EXHIBIT I

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October 13, 2009

VIA E-MAIL

Regional Water Quality Control Board
Dr. Rebecca Chou, Chief Ground Water Permitting Unit
Attn. Elizabeth Erickson
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Re: Supplement to City of Malibu Comments on proposed amendment to the Water Quality Control Plan for the Coastal Watershed of Ventura and Los Angeles Counties (Basin Plan), to prohibit on-site wastewater disposal systems in the Civic Center Area of the City of Malibu

Dear Ms. Erickson:

In response to your October 13, 2008 email requesting scientific data reports for the numerous studies cited on page seven of the Malibu's October 8th response letter, I would like to take a moment to clarify the City's position concerning these studies. The five studies are currently underway and, when complete, will provide new scientific data regarding water quality, including sources of potential water degradation in the Civic Center area. A decision of this magnitude should be based on the most current scientific data available, and with these valuable studies underway, the City requests that the Regional Board postpone a decision on the OWTS prohibition until *after* the data is available.

The City of Malibu has requested that the scientists working on the studies attend the Regional Water Quality Control Board's November 5, 2009 hearing to present available preliminary data.

What follows is a brief summary of the five studies for which you have requested data reports.

1. UCLA - Human Specific Bacteriodes Study/Malibu Creek, Lagoon, and Surfrider Beach.

The purpose of this study, conducted by Dr. Rich Ambrose at UCLA, is to increase understanding of the dynamics of bacteria in Malibu Lagoon and the adjacent ocean waters by looking at spatial and temporal patterns of bacteria concentrations as well as the sources. The sampling for this study has been completed and the final data analysis is expected at the beginning of 2010. Preliminary data reports have not been released; however, Dr. Ambrose has indicated that the preliminary results are showing that no human specific bacteria markers exist during dry weather, indicating that OWTS may have little to no effect on the cause of the bacteria levels in the groundwater and lagoon. Human specific bacteria markers were found in a few wet weather samples indicating stormwater is a potential source of human bacteria.

2. USGS – Water Resource Study/Malibu Creek, Lagoon, and Surfrider Beach

The United States Geologic Survey- Department of the Interior is conducting a pilot study to address recurring water-quality issues related to nutrients and fecal indicator bacteria (FIB) in near-shore ocean water and Malibu Lagoon. This work will be done concurrently with ongoing epidemiological studies of FIB exposure and human health effects along Malibu beaches being done by the Southern California Coastal Water Research Project (SCCWRP). The findings of this pilot program will be used to develop a full study proposal, expected by the end of 2009.

3. SCCWRP (Southern California Coastal Water Research Project) – Epidemiology Study/Surfrider Beach

Over the next three years, epidemiology studies will be conducted in Southern California at three study sites: Doheny (Dana Point), Avalon (Catalina Island), and Surfrider (Malibu) beaches, which cover a spectrum of contamination sources. SCCWRP is undertaking epidemiology studies for two reasons: 1) EPA's national criteria for beach water quality were based on studies conducted at beaches with known wastewater sources reaching the beach and studies were needed to assess whether their findings were applicable to beaches with nonpoint source inputs, which is the predominant beach type in California; and 2) several organizations, including SCCWRP were developing improved approaches based on molecular methods for measuring beach water quality, including measurement of organisms such as viruses, phages, and anaerobic bacteria, but there is a need to establish health risk relationships for these methods before they can be used for public health protection. Sampling and surveys have been completed and analysis is underway. The City expects a final report in early 2011.

4. Stone Environmental - Groundwater Modeling Study/Malibu Civic Center

The purpose of this study is to determine the influence of wastewater dispersal on groundwater and other OWTS systems within the Civic Center Area. This study was required by the RWQCB at a cost to the City of $350k. The study is underway and the final report is expected by March 2010.

5. SCWRRP - Malibu Source ID Study/Ramirez and Escondido Creeks

This study has been commissioned to help develop procedures that will lead to cleaner beaches. The Los Angeles County Board of Supervisors allocated funding ($1 million) for bacterial source assessments to be conducted in Escondido Canyon Creek (ECC) and Ramirez Canyon Creek (RCC). The goal of this project is to use Ramirez and Escondido Canyons as prototypes to develop bacteria source identification protocols, and while doing so, identify the primary bacterial sources in these two watershed systems.

In addition, the Southern California Coastal Water Research Project (SCCWRP), Heal the Bay, City of Malibu, the County of Los Angeles Departments of Public Works and Public Health, and Los Angeles County Supervisor Zev Yaroslavsky's Office are also collaborating on this stud. Stakeholder study team meetings include staff from the Los Angeles Regional Water Quality Control Board.

The study began March 27, 2007, with sampling in the late to post wet seasons of 2007, 2008, and 2009, and will resume late this winter/or early spring.

I have also attached a copy of SCCWRP's 2005 study, referenced on page seven of the City's October 8th response letter (refer to pages 11-14 of the study) and more legible copies of the Downtown Area Well Map and Hydrographs 1998- 2008. The City of Malibu hand delivered a copy of its letter to the Regional Board Offices (attn: Dr. Rebecca Chou) on October 8th with color copies of all attachments and I trust you received the submittal. Please feel free to contact me if you have any additional questions or concerns with the City's submittal.

Very truly yours,

Lauren Feldman

Lauren Feldman
Assistant City Attorney, City of Malibu
Christi Hogin
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Enclosures:
Multi-Tiered Approach Using Quantitative Polymerase Chain Reaction For Tracking Sources of Fecal Pollution to Santa Monica Bay, California, February 2005 SCCWRP.
Downtown Area Well Map -
Hydrographs 1998- 2008.

cc: Tracy J. Egoscue, Executive Officer