



City of Malibu

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January 4, 2005

Mr. Dominic Gregorio
Division of Water Quality
Ocean Standards Unit
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

FAX TRANSMITTAL
(916) 341-5621

Dear Mr. Gregorio:

NOTIFICATION OF REQUEST FOR EXCEPTION FOR DISCHARGES TO AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE

This letter is in response to a letter dated October 18, 2004. The October 18 letter indicated that “[y]our discharge of storm water (dry and wet weather runoff) into the Mugu Lagoon to Latigo Point Area of Special Biological Significance is subject to the prohibition against waste discharges to an ASBS.” The letter indicated that a response was required by January 1, 2005 if an exception was sought from the State Board with respect to discharges to the ASBS.

This response is being made by the Department of Public Works on behalf of all elements of City government that might qualify as “dischargers” to the ASBS and thus potentially subject to the October 18 letter.

Public Works understands that the discharges in question have been identified in the report “Discharges Into State Water Quality Protection Areas” dated July 2003 and prepared by the Southern California Coastal Water Research Project (SCCWRP). While the October 18 letter did not identify which discharges in the above-referenced ASBS are considered to be the responsibility of the City, we have identified 15 potential storm drains that are operated by the City and that appear to discharge to the ASBS during dry and/or wet weather.

To the extent that these sources are considered to be discharging into the ASBS, this letter is to formally notify the State Board that the City is requesting an exception for such discharges. Moreover, this letter is to notify the State Board that the City also is requesting exceptions for other discharges to the ASBS, if any, as to which a City government entity is the “discharger.”

We wish to respectfully note in this letter that our request for exceptions is subject to any and all objections and defenses that may be raised to the applicability of the Ocean Plan, the Porter-Cologne Act or the Public Resources Code to such discharges. Such objections and defenses include, without limitation, that the Ocean Plan should not be applied to stormwater discharges

in the absence of a statewide stormwater policy and also that the Board is obligated, pursuant to Water Code Sections 13241 and 13242, to conduct an analysis of the impacts of the application of the Ocean Plan to stormwater discharges, which it has not done. Moreover, we wish to note that we reserve the right to challenge a determination by State Water Board staff that any particular point source is discharging to the ASBS.

We plan on attending the workshop to be held at the Scripps Institute in La Jolla on January 13 and look forward to discussing these issues further with staff at that time.

If you have any questions, please contact me at (310) 465-2489 ext. 247.

Sincerely,



Yugal K. Lall
Public Works Director/City Engineer

cc: Mayor and City Councilmembers
Katie Lichtig, City Manager

Mr. Jonathon Bishop, Executive Office
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

