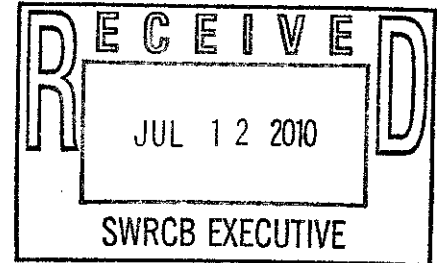


**SANTA MONICA
BAYKEEPER**

Public Comment
Malibu Septic Prohibition
Deadline: 7/12/10 by 12 noon

July 12, 2010

Mr. Charles R. Hoppin, Chair
Groundwater Permitting Unit
California Water Resources Control Board
1001 I Street
Sacramento, CA 95812



RE: Proposed Approval of the Los Angeles Basin Plan Amendment to Prohibit On-Site Wastewater Disposal Systems ("OWDS") in the Malibu Civic Center Area

The Santa Monica Baykeeper ("Baykeeper") supports the Los Angeles Regional Water Quality Control Board's ("Regional Board") decision to amend the Basin Plan to prohibit OWDS in the Malibu Civic Center area.

This amendment is long overdue. In recognition of the impact of OWDS on the water quality of Malibu Creek, Malibu Lagoon and Malibu beaches, the Regional Board directed staff in December 1998 to develop a prohibition of OWDS for the Civic Center area. This idea was later abandoned and in the next decade the water quality degradation of these waters persisted unabated resulting in ever-increasing violations of water quality objectives and unsafe levels of pollution.

To protect the waters located in one of the most famous coastal areas of the Los Angeles Region, Baykeeper now urges the State Water Resources Control Board ("State Board") to approve the amendment to the Basin Plan to prohibit OWDS in the Malibu Civic Center area. However, Baykeeper requests the State Board to consider the following suggested revisions to ensure the protection and eventual restoration of water quality in the area.

1. The OWDS Prohibition Should be Expanded to Include the Carbon Beach Area Beyond Sweetwater Canyon Drive

This area should be covered by the Basin Plan amendment because it is densely developed with multi-family and commercial properties (hotels, restaurants and office buildings) which produce large volumes of wastewater effluent. In addition, several of the commercial dischargers, have recently received Notice of Violations or 13260 directives showing that violations of effluent limits and water quality objectives are presently occurring. Finally, the proximity of this area to Surfrider Beach and Carbon Beach, both with imposed TMDLs to protect recreational water contact uses, make it virtually certain that wastewater discharges from

OWDS in this area contribute to current TMDL violations and impairment of beneficial uses. Attached please find a map of our minimum recommended area on the east side of the project area.

Including this area in the Basin Plan amendment will be a prudent and necessary step to protect beneficial uses and public health and comply with the mandates of the Clean Water Act and the Water Code.

2. The Basin Plan Amendment Should Prohibit New Development Until the Malibu Civic Center Groundwater Is Cleaned

As demonstrated by numerous technical studies and the technical memoranda in support of the prohibition on OWDS, the groundwater in the Civic Center area is heavily polluted and connects to the Malibu Creek, Malibu Lagoon and adjacent beaches. Any increases in effluent discharges to groundwater, which will likely occur once the wastewater treatment plant is operational and effluent is dispersed, will push existing and historical groundwater pollution to these waterbodies. This will result in violations of water quality objectives and continued impairment of beneficial uses.

It is imperative that the existing and historical groundwater pollution be cleaned up. Additionally, it is critical to establish adequate dispersal areas that do not concentrate large volumes of treated wastewater forcing groundwater flows toward Malibu Creek, Malibu Lagoon and the beaches.

The Basin Plan amendment should prohibit any new development until the above requirements are met and it is clearly established that the prohibition area has the capacity to accommodate additional wastewater effluent.

3. The Basin Plan Amendment Should Provide a Compliance Schedule With Milestones To Establish That Progress Toward Water Quality Improvement Is Made

Currently, the Basin Plan amendment gives Malibu five years to come into compliance with the prohibition on OWDS. Given the well-documented long-standing problems of the Civic Center area and the City of Malibu's failure to address these problems, we believe this schedule should contain concrete milestones to achieve progress towards water quality standards.

The schedule should be revised as follows:

- The wastewater treatment plant should be built and operational and the Civic Center Area, Winter Canyon and the Malibu Colony areas should be connected by October 1, 2012.
- The area east along PCH to Carbon Beach (see attached map) should be connected to the operational wastewater treatment plant by October 1, 2013.
- Serra Retreat will be connected to the wastewater treatment plant by October 1, 2014.

Conclusion

The Basin Plan amendment prohibiting OWDS in the Malibu Civic Center area is necessary to protect water quality and to ensure compliance with the Clean Water Act and the Water Code. The amendment should be approved by the State Board after consideration of the above suggestion revisions.

We appreciate the opportunity to provide comments on this important Basin Plan amendment.

Sincerely,



Liz Crosson, Esq.
Executive Director
Santa Monica Baykeeper

