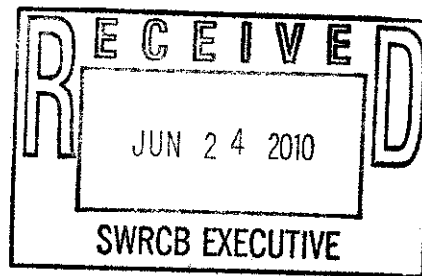


**Vista Pacifica Townhomes Association  
3601 Vista Pacifica  
Malibu, CA 90265**

20 June 2010

Mr. Charles R. Hoppin, Chair  
c/o Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
P.O. Box 1000  
Sacramento, CA 95812



**RE: COMMENT LETTER — Malibu Septic Prohibition**

Dear Mr. Hoppin:

As President and former President of the Board of Directors, we are writing on behalf of the Vista Pacifica Townhomes Association with two purposes in mind:

1. To express our HOA's opposition to the resolution that the Los Angeles Regional Water Quality Control Board adopted on November 5, 2009 to prohibit discharges from existing and new septic systems in Malibu's Civic Center Area; and
2. To request that the State Water Resources Control Board remand that resolution in order for the Regional Board to re-consider the City of Malibu's alternative wastewater treatment solution because doing so will avoid prolonged litigation in court and thereby expedite the installation of a system that improves ocean water quality and protects public, goals that most Malibu residents share with the Regional Board and the State Water Resources Control Board.

But first, let us dispel any impression that you may have that the residents of our townhome complex, together with those in the three adjoining condo/townhome complexes, constitute the super-rich, mansion-owing Malibu celebrities so often depicted in the media. Most of us are middle class residents comprising retired seniors, working single moms, self-employed entrepreneurs, small business owners, and professionals. And because much of our future financial security is tied-up with our homes, we fear that prolonged court and political battles over the Regional Board's sewer plan would not only delay its implementation, but also cause great uncertainty if not a precipitous drop in the housing market since our homes are within the Regional Board's prohibition zone.

Moreover, the 191 units in the four complexes do not rely on septic systems, but are connected to a wastewater treatment plant that is operated and maintained by Los Angeles County; we pay for its operating costs and for a state loan that enabled LAC to expand and upgrade the facility a few years ago. Meantime, for decades we've had to

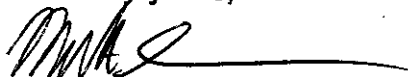
suffer the stench emanating from the Malibu Bay Company's seepage pits across the street on Civic Center Way, which are used for the effluent from the Malibu Colony Shopping Center. Therefore, we welcome the prospect of a state-of-the art sewer system that will relieve us of the odors and unsightliness of the present system.


The Regional Board's proposed septic prohibition and sewer recommendation is *not* the solution, however. It's too expansive with its sledgehammer approach toward nearly 550 homes and businesses, probably too costly for most residents and business owners, and apparently technically unfeasible due to the necessity of dispersing huge quantities of treated wastewater into unavailable or unsuitable tracts of land. If so, the effluent would have to be discharged into Malibu Creek or the ocean, both of which are certain to be strenuously opposed by Malibu residents, environmental groups and the general public, thereby increasing the probability of prolonged litigation which will lead to several years of deadlock and stagnation over the sewer issue

In contrast, the City of Malibu's Community-Based Wastewater Treatment Solution offers a more targeted, technically feasible, and politically achievable plan. It would be implemented in phases, beginning first with those homes and businesses closest to Malibu Creek and the Civic Center. It would rely on a smaller centralized wastewater treatment facility for which there already appears to be a site for a high-tech plant and an ample percolation area, both of which will allow the future hook-ups of our condo/townhomes complexes. And because it is a community-based plan that already has broad support among residents and business owners, there is much less likelihood that the plan will be tied-up in litigation and political challenges.

We understand that the City of Malibu is spending nearly \$3 million on engineering and environmental studies for its proposed Civic Center wastewater treatment facility. Hence, we urge that you and the other members of the State Water Resources Control Board allow the City to go forward with its proposed plan, and that you instruct the Regional Board to work closely with the City in implementing a final plan that is backed not only by state agencies, but also by Malibu's own city government and residents.

Sincerely yours,

  
Matt Ingebrigtsen, President  
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cc: Governor Arnold Schwarzenegger  
Linda Adams, Secretary, California Environmental Protection Agency  
James Thorsen, City Manager, City of Malibu

*Note: A PDF copy of this letter will be e-mailed to the State Water Resources Control Board*