From: Jennifer Brown
To: Cindy Lin/R9/USEPA/US@EPA
Subject: Draft Malibu Creek TMDL
Date: 10/22/2012 09:53 PM
Importance: High

Hi Cindy,

Sorry for the delay. I recognize that you asked for these by last Friday, but I was out on Friday and coordinating with my co-workers to be clear on the comments was challenging today. We did keep the comments brief recognizing that you'd like to move on and will be releasing the actual document soon. We do thank you for allowing us this sneak peak.

Primarily, and please forgive my saying so, you have heard this before from Malibu and others that we feel the development of this TMDL was far too rushed and the timing is inopportune given the lagoon restoration, pending Rindge dam removal, current development of biological objectives, and lack of full study showing how sediment, nutrients and other compounds that are naturally occurring in this watershed are cycled and what their loadings are. I do understand that it was a court driven decision, but it must be stated for the record (if indeed this will become part of the record). Additionally, the level of completeness and yet pending sections obviates the ability to properly review the document and form constructive comments. We understood that after meeting with you a few weeks ago that the document was a very rough draft, but had different expectations based on when we had originally planned to receive a fuller draft this past summer. It seems to be another symptom of the TMDL development being far too rushed for the time allowed. History shows that time and again once the State or federal EPA has released a document, extensive time and effort has already been exhausted and important information often may not have been considered/was overlooked/or misinterpreted and taken out of context. It's too late at that point (with deadlines ticking away) to re-do certain analyses or to re-write sections so regulations get put forward and land in an endless loop of being cited well into the future- regardless of it the information is contemporary, correct, or not. My apologies for being blunt, as you will find no bigger sympathizer than me when it comes to large workloads and Herculean tasks such as developing this TMDL. I do recognize your challenge and will keep the rest of this brief.

Comments for the Malibu Creek TMDL:

- The text of Section 10.5 suggests there is no plan to change the nutrient load allocations for the Lagoon (only for the mainstream Creek). Please confirm whether or not this is the case.

- Nutrient endpoints and load allocations should be addressed in a reopener to the Malibu Creek nutrient TMDL. Duplicative requirements for nutrients would be confusing and wasteful of limited resources for environmental compliance. NNE should not be included.

- Nitrogen attenuation from the riparian environment and the lagoon sediments are not considered. (Stone 2004).
  I don't know whether you have this study or not. When you were collecting information in preparation of this TMDL development, it was not clear what you needed or already had. The Regional Board has this study and has cited to it in several of their reports, letters, etc. I

do not know for certain whether I provided it either, but I do recall letting you know Malibu had many water quality studies posted on their website. Just in case, here is the link Final Report: Risk Assessment of Decentralized Wastewater Treatment Systems in High Priority Areas in the City of Malibu, California (PDF format - 40316kb) Prepared by Stone Environmental, Inc. - August 2004

- Nitrogen reduction from recently constructed commercial OWTS are not considered. Much has changed since many of the documents you have relied on were written.

- Findings from the USGS reports (Izbicki) for Malibu Lagoon were not considered.
    - You were put directly in touch with John Izbicki for data. However, I recognize that it may not have been analyzed enough for your consideration. Omission of some of the most current and technologically advanced data regarding the lagoon to date would be a major missed opportunity and oversight. The final peer-reviewed report was finally published this September and can be accessed here http://iris.lib.neu.edu/aes/vol6/iss1/4

- Rindge dam construction was completed in 1924. It took a mere 25 years (by 1950) to be filled with sediment- well before the development of this watershed began over a decade later in the late 1960s. I pointed this out at the watershed meeting. I do not have information on actual amount of material behind the dam, but US Army Corps of Engineers has been studying that dam for years in anticipation of removing it. I will do what I can to try and provide this information to you in the next round of comments. But it is important that the information should have been considered in the analysis while developing the TMDL, and not at the last editorial stage of review.

- Water quality studies on the City's website Home > City Departments > Environmental Sustainability Department > Civic Center Septic Prohibition > http://www.malibucity.org/index.cfm/fuseaction/DetailGroup/navid/493/cid/15747/

Thank you very much for this opportunity to comment. I wish you the best of luck as you try to wrap up this document.

Best wishes,

Jennifer Brown | Sr. Environmental Programs Coordinator

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