



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

July 20, 2012

Sent via Email to commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



RE: Comment Letter – 2nd Draft Phase II Small MS4 General Permit - City of Malibu

Dear Members of the State Water Resources Control Board:

The City of Malibu appreciates the opportunity to comment on the subject General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems Phase II Revised Draft Tentative Order (“Draft Permit”). The City is particularly concerned about two issues in the Draft Permit: (1) the Receiving Water Limitations language; and (2) the omission of permit coverage for non-traditional agencies in the North Santa Monica Bay coastal watersheds.

First, while the City will not be subject to this Permit, the Receiving Water Limitation language (Provision D) in the Draft Permit will likely be precedential statewide and, consequently, the City is compelled to comment on the Draft Permit. The Receiving Water Limitation language must be amended because even though the permit requires permittees to implement an iterative process to improve BMPs to address exceedances, the permittee is still in violation of the permit during the iterative process.

The Receiving Water Limitation language must include a process that provides some limited protection against unfounded citizen suits if the permittee is acting in good faith to resolve any discharge-related issues. An MS4 permittee should not automatically be in violation of the permit if there is an exceedance; the exceedance may not have even been caused by an MS4 discharge. The permit must acknowledge that MS4 discharges are not the only source of pollutants in the water and regulate accordingly. If monitoring demonstrates that a particular compliance strategy is not working, through no fault of the discharger, then the discharger must have time to identify and implement a new strategy before being held liable for natural water quality alterations that may be beyond its control.

Previously, municipal stormwater permittees had understood that permit language, like that expressed in Provision D, in conjunction with Board Policy (WQ 99-05), established an iterative management approach *as a basis for permit compliance*. However, since the language does not actually *say* that the permittee is in compliance while engaging in the iterative management process, the permit violation still exists while the permittee is taking actions to address the problem. On July

13, 2011, the Ninth Circuit Court of Appeals in *NRDC vs. County of Los Angeles/Los Angeles County Flood Control District* found that the defendant County had violated the Receiving Water Limitations, despite its good faith compliance with the iterative process. The language that the Ninth Circuit opined on mirrors Provision D in the Draft Permit.

This decision potentially places all permittees throughout the state in immediate non-compliance with their NPDES Permits if monitoring data show an exceedance, and exposes them to considerable liability. Local governments certainly recognize the importance of attaining water quality standards. At the same time, however, no one reasonably expects any Phase II, or even Phase I, entity to immediately realize this goal at the moment of permit adoption. Indeed, this reality is reflected by the hundreds of TMDLs across the state that specifically recognize that current water quality standards cannot be readily attained and can only be addressed by regulation that supports implementation of an adaptive program over an extended period of time.

The City recognizes the need to continue to make significant progress toward attainment of water quality standards and does so through its aggressive Clean Water Program. However, no regulatory benefit accrues from the State establishing permit provisions, such as Provision D, that result in the potential of immediate non-compliance for permittees, despite their good faith efforts to address exceedances. Such language also does not recognize the existence of natural constituent sources that are beyond the control of the permittees. Immediate non-compliance makes permittees vulnerable to costly citizen suits that divert limited resources away from clean water programs toward the cost of defending the lawsuit. Water is not cleaned in a courtroom.

For these reasons, the City requests that Provision D in the Draft Permit be replaced *in its entirety* with the California Stormwater Quality Association's (CASQA's) proposed Provision D (revised Receiving Water Limitations language attached to this letter as Attachment 1).

Next, many necessary non-traditional public agencies located in the North Santa Monica Bay watershed have not been included for coverage under the Draft Permit. Between the June 2011 draft and the May 18, 2012 draft, many public sites in the Malibu area have been deleted from the list in the revised Draft Permit (Attachment B) without explanation. These non-traditional agencies must be subject to the permit because runoff from their properties (which often flows directly to streams or the ocean) may cause or contribute to exceedances of water quality standards. Specifically, the agencies to be included are: California State Parks, Santa Monica Mountains Conservancy (SMMC), Mountains Recreation and Conservation Authority (MRCA), the Santa Monica Mountains National Recreation Area (SMMNRA), Pepperdine University and the Santa Monica-Malibu Unified School District.

The Region 4 list of permittees in Attachment C to the May 2012 revised documents omits many sites/agencies that share Malibu coastal watersheds and Clean Water Act obligations. The permit must protect all waterbodies, including the Areas of Special Biological Significance (ASBS), those subject to 303(d) listings and waters where endangered species are found. These agencies own or operate land adjacent to these sensitive water bodies.

On September 6, 2011, the City of Malibu provided a comment letter to the State Water Resources Control Board (SWRCB) on the last version of the Draft Permit. That comment letter (Attachment 2) outlines in more detail the basic issues that have not been addressed in the revised Draft Permit. Additionally, the City submitted a comment letter to the SWRCB on October 27, 2011 (Attachment 3) regarding the Santa Monica Bay Marine Debris Total Maximum Daily Load (TMDL), explaining that without the equal application of TMDL regulations to all responsible entities in a watershed, municipalities will be unable to comply with the goals and objectives of the adopted TMDL, and the water boards will not have a complete picture of all of the major sources and contributions of a pollutant. This fact applies to all TMDLs, especially those set for trash and fecal indicator bacteria TMDLs in these complex, frequently-visited watersheds.

Attached is a regional Open Space and Parkland map (Attachment 4) and a Santa Monica Bay Beaches Bacteria TMDL coordinated shoreline monitoring site map (Attachment 5) to demonstrate the difficulty the City of Malibu faces meeting Receiving Water Limitations at the mouth of twenty watersheds that are dominated by land owned by other public agencies over which the City has no regulatory control. For example, the Bacteria and Marine Debris TMDLs have been adopted along the entire Malibu coastline, meaning that all activity throughout the watershed has the potential to mobilize and increase pollutants in local waters; however, all trash-generating agencies are not covered by this or other permits.

Not only are specific park sites not covered by the permit, but the Coastal Slope Trail, which is identified on the Open Space and Parkland Map, runs continuously through every watershed and serves thousands of hikers, dog walkers, equestrians and bicyclists almost every day of the year, is not covered. The City is also including a spreadsheet (Attachment 6) identifying each watershed and some specific parks and entities in each watershed that should be covered. Education and outreach have been identified as important, non-structural best management practices in Clean Water Act (CWA) regulations. Park operators have an obligation to inform visitors about protection of natural resources and clean water objectives. Without a regulatory obligation, such as the Phase II permit, it is unlikely that these agencies will even engage in education and outreach.

As a landowner and discharger to ASBS No. 24, the Santa Monica Mountains Conservancy/Mountains Recreation Conservation Authority (SMMC/MRCA) should also be required to obtain an ASBS Exception for Lechuza Beach and vertical accessways through the land adjacent to the ASBS. How can the City of Malibu meet its obligations under its MS4 permit and the ASBS Special Protections if all of the responsible agencies in the area are not subject to equivalent regulations?

The City has experience successfully implementing CWA regulations in collaboration with all responsible jurisdictions in a watershed through an integrated, cost-effective management program. The U.S. Environmental Protection Agency (USEPA) promotes this approach and the Los Angeles Regional Water Quality Control Board (RWQCB) has incorporated this option in the proposed NPDES MS4 permit for Los Angeles County. However, Malibu's (and other regulated municipalities') efforts will be thwarted if regulations are not applied consistently to all entities in this region. Understandably, each Phase II Non-Traditional permittee may choose to implement the

objectives individually, but at least each agency would be subject to Receiving Water Limitations, would be required to develop an implementation plan and would have specific regulatory and reporting obligations to meet. These other agencies need regulation and oversight so the entire watershed can meet its regional water quality goals.

Again, the City must rely on the SWRCB to include each of the following agencies or institutions in the General Permit under consideration: California State Parks, Santa Monica Mountains Conservancy (SMMC), Mountains Recreation and Conservation Authority (MRCA), the Santa Monica Mountains National Recreation Area (SMMNRA), Pepperdine University and the Santa Monica-Malibu Unified School District.

When Congress created the SMMNRA on November 10, 1978, through Public Law 95-625, it set up a unique partnership with local units of government that recognized the complexity of multiple Federal non-contiguous parcels of land integrated throughout a wide region. The legislation gives authority to the SWRCB and RWQCB to apply CWA regulations that may cause or contribute to water quality degradation. Under Section 507 (a) (3), Congress found that: “the State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority.”

On December 14, 2011, Nancy K. Stoner, Acting Assistant Administrator for the USEPA Office of Water, testified before the House of Representatives’ Subcommittee on Water Resources and Environment about the importance of integrated planning and implementation of CWA regulations (http://www.epa.gov/ocir/hearings/testimony/112_2011_2012/stoner_121411.pdf). Ms. Stoner stated:

“In the past, the EPA, states, and municipalities have often focused on each CWA requirement individually without full consideration of all CWA obligations or how various water quality investments can be coordinated and managed as a single effort. This uncoordinated approach may have the unintended consequence of constraining a municipality from addressing its most serious water quality issues in a cost-effective manner.”

Later in her testimony, she added:

“We believe a new commitment to integrated water quality planning and management offers municipalities an opportunity to meet CWA requirements in a more cost-effective manner and in a way that achieves the highest priority goals more quickly.”

In May 2012, the USEPA developed a framework for integrated planning (http://www.epa.gov/npdes/pubs/integrated_planning_framework.pdf) and delivered it to each USEPA regional office on June 5, 2012. The guidance document provides the essential elements of effective implementation of the CWA and provides a useful outline that stresses regional

integration. The omission of these agencies handicaps collaborative, timely and cost-effective compliance efforts in the watershed.

The notion that park agencies are not causing or contributing to water quality degradation is misplaced, as all landowners that drain and discharge to the ocean, unless properly regulated, contribute to water quality degradation. The parks in Malibu see millions of visitors annually, lease to commercial enterprises and even accommodate large special events at some locations. All of these activities generate trash and other pollutants that can adversely impact the water. The City has no regulatory authority over the operation, maintenance or construction activities of the lands owned by these agencies and institutions. Thus, the City must rely on the SWRCB and the RWQCB to: (1) apply the same standards to protect water quality that apply to local municipalities (including the Basin Plan and Ocean Plan requirements and TMDL obligations); and (2) consider all of the specific impacts that come from the operation of public open space and parks that serve more than 25 million annual visitors and from large institutions in the same watershed.

Specifically, the City asks that the following locations and agencies be added to Phase II Attachment B as Non-Traditional Small MS4 Permittees as follows:

1. California Department of Parks and Recreation (State Parks): Arroyo Sequit/Leo Carrillo Beach and State Park; El Pescador State Beach; La Piedra State Beach; El Matador State Beach; Point Dume State Reservation and State Beach; the west end of Surfrider Beach (upcoast extent of Malibu Lagoon and Malibu Creek State Park); mouth of Malibu Lagoon (Malibu Creek State Park, Malibu Lagoon State Beach and Adamson House Historical Park); Malibu Pier area (downcoast of Malibu Lagoon, east end of Surfider Beach, also Malibu Creek State Park, Malibu Lagoon State Beach and Adamson House Historical Park); and Topanga Beach at Topanga State Park.
2. Santa Monica Mountains Conservancy/Mountains Recreation Conservation Authority: Lechuza Beach (Encinal Canyon Watershed); Escondido State Beach in front of Escondido Creek (Escondido Canyon Park and public beach accessway); Corral Creek at the east end of Corral Beach (Corral Canyon Park); Puerco Beach in front of Marie Canyon Storm Drain (Malibu Bluffs Open Space); the west end of Surfrider Beach, mouth of Malibu Lagoon and Malibu Pier area downcoast of the Lagoon (King Gillette Ranch, Stunt Ranch, MRCA Open Space, Rancho Simi Open Space, Upper Las Virgenes, and Open Space Preserve); Piedra Gorda Canyon and Big Rock Beach; and Las Tunas County Beach in front of Pena Creek.
3. Pepperdine University: Puerco Beach in front of Marie Canyon storm drain.

More information on these sites can be found in Attachment 6 to this letter.

Also, Santa Monica Mountains Conservancy/Mountains Recreation Conservation Authority (SMMC/MRCA) should be required to obtain an ASBS Exception for Lechuza Beach and vertical accessways through the land adjacent to ASBS No. 24. These agencies should also be added as dischargers to the ASBS in Phase II Attachment D.

If State or Regional Water Board staff have questions regarding this letter, please feel free to contact Jennifer Brown, Senior Environmental Programs Coordinator, at (310) 456-2489 ext. 275 or jbrown@malibucity.org.

Sincerely,



Jim Thorsen
City Manager

Attachments:

1. CASQA Proposal – Receiving Water Limitation Provision to Stormwater NPDES Permits
2. September 6, 2011 letter from City of Malibu to State Water Resources Control Board
3. October 27, 2011 letter from City of Malibu to State Water Resources Control Board
4. North Santa Monica Bay Coastal Watersheds Open Space and Parkland Map
5. Santa Monica Bay Beaches Bacteria TMDL Coordinated Shoreline Monitoring Sites Map
6. North Santa Monica Bay Coastal Watersheds Park Agency and Institution – NPDES MS4 Phase II Non-Traditional Entities

cc: Mayor Rosenthal and Honorable Members of the Malibu City Council
Jennifer Brown, Senior Environmental Programs Coordinator
Sam Unger, Executive Officer, Los Angeles Regional Water Quality Control Board



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

February 21, 2012

Mr. Charles Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Receiving Water Limitation Provision to Stormwater NPDES Permits

Dear Mr. Hoppin:

As a follow up to our December 16, 2011 letter to you and a subsequent January 25, 2012 conference call with Vice-Chair Ms. Spivy-Weber and Chief Deputy Director Jonathan Bishop, the California Stormwater Quality Association (CASQA) has developed draft language for the receiving water limitation provision found in stormwater municipal NPDES permits issued in California. This provision, poses significant challenges to our members given the recent 9th Circuit Court of Appeals decision that calls into question the relevance of the iterative process as the basis for addressing the water quality issues presented by wet weather urban runoff. As we have expressed to you and other Board Members on various occasions, CASQA believes that the existing receiving water limitations provisions found in most municipal permits needs to be modified to create a basis for compliance that provides sufficient rigor in the iterative process to ensure diligent progress in complying with water quality standards but also allows the municipality to operate in good faith with the iterative process without fear of unwarranted third party action. To that end, we have drafted the attached language in an effort to capture that intent. We ask that the Board give careful consideration to this language, and adopt it as 'model' language for use statewide.

Thank you for your consideration and we look forward to working with you and your staff on this important matter.

Yours Truly,

Richard Boon, Chair
California Stormwater Quality Association

cc: Frances Spivy-Weber, Vice-Chair – State Water Board
Tam Doduc, Board Member – State Water Board
Tom Howard, Executive Director – State Water Board
Jonathan Bishop, Chief Deputy Director – State Water Board
Alexis Strauss, Director – Water Division, EPA Region IX

CASQA Proposal for Receiving Water Limitation Provision

D. RECEIVING WATER LIMITATIONS

1. Except as provided in Parts D.3, D.4, and D.5 below, discharges from the MS4 for which a Permittee is responsible shall not cause or contribute to an exceedance of any applicable water quality standard.
2. Except as provided in Parts D.3, D.4 and D.5, discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible, shall not cause a condition of nuisance.
3. In instances where discharges from the MS4 for which the permittee is responsible (1) causes or contributes to an exceedance of any applicable water quality standard or causes a condition of nuisance in the receiving water; (2) the receiving water is not subject to an approved TMDL that is in effect for the constituent(s) involved; and (3) the constituent(s) associated with the discharge is otherwise not specifically addressed by a provision of this Order, the Permittee shall comply with the following iterative procedure:
 - a. Submit a report to the State or Regional Water Board (as applicable) that:
 - i. Summarizes and evaluates water quality data associated with the pollutant of concern in the context of applicable water quality objectives including the magnitude and frequency of the exceedances.
 - ii. Includes a work plan to identify the sources of the constituents of concern (including those not associated with the MS4 to help inform Regional or State Water Board efforts to address such sources).
 - iii. Describes the strategy and schedule for implementing best management practices (BMPs) and other controls (including those that are currently being implemented) that will address the Permittee's sources of constituents that are causing or contributing to the exceedances of an applicable water quality standard or causing a condition of nuisance, and are reflective of the severity of the exceedances. The strategy shall demonstrate that the selection of BMPs will address the Permittee's sources of constituents and include a mechanism for tracking BMP implementation. The strategy shall provide for future refinement pending the results of the source identification work plan noted in D.3. ii above.
 - iv. Outlines, if necessary, additional monitoring to evaluate improvement in water quality and, if appropriate, special studies that will be undertaken to support future management decisions.
 - v. Includes a methodology (ies) that will assess the effectiveness of the BMPs to address the exceedances.
 - vi. This report may be submitted in conjunction with the Annual Report unless the State or Regional Water Board directs an earlier submittal.

- b. Submit any modifications to the report required by the State or Regional Water Board within 60 days of notification. The report is deemed approved within 60 days of its submission if no response is received from the State or Regional Water Board.
 - c. Implement the actions specified in the report in accordance with the acceptance or approval, including the implementation schedule and any modifications to this Order.
 - d. As long as the Permittee has complied with the procedure set forth above and is implementing the actions, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the State Water Board or the Regional Water Board to develop additional BMPs.
4. For Receiving Water Limitations associated with waterbody-pollutant combinations addressed in an adopted TMDL that is in effect and that has been incorporated in this Order, the Permittees shall achieve compliance as outlined in Part XX (Total Maximum Daily Load Provisions) of this Order. For Receiving Water Limitations associated with waterbody-pollutant combinations on the CWA 303(d) list, which are not otherwise addressed by Part XX or other applicable pollutant-specific provision of this Order, the Permittees shall achieve compliance as outlined in Part D.3 of this Order.
5. If a Permittee is found to have discharges from its MS4 causing or contributing to an exceedance of an applicable water quality standard or causing a condition of nuisance in the receiving water, the Permittee shall be deemed in compliance with Parts D.1 and D.2 above, unless it fails to implement the requirements provided in Parts D.3 and D.4 or as otherwise covered by a provision of this order specifically addressing the constituent in question, as applicable.



City of Malibu

23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

September 6, 2011

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk to the Board
PO Box 100
Sacramento, CA 95812-2000

RE: Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) (ORDER)

Dear Members of the State Water Resources Control Board:

The City of Malibu appreciates the opportunity to provide comments on the State Board's draft Phase II NPDES implementation order. The City's primary focus is the inclusion of new Non-Traditional entities that have not been part of the NPDES permit program to date.

The attached North Santa Monica Bay Watersheds map demonstrates the variety and complexity of parks spread throughout the Malibu Creek Watershed and the rural coastal watersheds, as well as 7 miles of public beaches along the Malibu coast and 15 public beach accessways owned or operated by State or County agencies. This region includes many overlapping jurisdictions and land management agencies, which complicates the regulatory framework. It is critical to note that the City of Malibu does not have regulatory jurisdiction over Federal, State or County parks and beaches or over public accessways.

In light of the many agencies and differing land management strategies in this region, the City respectfully submits the following comments for consideration:

- 1) Require all park and public beach agencies to obtain Phase II NPDES MS4 permits.**
The City of Malibu requests that all open space, beach and park agencies in the North Santa Monica Bay watersheds obtain Phase II NPDES MS4 permits. Specifically, no agency or site should be granted a Waiver Certificate by the Los Angeles Regional Water Quality Control Board (Regional Board) since the activities associated with the operation and management of these very popular parks and beaches have the potential to cause or contribute to water quality impairment of Santa Monica Bay or Malibu Creek. In its letter of August 22, 2011 to the Regional Board (copy attached), the City identified most but not all the sites and agencies that have an influence on water quality and may cause impairment without proper management within the North Santa Monica Bay watersheds and the critical coastal habitats that warrant special protection.

Specifically noted in that letter are the following jurisdictional agencies:

- A. California Department of Parks and Recreation
 - B. Santa Monica Mountains National Recreation Area
 - C. Santa Monica Mountains Conservancy / Mountains Restoration Conservation Authority
 - D. Universities
- 2) **Expand the proposed California Department of Transportation (Caltrans) NPDES Permit Municipal Coordination Plan provisions to include all agencies responsible for regulatory requirements within the Santa Monica Bay Watershed region, including Non-Traditional Phase II Permittees.** The City additionally recommends that the SWRCB expand the proposed Municipal Coordination Plan process called out in Caltrans recent NPDES permit requirements to include all responsible agencies in the North Santa Bay watersheds including New Non-Traditional Phase II permittees. This process can ensure consistent procedures and implementation of stormwater management plans, leveraging of education and outreach opportunities, and site-specific permit conditions will protect and preserve habitats.
- 3) **Provisions for construction outreach and education and construction site runoff control must be included in the requirements for all parks operated by any State or Federal agency, beach, historical area or park.** The City noted that the Table 1, Section E – Provisions of the Order did not include parks operated by any State agency, beach, historical areas (and presumably Federal parks), are requirements for: A) Construction Outreach & Environmental Education; and B) Construction Site Stormwater Runoff Control. Management of parks, historical sites and beaches includes the overseeing of construction projects on those sites. In fact, in the North Santa Monica Bay watershed open space agencies currently have active proposals for major projects at multiple sites including restoration projects, parking facilities, trails, administration buildings, restrooms, campgrounds, education facilities and roadways. These projects are being conducted in environmentally sensitive habitats or critical coastal areas that require extraordinary oversight of construction activities.
- 4) **All park and beach entities that discharge into an ASBS should be required to study any potential impact to the ASBS and participate in the State's exception process.** Attachment H – Phase II MS4 Entities Authorized to Discharge to Areas of Special Biological Significance (ASBS) – could use additional clarification. The draft provided in the section for the Los Angeles Water Board – Laguna Point to Latigo Point, indicates that the State Department of Parks and Recreation, with four public beaches in the ASBS with large parking lots (some impermeable and some permeable), impermeable roadways, stormwater discharge facilities, restroom facilities, a general store and campgrounds with well over 5,000 visitors per year for each site, is authorized to discharge without water quality impact studies and/or an application through the ASBS exception process.

The City of Malibu understands the problems that could be associated with a fragmented implementation of the Clean Water Act regulations. Malibu is a 22-mile long coastal city receiving runoff from 22 coastal watersheds before it reaches Santa Monica Bay. Malibu has fewer than 13,000 residents, a population density of only 650 persons per square mile, with predominately low residential and commercial development. On summer holiday weekends, the visitors swell to 750,000 and parks and beaches attract 20 million annual visitors to the Santa Monica Mountains region. Caltrans, also with a Phase I NPDES MS4 permit, is responsible for the Pacific Coast Highway corridor running through the entire length of Malibu that carries an average of 45,000 vehicles per day.

State and Federal park agencies provide many great services and facilities to meet visitors' expectations and needs. In addition to the ongoing traffic to access these sites, trash generated by visitors and other pollutants of concern associated with a wide-range of recreational and commercial activities, the park agency's physical improvements and management practices can be pollutant-generating and impair water quality. Low impact development principals are not currently and consistently incorporated into the design of new, redeveloped or retrofitted park facilities. A consistent regulatory strategy applied to all agencies within the region is necessary to protect and preserve the highly valued natural resources in this area. A collaborative effort is required to meet the regulatory requirements with so many overlapping jurisdictions with varying priorities.

Currently, in the North Santa Monica Bay watersheds, only the municipal entities and Caltrans have a Phase 1 NPDES permit guiding the land use and management actions to conform to the regulations. There are wide gaps where there is no oversight of non-municipal agencies because municipal entities have no or limited permitting authority over the everyday actions of many entities sharing the same geographic boundaries. State agencies rarely scrutinize the activities that trigger water quality impairments at the watershed level. There is inconsistent interpretation of "development" that would trigger a stormwater or construction permit and a wide berth is given to institutional, park and roadway agencies, allowing those agencies to define development as "maintenance" in order to avoid a State or local project permit.

The City of Malibu, with a certified Local Coastal Program, issues the Coastal Development Permits for projects within the City. However, some agencies may bypass this process. The California Coastal Commission retains jurisdiction in some cases and has not applied the strictest standards that are enforced by local government. In other cases, park agencies (and Caltrans) make improvements they believe are regular maintenance but which are, in fact, permanent new development that alters permeable surfaces and/or the hydraulic connectivity and thereby not fully protect natural streams or the ocean. All development within these jurisdictions should use Best Management Practices to control pollution before it enters a waterway.

The primary problem in the current process results in inconsistent application of regulations. Unlike local government, baseline studies and monitoring are not part of the development permit requirements for these agencies, so these tasks must be addressed in the Clean Water Act NPDES MS4 General Permit for Phase II Non-Traditional entities. Perhaps the use of "Municipal" in MS4 has led to a misinterpretation of applicable entities.

Naming agencies as responsible parties in TMDLs without assigning or establishing a clear regulatory and enforcement framework has proven to be less than effective. There has been no regular participation by any park agency in the Santa Monica Bay Beaches Bacteria TMDL, the Malibu Creek Bacteria and Nutrient TMDL, the Malibu Creek Trash TMDL or the developing Santa Monica Bay Marine Debris TMDL. All entities within a watershed must abide by the same monitoring and compliance requirements of every TMDL or the regulatory objectives will never be achieved.

Natural areas inherently improve and protect natural resources if they are kept in their pristine state; however, development in parklands and intensive use can cause both short- and long-term resource damage and impair human health and aquatic habitats.

To date, the agencies charged with regulatory and implementation oversight in the NPDES MS4 permit process for non-traditional agencies have been the Coastal Commission, the State Architect, the State Lands Commission, the Housing and Community Development Department for mobilehome parks and the Regional Board. Inadequate resources have been dedicated to ensuring proper pollution prevention for water quality protections being met by agencies over which the City has little or no authority. As directed by the United States Environmental Protection Agency, now is the time to enroll all responsible agencies in Clean Water NPDES permit programs so that a comprehensive watershed management plan can be implemented.

Finally, the Non-Traditional entities must be brought into the Phase II program because the specificity of the provisions will provide clear direction with timelines to meet objectives and, if not followed, enable the State Water Resources Control Board and the Regional Board to enforce the MS4 permits to protect highly valued natural resources.

Thank you for this opportunity to share our concerns. If you have questions, please do not hesitate to contact Jennifer Brown, Senior Environmental Programs Coordinator, at (310) 456-2489 extension 275 or jbrown@malibucity.org.

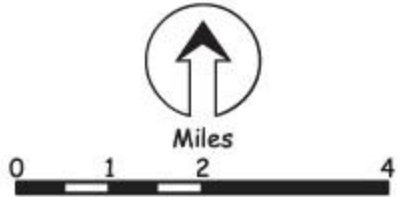
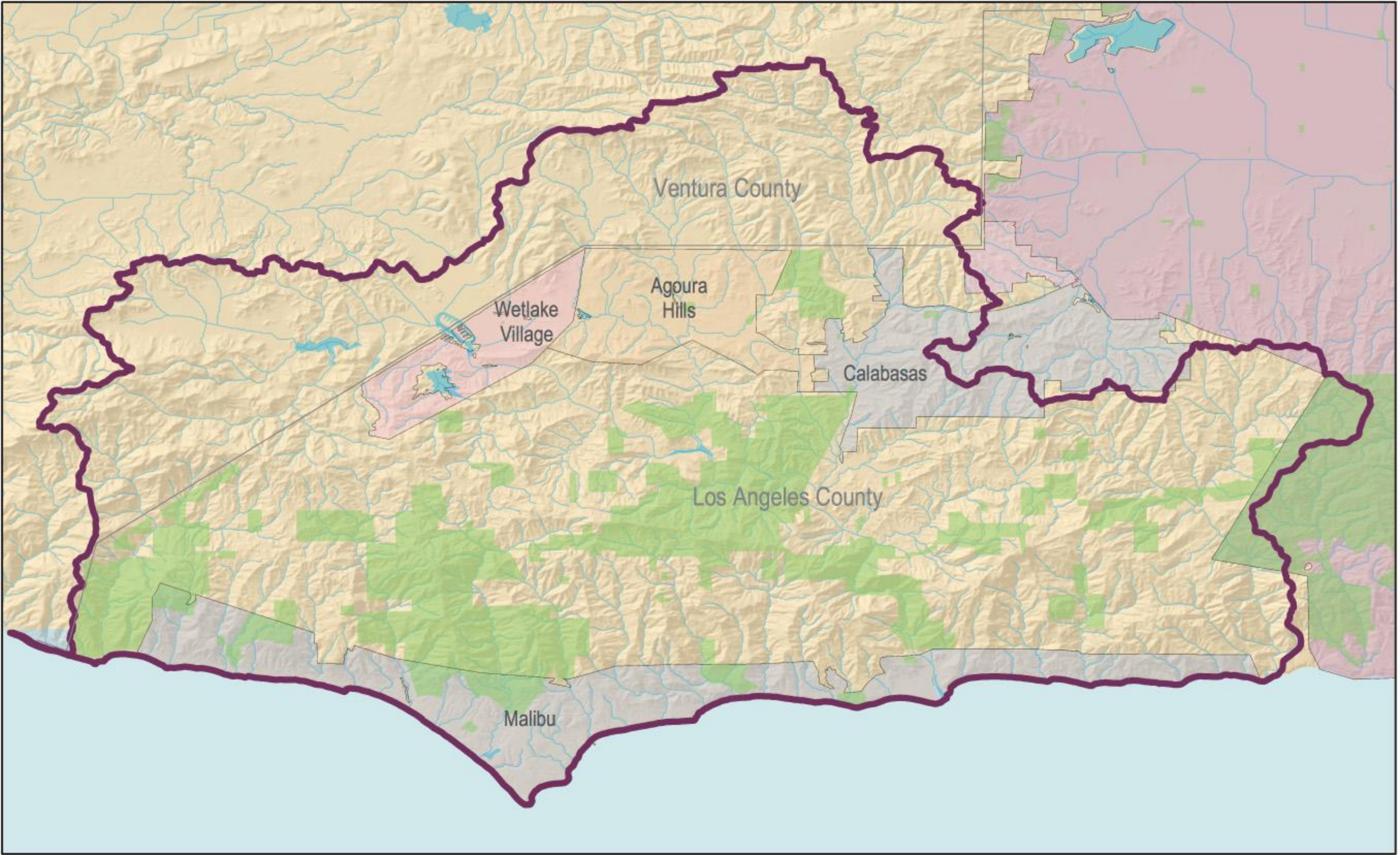
Sincerely,



Jim Thorsen
City Manager

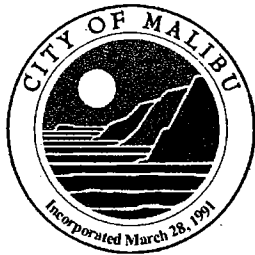
Enclosures

cc: Mayor Sibert and Honorable Members of the Malibu City Council
Vic Peterson, Environmental Sustainability Director
Bob Brager, Public Works Director
Jennifer Brown, Senior Environmental Programs Coordinator
Sam Unger, Executive Officer, Los Angeles Regional Water Quality Control Board



-  Park
-  Sub Region

Cities
North Santa Monica Bay Sub Region
Integrated Regional Water Management Plan



City of Malibu

23825 Stuart Ranch Road ♦ Malibu, California ♦ 90265-4861
Phone (310) 456-2489 ♦ Fax (310) 317-0950 ♦ www.malibucity.org

August 22, 2011

Sam Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

RE: State Water Resources Control Board – Draft NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (ORDER)

Dear Sam:

I know this is a little late, but we would appreciate you taking the following under consideration. The City has developed a list of designated agencies and sites that should be added to the list of new Non-Traditional permittees in the NPDES MS4 draft documents in Attachment C in Region 4 – Los Angeles Regional Water Quality Control Board (LARWQCB). Malibu is a very small city with fewer than 13,000 residents and is a Phase 1 NPDES permittee in the Los Angeles County NPDES MS4 permit. The City will be providing additional comments regarding the proposed new order for Phase II MS4s in a subsequent letter and looks forward to working with these open space and park agencies in order to develop an effective watershed-based stormwater and non-stormwater program.

The City of Malibu requests that all open space or park agencies in the North Santa Monica Bay Watershed obtain Phase II NPDES MS4 permits and no agency/site be granted a Waiver Certificate since the activities associated with the operation and management of these very popular parks could cause or contribute to water quality impairment of Santa Monica Bay or Malibu Creek.

One or more of the following criteria are justification for adding these agencies and preclude the LARWQCB and State Water Resources Control Board from granting a waiver from the proposed Phase II NPDES MS4 Permit Order:

- 1) Annual public attendance is very high – well over 5,000 people, and/or
- 2) Site discharge flows directly or indirectly into one or more of these critical coastal habitats with flows comprising greater than 10% of the combined flows from other MS4 facilities:
 - Area of Special Biological Significance (ASBS)
 - Marine Protected Area (MPA)
 - Santa Monica Bay with adopted bacteria and pending marine debris TMDLs (SMB)

- Beaches that have attendance exceeding 50,000 annual visitors from April 1 – October 31 (AB411)
- Malibu Creek with adopted bacteria and trash and pending nutrient TMDLs (MC)
- Creeks that are critical habitat for the Federal endangered species – Southern California steelhead trout (FES)

NEW Phase II Non-Traditional Attachment C list dated June 7, 2011 excluded these agencies and sites, which need to be specifically designated:

A. California Department of Park and Recreation

- Leo Carrillo State Park/Beach (ASBS, SMB, AB411, FES)
- El Pescador State Beach (ASBS, MPA, SMB)
- La Piedra State Beach (ASBS, MPA, SMB)
- El Matador State Beach (ASBS, MPA, SMB)
- Point Dume State Beach (ASBS, MPA, SMB)
- Point Dume Nature Preserve (ASBS, MPA, SMB)
- Malibu Lagoon State Beach (Surfrider Beach) (SMB, AB411, FES)
- Adamson House State Historic Site (SMB, AB411, FES, MC)
- Malibu Pier (SMB, AB411)
- Malibu Creek State Park (Tapia Park, Stunt Ranch) (SMB, AB411, FES, MC)

B. Santa Monica Mountains National Recreation Area

- Decker/Encinal Canyon Park (AB 411, SMB)
- Trancas/Zuma Canyon Park (MPA, SMB, AB411, FES)
- Upper Ramirez Canyon parcels (MPA, SMB, AB411)
- Solstice Canyon Park (SMB, AB 411, FES)
- Paramount Ranch (MC, FES)
- Peter Strauss Ranch (MC, FES)

C. Santa Monica Mountains Conservancy / Mountains Restoration Conservation Authority

- Lechuza Beach (MPA, SMB)
- Ramirez Canyon Park (MPA, AB411, SMB)
- Latigo Canyon parcels (SMB)
- Escondido Canyon Park (SMB)
- Corral Canyon Park (AB 411, SMB)
- Malibu Bluffs open space (SMB)
- Tuna Canyon Park (SMB)
- King Gillette Ranch (MC, FES, AB411)
- Triunfo Creek Park (MC, FES, AB411)

- Las Virgenes View Park (with Calabasas and Las Virgenes MWD) (MC, FES, AB411)
- Upper Las Virgenes Open Space Preserve (formerly Ahmanson Ranch) (MC, FES, AB411)

D. Universities

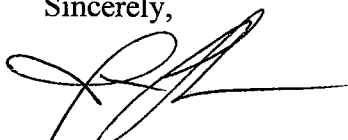
- Pepperdine University – over 6,000 students (SMB, FES)

Voluntary participation in existing TMDL Implementation Plan processes has not been successful, even when an agency is listed as a “responsible” agency. The agencies are also not participating in the Integrated Regional Water Management Program process that could be a resource for shared stormwater and non-stormwater pollutant management and project and program funding. There are many overlapping activities in close proximity to MS4 facilities in the North Santa Monica Bay watersheds where flows are combined. As noted in the SWRCB Fact Sheet, water quality can be examined and improved on a larger, consolidated scale rather than on a piece-meal, site-by-site basis when all agencies are part of the NPDES MS4 permits.

There is no enforcement mechanism to provide incentive and region-wide consistency to meet the Clean Water Act regulations and California Ocean Plan objectives if certain Phase II responsible entities are granted waivers.

We look forward to the opportunity to bring all stakeholders to the same table as Malibu helps develop a Municipal Coordination Plan with local municipalities, the new Non-Traditional entities and the California Department of Transportation.

Sincerely,



Jim Thorsen
City Manager

Enclosures

cc: Vic Peterson, Environmental Sustainability Department Director
Eric Bernsten, State Water Resources Control Board



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

October 27, 2011

Sent via email to commentletters@waterboards.ca.gov

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk to the Board
PO Box 100
Sacramento, CA 95812-2000

RE: Comment Letter – Santa Monica Bay Marine Debris Total Maximum Daily Load (TMDL)

Dear Members of the State Water Resources Control Board:

The City is very appreciative for this opportunity to comment on the Santa Monica Bay Nearshore and Offshore Marine Debris TMDL. The City would also like to recognize the Regional Board staff for their effort, time and outreach to coordinate with MS4 permittees during this TMDL process. The outreach led to an open and collaborative dialogue on this TMDL. The City is also pleased to see that many recreational and park agencies that own and control open space have been included as responsible parties to this TMDL. Having parkland and recreational facilities in our region is a tremendous gift to the residents and visitors to the area, and we are all lucky to have such beautiful mountains, streams and coastline nearby. But, as we know, this natural beauty comes with a tremendous amount of responsibility for everyone. Thus, the SWRCB should be aware that there has been a simple **but critical** omission from the TMDL of two agencies that own and/or operate a substantial portion of recreational and park facilities throughout the Santa Monica Mountains, and even in the Los Angeles River Watershed: the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority.

Collectively, the Santa Monica Mountains National Recreation Area boasts in excess of 30 million annual visitors that bring with them, but leave behind (whether intentional or not), litter and waste. City staff has previously provided a list in writing and verbally to Regional Board staff of all responsible parkland agencies that must be included as responsible parties to this TMDL. This list included the California Department of Parks and Recreation, the Santa Monica Mountains National Recreation Area, the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority as owners or managers of park properties in the region. A more detailed list, including individual parks or open space properties in the North Santa Monica Bay region, is attached to this letter for your reference. So, it was surprising to notice in the Responses to Comments for this TMDL that the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority were not listed as responsible parties.

The Santa Monica Mountains Conservancy was established by the California State Legislature in 1980 to help preserve over 60,000 acres of parkland in both wilderness and urban settings and has improved more than 114 public recreational facilities throughout Southern California. The Mountains Recreation and Conservation Authority preserves and manages local open space and parkland, watershed lands, trails and wildlife habitat. The Mountains Recreation and Conservation Authority manages and provides ranger services for thousands of acres of public lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or other agencies and provides comprehensive education and interpretation programs for the public.

The following are excerpts from the two agencies' websites:

“The Santa Monica Mountains Conservancy zone covers an area from the edge of the Mojave Desert to the Pacific Ocean. The zone encompasses the whole of the Santa Monica Mountains, the Simi Hills, the Verdugo Mountains and significant portions of the Santa Susana and San Gabriel Mountains.”¹

“In addition, the Mountains Recreation and Conservation Authority also owns or manages thousands of acres ... From north to south, these areas drain into the Santa Clara River, Calleguas Creek, numerous smaller coastal watersheds in the Santa Monica Mountains, and the Los Angeles River and Rio Hondo.”²

As an important community resource, these agencies also offer public programs, hiking trails, tours and facility rentals for special events, including conferences/meetings, picnics and weddings, all of which can generate substantial litter and debris. Facilities owned and managed by the Mountains Recreation and Conservation Authority for rent include King Gillette Ranch, which is listed as: “One of the most stunning locales in the Santa Monica Mountains, 588-acre King Gillette Ranch is situated in the heart of the Malibu Creek Watershed, **by the confluence of five major tributaries** (emphasis added), and adjacent to Malibu Creek State Park.” Additional event rental sites: Temescal Gateway Park in Pacific Palisades, and The Los Angeles River Center and Gardens in Los Angeles, both with the potential to discharge to regional water bodies draining to the Santa Monica Bay.

Hence, these agencies control significant land area in the North Santa Monica Bay where debris is generated and can be discharged to the Santa Monica Bay. It is imperative that *all agencies* controlling land where debris and waste are generated be included as responsible agencies under the TMDL.

¹ From the Santa Monica Mountains Conservancy website at <http://www.smmc.ca.gov/>


² From the Mountains Recreation and Conservation Authority websites at <http://www.mrca.ca.gov/> and <http://www.lamountains.com/>

At the Regional Board Hearing on November 4, 2010 when this TMDL was adopted, Regional Board staff reported that those agencies were not included as responsible parties to this TMDL because the geographic information systems (GIS) showed several [small or scattered] parcels throughout the area. In other words, staff did not consider these agencies to have control over a significant amount of land to include them. Staff reassured the City at the hearing that this could be looked into in any future amendments or TMDL reconsiderations. However, the Board should not wait until that uncertain date to re-evaluate the responsible agencies. These park agencies exist and control significant portions of land in the region. By their very nature, the parcels owned and operated by these park agencies are interspersed parcels and pocket parks throughout the region, as explained above.

It is imperative that these agencies be named as responsible parties to this TMDL with load allocations and standard requirements at this final adoption stage. To not include them is a major oversight and places undue burden on the remaining responsible agencies to control debris from land where it has no jurisdiction or control. The City of Malibu supports environmental initiatives and regulations that protect environmental resources and, to be effective, this TMDL must apply to all responsible agencies that control land where debris is generated.

Thank you for this opportunity to share our concerns. If you have questions, please do not hesitate to contact Jennifer Brown, Senior Environmental Programs Coordinator, at (310) 456-2489 extension 275 or jbrown@malibucity.org.

Sincerely,



Jim Thorsen
City Manager

Enclosure

cc: Vic Peterson, Environmental Sustainability Director
Jennifer Brown, Senior Environmental Programs Coordinator
Sam Unger, Executive Officer, Los Angeles Regional Water Quality Control Board

**PARK AGENCIES AND INDIVIDUAL PARKS/PROPERTIES
IN THE NORTH SANTA MONICA BAYⁱ**

California Department of Park and Recreation

- Leo Carillo State Park
- El Pescador State Beach
- La Piedra State Beach
- El Matador State Beach
- Point Dume State Beach
- Point Dume Nature Preserve
- Malibu Lagoon State Beach
- Adamson House State Historic Site
- Malibu Pier
- Malibu Creek State Park

Santa Monica Mountains National Recreation Area

- Decker Encinal Canyon Park
- Trancas/Zuma Canyon Park
- Upper Ramirez Canyon parcels
- Solstice Canyon Park
- Paramount Ranch
- Peter Strauss Ranch

Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority (combined)

- Lechuza Beach
- Ramirez Canyon Park
- Latigo Canyon parcels
- Escondido Canyon Park
- Corral Canyon Park
- Malibu Bluffs open space
- Tuna Canyon Park
- King Gillette Ranch
- Triunfo Creek Park
- Las Virgenes View Park (with Calabasas and Las Virgenes MWD)
- Upper Las Virgenes Open Space Preserve (formerly Ahmanson Ranch)

ⁱ This list is not intended to be an exhaustive list of all properties owned and/or operated by the listed agencies. It is used for illustrative purposes of the various parks owned and/or operated by those agencies listed for the North Santa Monica Bay region only. These same agencies have additional parks in other watersheds that discharge to the Santa Monica Bay and other receiving waters.



North Santa Monica Bay Coastal Watersheds Open Space and Parkland





Legend

- SMB Monitoring Location
- City of Malibu
- Subwatershed

N

0 0.5 1 2 3
 Miles

Figure 1
SMB Compliance Monitoring Locations
City of Malibu, CA

- SMB 1-1: Arroyo Sequit Canyon at Leo Carrillo Beach (not within City limits)
- SMB 4-1: Nicholas Creek at Nicholas Beach
- SMB 1-2: Los Alisos Canyon at El Pescador Beach
- SMB 1-3: Encinal Canyon at El Matador Beach
- SMB 1-4: Trancas Creek at West Zuma Beach
- SMB 1-5: Zuma Creek at East Zuma Beach
- SMB 1-6: Ramirez Canyon at Walnut Creek
- SMB 1-7: Ramirez Creek at Paradise Cove Beach
- SMB 1-8: Escondido Creek
- SMB 1-9: Latigo Creek
- SMB 1-10: Solstice Creek
- SMB 1-11: Corral Creek at Corral Beach
- SMB 1-12: Marie Canyon in the Corral Subwatershed at Puerco Beach
- SMB 1-13: Sweetwater Canyon at Carbon Beach
- SMB MC-1: Malibu Creek and Lagoon at Surfrider Beach
- SMB MC-2: Malibu Creek and Lagoon at Surfrider Beach
- SMB MC-3: Malibu Creek and Lagoon at Surfrider Beach
- SMB 1-14: Las Flores Creek
- SMB 1-15: Piedra Gorda Canyon at Big Rock Beach
- SMB 1-16: Pena Canyon at Big Rock/Las Tunas Beach
- SMB 1-17: Tuna Canyon at Las Tunas Beach

**Attachment 6 – North Santa Monica Bay Coastal Watersheds Park Agency and Institution
NPDES MS4 Phase II Non-traditional Entities**

US EPA ID	Santa Monica Bay Beaches Bacteria Compliance Sampling Sites Upcoast to downcoast (West to East)	Bacteria TMDL Compliance Site	Justification	Agencies/Institutions that need to be covered under the Phase II Non-Traditional General or Individual NPDES MS4 Permit¹
CA415021	Arroyo Sequit/Leo Carrillo Beach	SMB 1-1	AB 411, ASBS, SM Bay Bacteria and Marine TMDLs	Outside of City of Malibu – State Parks (Leo Carrillo State Park), National Park Service (Circle X Ranch, Malibou Springs)
CA083351	Nicholas Beach	SMB 4-1	AB 411, ASBS, SM Bay Bacteria and Marine TMDLs	National Park Service (Unnamed Park)
CA104672	El Pescador State Beach	SMB 1-2	ASBS, SM Bay Bacteria and Marine TMDLs	State Parks ((Robert H. Meyer Memorial)
	La Piedra State Beach	None	ASBS, SM Bay Bacteria and Marine TMDLs	State Parks ((Robert H. Meyer Memorial)
CA 505718	El Matador State Beach	SMB 1-3	ASBS, MPA, SM Bay Bacteria and Marine TMDLs	State Parks ((Robert H. Meyer Memorial)
	Lechuza Beach – Encinal Canyon Watershed	None	ASBS, MPA, SM Bay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA (Lechuza Beach)
CA279462	Trancas Creek - West End of Zuma Beach	SMB 1-4	AB 411, ASBS, MPA, SM Bay Bacteria and Marine TMDLs	National Park Service (Zuma/Trancas Canyons Park)
CA279462	Zuma Creek - East end of Zuma Beach	SMB 1-5	AB 411, ASBS, MPA, SM Bay Bacteria and Marine TMDLs	National Park Service (Zuma/Trancas Canyons Park, Rocky Oaks)
	Point Dume State Reserve & State Beach	None	ASBS, MPA	State Parks – Not Caltrans
CA066832	Paradise Cove In front of Walnut Creek - West end of Paradise Cove	SMB 1-6	ASBS, SM Bay Bacteria and Marine TMDLs	
CA331294	Ramirez Creek – Ramirez Canyon - Paradise Cove Beach	SMB 1-7	AB 411, ASBS, SM Bay Bacteria and Marine TMDLs	National Park Service (Castro Crest, Zuma/Trancas Park), Santa Monica Mountains Conservancy/MRCA (Ramirez Canyon Park)
CA331294	Escondido State Beach In front of Escondido Creek	SMB 1-8	ASBS, SM Bay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA (Escondido Canyon Park) + MRCA operates nearby public beach accessway
	Latigo Canyon, Latigo Beach	SMB 1-9	AB 411, ASBS, SM Bay Bacteria and Marine TMDLs	National Park Service
CA435852	Dan Blocker County Beach in front of Solstice Creek - West end of Corral Beach	SMB 1-10	SM Bay Bacteria and Marine TMDLs	National Park Service (Solstice Canyon Park)
CA506036	Corral Creek - East end of Corral Beach – sometimes misidentified as Puerco Beach	SMB 1-11	AB 411, SM Bay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA (Corral Canyon Park)

**Attachment 6 – North Santa Monica Bay Coastal Watersheds Park Agency and Institution
NPDES MS4 Phase II Non-traditional Entities**

US EPA ID	Santa Monica Bay Beaches Bacteria Compliance Sampling Sites Upcoast to downcoast (West to East)	Bacteria TMDL Compliance Site	Justification	Agencies/Institutions that need to be covered under the Phase II Non-Traditional General or Individual NPDES MS4 Permit¹
CA150395	Puerco Beach In front of Marie Canyon storm drain	SMB 1-12	SM Bay Bacteria and Marine TMDLs	Pepperdine University, Santa Monica Mountains Conservancy/MRCA (Malibu Bluffs Open Space)
CA643858	West end of Surfrider Beach - Upcoast extent of Malibu Lagoon	MC-1	AB 411, SM Bay Bacteria and Marine TMDLs, Endangered Species, Malibu Creek Bacteria & TrashTMDL	State Parks (Malibu Creek State Park, Malibu Lagoon State Beach and Adamson House Historical Park, National Parks Service (Cheesboro Canyon, Paramount Ranch, Santa Monica Mountains Conservancy/MRCA (King Gillette Ranch, Stunt Ranch, MRCA Open Space, Rancho Simi Open Space, Upper Las Virgenes Open Space Preserve)
CA643858	Mouth of Malibu Lagoon discharge or latest discharge point - Surfrider Beach	MC -2	AB 411, SM Bay Bacteria and Marine TMDLs, Endangered Species, Malibu Creek Bacteria & TrashTMDL	State Parks (Malibu Creek State Park, Malibu Lagoon State Beach and Adamson House Historical Park, National Parks Service (Cheesboro Canyon, Paramount Ranch, Santa Monica Mountains Conservancy/MRCA (King Gillette Ranch, Stunt Ranch, MRCA Open Space, Rancho Simi Open Space,
CA738498	Malibu Pier- Downcoast of Malibu Lagoon – East end of Surfrider Beach	MC-3	AB 411, SM Bay Bacteria and Marine TMDLs, Endangered Species, Malibu Creek Bacteria & TrashTMDL	State Parks (Malibu Creek State Park, Malibu Lagoon State Beach and Adamson House Historical Park, National Parks Service (Cheesboro Canyon, Paramount Ranch, Santa Monica Mountains Conservancy/MRCA (King Gillette Ranch, Stunt Ranch, MRCA Open Space, Rancho Simi Open Space,
CA456614	Carbon Canyon Beach in front of Sweetwater Canyon	SMB 1-13	SM Bay Bacteria and Marine TMDLs	
CA312206	Las Flores State Beach In front of Las Flores creek	SMB 1-14	SM Bay Bacteria and Marine TMDLs	National Park Service (Unnamed),
CA240640	Piedra Gorda Canyon, Big Rock Beach	SMB 1-15	AB 411, SM Bay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA
CA936162	Las Tunas County Beach In front of Pena Creek	SMB 1-16	SMBay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA
CA936162	Las Tunas County Beach	SMB 1-17	SMBay Bacteria and Marine TMDLs	Santa Monica Mountains Conservancy/MRCA
	SMB 1-18 Topanga Canyon, Topanga Beach		AB 411, SM Bay Bacteria and Marine TMDLs	Outside of the City of Malibu, State Parks (Topanga State Park)

¹ Los Angeles County, inclusive of Los Angeles County Department of Beaches and Harbors, the City of Malibu and the California Department of Transportation own and/or operate facilities in every watershed (except as noted) and are covered under other NPDES MS4 Phase I permits.