

US EPA ARCHIVE DOCUMENT

Date 1/17/2013

Cindy Lin (WTR-2)
U.S. Environmental Protection Agency
Southern California Field Office
600 Wilshire Blvd., Suite 1460
Los Angeles, CA 90017

Dear Ms. Lin:

Jeff Miller writes to express concern for the Total Maximum Daily Loads (TMDLs) being proposed for the Malibu Creek Watershed. Our vendor Las Virgenes Municipal Water District has asked us to express our concerns to you regarding stringent new operating parameters for the Tapia Water Reclamation Facility that serves our region.

As homeowners who will bear the costs for complying with any new standards, through property taxes and sewer service rates, we raise the following issues:

1. Why is this matter being rushed for adoption?

Regulations that are hurried into place often result in poor policies, wasteful of community resources. In this case, the draft TMDL document was released for review on December 12, 2012, with a deadline for comments set for January 23, 2013. This is not reasonable. Accounting for time lost to weekends and the busy holiday period, the public has been given less than 30 business days to review voluminous material, at a time when most homeowner associations and local government entities do not meet.

2. Malibu Creek has unique characteristics.

It is not appropriate to compare Malibu Creek to other fresh water coastal creek systems. Applying freshwater standards to a brackish creek does not make sense. EPA concludes that algae impairs the presence of aquatic insects but fails to recognize that freshwater insects do poorly in non-freshwater stream like Malibu Creek or for a creek that has no water at all over 25% of its length in dry weather periods. EPA should also recognize that the salt impact of the Monterey Formation in the watershed was a key reason why the water district that serves our area was formed in the first place; Malibu Creek is unsuitable as a potable water source, in part because of its salinity. Are we to believe its salinity has no impact on freshwater insects?

3. Ratepayers are the true "stakeholders"

While the volunteerism and passion of advocacy groups (NGOs) wanting to protect our environment is appreciated, we residents shoulder the ultimate responsibility for funding the compliance measures they promote. We're concerned that EPA places an extraordinary focus on recent data compiled by NGOs that support their positions, but EPA ignores data scientifically collected by government agencies over the last four decades. These government entities must follow strict EPA standards for sample collection, laboratory testing and personnel certification; NGOs do not. Once again, ratepayers fund those stringent and scientific government testing programs and we urge EPA to thoroughly consider that

information as well, so that the analysis, and any resulting regulations, demonstrate a greater degree of scientific rigor.

For these reasons, Jeff Miller calls upon EPA to conduct a scientifically sound evaluation of the Malibu Creek watershed, with appropriate opportunities given to the homeowners and businesses of the region to examine the data and comment on the findings. EPA should not proceed with adopting new, revised, or additional TMDLs until that evaluation is complete.

Sincerely,

Jeff Miller