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Terrence Fleming  
U.S. Environmental Protection Agency Region 9, WTR-2  
75 Hawthorne Street  
San Francisco, CA 94105

## **COMMENTS ON PROPOSED TOTAL MAXIMUM DAILY LOADS FOR BACTERIA AND NUTRIENTS IN THE MALIBU CREEK WATERSHED**

The following are the comments from the City of Calabasas concerning the proposed Total Maximum Daily Loads (TMDLs) for Bacteria and Nutrients in the Malibu Creek Watershed (TMDLs Document).

### **Need for Iterative Phased Approach**

The City of Calabasas strongly urges EPA to suggest in the TMDLs Document that RWQCB follow an iterative “phased approach” such as that recommended in Region 9’s *Guidance* when “data and information needed to determine the TMDL and associated allocations are limited.” *Guidance, p. 9*. Under such a phased approach, TMDL implementation can commence while additional information is collected. Based upon the findings of the additional data collection, TMDL elements may be revised. As noted above, the TMDLs Document itself suggests that a TMDL monitoring program for the Malibu Creek watershed be designed to “provide information that will assure that water quality objectives are being met throughout the watershed and to refine the source loading estimates” and further notes that the RWQCB “could also use the information generated by this program to revise the TMDL if necessary.” *TMDLs Document, p. 31*. A more thorough source analysis needs to be conducted so that the stakeholders know what sources must be reduced, where BMPs would be most effective, and other source-specific information. It is critical to identify the most important pollutant sources so that valuable time and resources will not be wasted treating sources that are not significant contributors to the violation of water quality standards.

**EPA Response:** *We believe that a phased approach to implementation would be appropriate for both the bacteria and nutrient TMDLs. The EPA TMDL provides recommendations to the Regional Board for consideration in implementation planning.*

The four watershed cities (Calabasas, Westlake Village, Agoura Hills, and Malibu) and Los Angeles County have been awarded Proposition 13 funds to implement a watershed-wide monitoring program which will include monitoring all the watershed’s 303(d) listed water quality impairments. We feel this program will provide a much more complete

assessment of baseline conditions, critical compliance points, and overall water quality. This approach involves a thorough investigation of potential pollutant sources in the watershed; using the monitoring results and source identification to derive an appropriate loading analysis and design of BMPs; monitoring of BMP effectiveness; and, if further steps are required, extending BMP installation to additional areas in the watershed. This monitoring program will offer useful information, which the Regional Board can use to refine all Malibu Creek Watershed TMDLs, if necessary.

**EPA Response:** *We agree that a watershed monitoring program could help provide additional information for the TMDL implementation. This work should be coordinated with the Regional Board to ensure that the design of the program supports critical data needs related to baseline conditions and source identification, and is useful to the State in its future efforts to review the TMDLs and plan implementation strategies.*

The City of Calabasas supports the phased approach because it believes that there is a better, empirically based approach to determine wasteload and load allocations and appropriate remedial BMPs. Such an approach would provide a far more focused effort to address bacteria and nutrients in the Malibu Creek watershed than is provided in the proposed TMDLs.

**EPA Response:** *We agree that additional source information would be useful to help refine allocations and focus corrective actions. The Regional Board may consider a phased approach toward implementation.*

As stated in the TMDLs Document, the Malibu Creek Watershed Advisory Committee has already developed a Watershed-Wide Monitoring Program, which the watershed cities and county plan to implement. We invite stakeholders to come together to develop a monitoring strategy (or incorporate it into the Watershed-Wide Monitoring Program) that can characterize variability and properly identify and quantify sources. Once the proper sources are identified and quantified, an iterative, adaptive watershed management approach can be used to determine which BMPs will effectively eliminate the bacteria and nutrients.

**EPA Response:** *The EPA TMDL acknowledges the existence of the Malibu Creek Watershed Monitoring Program. Where appropriate we have used information generated from this program in the development of the TMDL. We urge the Malibu Creek Watershed Advisory Committee to work with the Regional Board to ensure that the design of the Watershed Monitoring Program meets the needs of the TMDL monitoring program and can help inform future TMDL revisions and implementation planning by the Regional Board.*

### **Margin of Safety**

The City of Calabasas recommends a re-evaluation of the bacteria TMDL's margin of safety regarding allowable exceedances. A TMDL is required to include a margin of safety to address uncertainty in the analysis (TMDL Document pg 3). Due to the lack in

sufficient data as expressed in the TMDL Document as well as the limited time used to develop the document (September 2002 to January 2003), we believe the margin of safety should reflect this uncertainty until adequately studied.

**EPA Response:** *The Bacteria TMDL includes an adequate margin of safety. As discussed on page 27 of the TMDL, the margin of safety was derived from the use of several conservative assumptions during model analysis. The most critical was the use of the 90th percentile wet year to provide a conservative assessment of loadings.*

\* \* \*

We appreciate the opportunity to make these comments, and wish to thank EPA for providing an opportunity for stakeholders to discuss with the agency some of their concerns. We look forward to working with EPA, the RWQCB, and other stakeholders in developing appropriate and implementable bacteria and nutrient TMDLs for the Malibu Creek watershed.

Should you have any questions, please contact me at (818) 878-4242 ext. 306.

Sincerely,

Robin Hull  
Volunteer Water Quality Monitoring Coordinator