

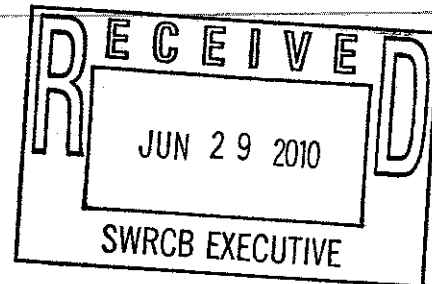
commentletters - Comment Letter - Malibu Septic Prohibition

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To: <commentletters@waterboards.ca.gov>
Date: 6/29/2010 11:57 AM
Subject: Comment Letter - Malibu Septic Prohibition
CC: <malibunews@malibutimes.com>, <newsmalibu@aol.com>, <seeadmin@earthlink.net>, <wetlandact@earthlink.net>, <mabramson@santamonica.org>, <jsrco@earthlink.net>, <stellem@tellem.com>, <lee.kats@pepperdine.edu>, <ABASpirit@aol.com>, <steve.uhring@gmail.com>, <assemblymember.Pavley@assembly.ca.gov>, <melina.watts@rcdsmm.org>, <greenlotus@earthlink.net>, <chinagareth@hotmail.com>, <Steve@surfersjournal.com>, <dkampion@whidbey.net>, <photosmikenixon@gmail.com>, <lamonte4malibu@gmail.com>, <Zumajays@mac.com>

Jeanine Townsend
Clerk
State Waterboard

Re: Malibu Septic Prohibition

Dear Ms. Townsend:



Septic systems used by the commercial developments in the lower floodplain of Malibu's heart should be eliminated immediately and the contaminated ground that is deleterious to the high water table and tidal influence of the adjacent Malibu Creek must be cleaned up immediately.

The health risk to the average 1.5 million visitors (source: LA County Lifeguards) that annually recreate at the connected world famous Malibu Surfrider Beach and catch food from the Malibu Fishing Pier has been well documented for well over 20 years. The Los Angeles Regional Water Board (LARWQCB) has been doing a good job of evaluating the numerous monitoring wells in the lower Malibu Creek Floodplain where the Malibu Mart's 1, 2 and 3 reside, as well as the Malibu Cross Creek Shopping Village resides and these property owners have ignored numerous LARWQCB Notices of Violations since 2005 for septic tank failures and heightened risks due to contamination levels continually exceeding Total Maximum Daily Load (TMDL) standards.

Additionally, a myriad of studies costing millions of dollars over the past two decades have clearly stated, with redundancy throughout the accredited scientific community, that these properties have rendered the historical Malibu wetland as dysfunctional and pose a serious health risk. The Malibu historical wetland, which, in its natural state, would be home to an area of high bio-diversity and is considered throughout the scientific community an important ecologically sensitive habitat area.

Furthermore, adding to the health risk in this highly popular area are well documented, failing septic systems in the Malibu Colony, which should also be eliminated, immediately. However, some upgraded septic systems in the Colony have proven to work. So, I would caution that this particular residential area be addressed in a different manner than those commercial properties in the lower floodplain.

An example of how problematic the lower floodplain is for septic systems is the newest commercial development in the lower floodplain called the Malibu Lumber Yard Mall, which has a so-called state-of-the-art septic system. This septic system is also failing and is currently augmented by trucking out effluent instead of introducing the volume of water to make the system function according to it's designers. Furthermore, it has been very difficult to find out if this system has a sand filter, which all septic systems should have in this area. Nonetheless, because of the lower floodplain situation, septic systems, or any kind of waist treatment system connected to these commercial developments in this area will and have caused pollutants to enter recreational waters, which are also used for food sources and increase the risk to public health and safety.

By not immediately eliminating these sources of known contaminations is a violation of the Clean Water Act

and exposes the Water Board to major liability lawsuits. Therefore, I urge the State Water Board to act swiftly and aggressively to protect the health and safety of the average 1.5 million annual visitors to this beach area in Malibu's heart.

Secondly, I strongly suggest that the State Water Board should also clean up the Malibu Colony Beach residential area that have failing septic systems proven to contaminate the shoreline, which directly affects the average 1.5 million visitors to Malibu's Surfrider Beach and Malibu's fishing Pier. The increased health risk by these polluters must also stop immediately. It has been proven that the cookie cutter septic systems installed in most of the Colony residents in the early half of the 20th century are used excessively and exceed their capacity. The immediate connection to the ocean and visitors to Surfrider and the pier is obvious and must be addressed aggressively.

The plethora of evidence is now overwhelming and requires immediate and aggressive solutions in order to protect public health and safety as well as prevent any further lawsuits due to violations of the Clean Water Act.

Thank you for your kind and immediate attention to this very serious matter.

Yours truly,

Bob Purvey
EcoMalibu