



# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
FAX (916) 341-5463 • <http://www.waterboards.ca.gov>

Linda S. Adams  
Secretary for  
Environmental Protection

APP 9 9 2007

Mr. Jim Thorsen, City Manager  
City of Malibu  
23815 Stuart Ranch Road  
Malibu, CA 90265-4861

Dear Mr. Thorsen:

### VIOLATION OF THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified responsible parties to either cease discharging storm water and nonpoint source waste into Areas of Special Biological Significance (ASBS) or to request an exception according to the requirements of the California Ocean Plan (Ocean Plan). The 2005 Ocean Plan prohibits waste discharges to ASBS but allows the State Water Board to grant exceptions to this prohibition, provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, the public interest will be served." Prior to granting an exception, the State Water Board must hold a public hearing, and there must be compliance with the California Environmental Quality Act. The United States Environmental Protection Agency must also concur.

This letter is to inform you that the State Water Board has not received your application requesting an exception from the Ocean Plan waste discharge prohibition for your discharges into the Laguna Point/Latigo Point ASBS; this was due no later than May 31, 2006. Because a completed application has not been received, staff assumes that you do not wish to be covered by an Ocean Plan exception for your discharges to the ASBS. Only those responsible parties with completed applications will be considered for coverage under an exception.

Since you have neither responded to our notification to cease discharging storm water and nonpoint source waste into the ASBS, nor submitted a completed application for an exception, you continue to be in violation of the Ocean Plan's absolute prohibition against discharge to ASBS.

*California Environmental Protection Agency*

Mr. Jim Thorsen

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Should you have any questions, please feel free to contact me at (916) 341-5458 ([dpolhemus@waterboards.ca.gov](mailto:dpolhemus@waterboards.ca.gov)) or Dominic Gregorio, Senior Environmental Scientist, Ocean Unit, at (916) 341-5488 ([dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov)).

Sincerely,



Darrin Polhemus, Deputy Director  
Division of Water Quality

cc: Mr. Robert Brager, Public Works Director  
City of Malibu  
23815 Stuart Ranch Road  
Malibu, CA 90265-4861

Ms. Jennifer Voccola, Environmental Programs Coordinator  
City of Malibu  
23815 Stuart Ranch Road  
Malibu, CA 90265-4861

Mr. Jonathan Bishop, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. 4<sup>TH</sup> Street, Suite 200  
Los Angeles, CA 90013

Mr. Reed Sato, Director  
Office of Enforcement  
State Water Resources Control Board