.b.iv of the Order (Alternative Demonstration of Compliance), from the date of the Permittees' notification of their intent to join the existing Malibu Creek WMP on December 13, 2021, until the updated WMP is approved, Permittees are granted deemed in compliance status for the following Water Body-Pollutant Combinations (WBPCs) listed in the NOI submitted on May 4, 2022:

- Table 3 of the NOI - all WBPCs
- Table 4 of the NOI - Category 1B, 2B, and 2C WBPCs

As explained below, pollutants in waterbodies where the final TMDL deadlines have past are not eligible for deemed in compliance status. Therefore, Category 1 WBPCs above shall receive deemed in compliance status under the NOI up to the final TMDL compliance deadlines in Attachment O of the Order or until the WMP is approved, whichever is earlier. Additionally, Permittees shall not receive deemed in compliance status for Category 1A WBPCs in Table 4 of the NOI. For all non-trash TMDLs where the final compliance deadlines have passed, the Permittee(s) shall demonstrate compliance per Part X.B.2 of the Order (Direct Demonstration of Compliance). For trash, the Permittee(s) shall demonstrate compliance per Part X.C of the Order.

Past TMDL deadlines: As discussed in Part XI.B.3, Attachment F of the Order (page F-251), the Permittee(s) may not be deemed in compliance with final TMDL deadlines that have passed, unless:

- i. A Time Schedule Order (TSO) pursuant to California Water Code sections 13300 and/or 13385(j)(3) has been approved by the Los Angeles Water Board for a Water Body-Pollutant Combination (WBPC) in that TMDL (Part X.E.2 of the Order), or
- ii. They have chosen to comply with TMDL-based requirements by retaining all non-stormwater runoff and the volume of stormwater runoff from the 85th

percentile 24-hour storm event and the Permittee(s) is continuing to engage in monitoring pursuant to Attachment E of the Order and adaptive management pursuant to Part IX.E of the Order through an approved Watershed Management Program (Part X.B.2.b.iii of the Order).

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 develop a 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: Clifford Finley, City of Thousand Oaks
Paul Jorgensen, City of Thousand Oaks
Ewelina Mutkowska, County of Ventura
David Laak, VCWPD
Arne Anselm, VCWPD