

US EPA ARCHIVE DOCUMENT



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January 18, 2013

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

Dear Ms. Lin:

The Lakes At Lakeview Villas Homeowners Association in Agoura Hills writes to express concern for the Total Maximum Daily Loads (TMDLs) being proposed for the Malibu Creek Watershed.

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. **Ratepayers have no guarantees the proposed TMDL will work.**

The EPA states the goals of the 2003 Nutrient TMDL have been met, but now says they are not adequate to address the continuing presence of algae. EPA makes this finding after our community has invested more than \$10 million to meet the 2003 standard. In light of this finding, what can EPA produce to convince the rate-paying public its 2012 proposal will be any more effective? Continual revision to more stringent TMDLs may require an agency or city to tear out infrastructure that was just constructed to meet the previous standard. "Trial and Error" is a costly and wasteful practice when it comes to projects of this magnitude, especially in these difficult economic times.

2. **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 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.

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.

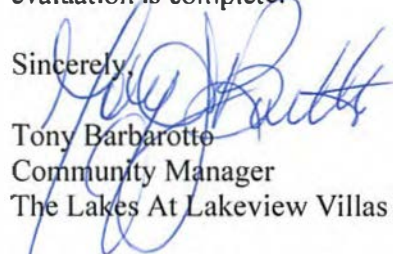
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For these reasons, the homeowners of The Lakes at Lakeview Villas Homeowners Association call upon EPA to conduct a scientifically sound evaluation of the Malibu Creek watershed, with appropriate opportunities given to the homeowners and businesses 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,



Tony Barbarotte
Community Manager
The Lakes At Lakeview Villas Homeowners Association

cc: Board of Directors