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Councilmember

January 18, 2013

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

**Subject: Malibu Creek and Lagoon TMDL's for  
Sedimentation and Nutrients**

Dear Ms. Lin:

The City of Westlake Village wishes to express its concern for the proposed revision of Total Maximum Daily Loads (TMDLs) in the Malibu Creek Watershed for sediments and nutrients. 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 and watershed, we have collectively made significant investments into improving conditions in Malibu Creek and its tributaries. Through changes in building codes to control runoff, trash filtering and oil capture to including weekly street sweeping, every community in this watershed continues to be engaged in the stewardship and well being of the Malibu Creek watershed. Many of these activities are being done as a result of the 2003 Malibu Creek Nutrient TMDL as well as past and current Los Angeles County MS4 permits.

Given the significant investments to date that have been made and will continue to be made under 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 on the creek. The reasons are many, among them are:

- No assurances that tighter standards will produce the desired effect, specifically the elimination of algae in Malibu Creek;

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- Malibu Creek has unusual background chemical characteristics that do not integrate well with a "one size fits all" approach to stream regulation. Its background salinity and native nutrient levels require a specific and scientific approach to any standards that are proposed to be used here; and
- The proposed TMDL has not been given an appropriate amount of time for evaluation. It was released for public review on December 12th 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 and, 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 will result in additional financial and administrative burdens to our 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 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,



Raymond B. Taylor  
City Manager

cc: City Council  
Leonard E. Polan, District 4 Director, LVMWD  
Dave Pedersen, General Manager, LVMWD