



*"Gateway to the Santa Monica Mountains National Recreation Area"*

January 16, 2013

Cindy Lin (WTR-2)  
U.S. Environmental Protection Agency  
Southern California Field Office  
600 Wilshire Blvd., Suite 1460  
Los Angeles, CA 90017

**RE: Proposed Malibu Creek TMDLs**

Dear Ms. Lin:

The City of Agoura Hills wishes to express its concern for the proposed revision of Total Maximum Daily Loads (TMDLs) in the Malibu Creek Watershed. In order to avoid repetition, the City of Agoura Hills wishes to echo the points made in the various letters submitted by the County of Los Angeles, Las Virgenes Water District, and our Malibu Creek Watershed partners.

Cities, homeowners and businesses in the region stand to be adversely affected if the proposed new standards are rushed into place without a proper scientific vetting. As a community, Agoura Hills has made extensive investments in improving conditions in Malibu Creek and its tributaries. Through changes in building codes to control runoff, trash filtering, oil capture through more frequent street sweeping and monthly oil collections, as well as significant investments made by all the region's sewer service ratepayers, we continue to fulfill the mission of a community engaged in the stewardship of the watershed. Many of these activities are being done as a result of the 2003 Malibu Creek Nutrient TMDL and actions of the Los Angeles Regional Water Quality Control Board.

Given the significant investments in these measures, along with others such as the recently adopted Los Angeles County MS4 permit, we request that the EPA take a more deliberate approach to the placement of any more stringent standards for the creek. The reasons are many; among them are:

- No assurances that tighter standards will produce the desired effect, specifically the elimination of algae from Malibu Creek.
- Malibu Creek has unusual characteristics that do not integrate well with a "one size fits all" approach to stream regulation. Its salinity and native nutrient levels require a specific and scientific approach to its chemistry.

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- The proposed TMDL has not been given an appropriate amount of time for evaluation. It was released for public review on December 12, 2012 and the comment deadline is January 23, 2013. Under normal circumstances, that is a short time frame for in-depth analysis of a complex document, but given the intervening holiday period it is unusually brief, and much of the review period occurred at a time when elected bodies do not meet and staff vacations are at a peak. The short time frame suggests a rush to judgment and the lack of a prudent period for public review.

If adopted as proposed, the TMDLs may result in additional financial and administrative burdens to this city and to the constituents we mutually serve, with no assurances that these measures will be effective. At a time when the economy challenges each governmental entity to be prudent users of public funds, we believe this proposal carries great risk with no guarantee of a tangible public benefit.

For these reasons and others, we respectfully request that the EPA forego the placement of the proposed TMDLs, allow the 2003 standard to demonstrate its effects and that fully vetted scientific standards be applied to the unique traits of Malibu Creek before any additional corrective measures are adopted.

Sincerely,

  
DENIS WEBER  
Mayorcc: City Council  
City Manager