

## State Water Resources Control Board

JAN 02 2014

Ms. Terri Endsley  
Malibu Lake Mountain Club  
29033 West Lake Vista Drive  
Los Angeles, CA 91301

### NOTICE OF APPLICABILITY; MAILIBU LAKE MOUNTAIN CLUB; STATEWIDE GENERAL PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM ALGAE AND AQUATIC WEED CONTROL APPLICATIONS

Dear Ms. Endsley:

Thank you for your application package for coverage under the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to waters of the United States from Algae and Aquatic Weed Control Applications (Aquatic Weed Control Permit), adopted by the State Water Resources Control Board (State Water Board) in June 2013. Effective December 1, 2013, the Aquatic Weed Control Permit regulates discharges to waters of the United States of residues resulting from pesticide applications using 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol. The Aquatic Weed Control Permit regulates discharges of algaecides and aquatic herbicides that are currently registered for use in California and contain the above-listed active ingredients and ingredients represented by the surrogate of nonylphenol. Users of products containing these ingredients are required to obtain coverage under the Aquatic Weed Control Permit prior to application to waters of the United States.

#### Notice of Applicability (NOA)

Based on the information submitted in the application package, including the Notice of Intent (NOI) and the Aquatic Pesticide Application Plan (APAP) dated August 22, 2013, the discharge as described below satisfies the conditions of the Aquatic Weed Control Permit. This NOA implements your regulatory coverage under the permit and is effective as of the date of this letter. Staff has deemed your application package complete and has assigned you an enrollee number of 4B197900003.

#### Discharge Description

Malibou Lake is located at 29033 West Lake Vista Drive in Agoura, California which is located in the Santa Monica Mountains within the Malibu Creek Watershed of southern California in the County of Los Angeles. The lake is at the convergence point of the Medea and Triunfo Creeks, and was created by the construction of a dam that was completed in 1923 and filled with water in April 1926. The shoreline areas of the lake were developed by the Malibou Lake Club beginning in June 1923. The Club is now known as the Malibou Lake Mountain Club, Ltd. (MLMC).

The lake is approximately 41 surface acres in size with an average depth of 4.5 feet. The lake contains about 184.5 acre-feet of water. Water discharging from the lake enters Malibu Creek. In addition to acting as a drainage impoundment, Malibu Lake is also used as a source of irrigation water for common areas, and for recreational activities that include swimming, boating, and fishing. The lake also provides the community with desirable aesthetic qualities and is frequently a venue or backdrop for events held at the nearby club house, for film shoots, and community activities.

To control aquatic weeds and algae in Malibu Lake, MLMC proposes to discharge residues resulting from pesticide applications using copper, diquat, endothall, fluridone, glyphosate, and sodium carbonate peroxyhydrate. MLMC does not use surfactants or adjuvants in Malibu Lake.

### **General Permit Requirements**

To comply with the Aquatic Weed Control Permit, MLMC shall:

- a. Provide a copy of the NOI, APAP, and all other related materials to the aquatic pesticide applicators.
- b. Ensure that all entities receiving regulatory coverage under this NOA understand the terms and conditions of the permit.
- c. Take all necessary steps to minimize or prevent pesticide spills, pesticide residue contaminated water, and other pollutants from entering waters of the United States, which may violate the permit.
- d. Review and update the effectiveness and adequacy of the control measures and Best Management Practices (BMPs). Documentation of all changes to the BMPs, APAP, or other information on file with our office shall be submitted to the State Water Board for review and comment.
- e. Submit all information required in this NOA to the following address:

State Water Resources Control Board  
Division of Water Quality  
Attention: Russell Norman  
1001 I Street, 15th Floor  
Sacramento, CA 95814

### **Discharge Monitoring and Reporting Requirements**

To comply with the monitoring and reporting requirements of the Aquatic Weed Control Permit, MLMC shall:

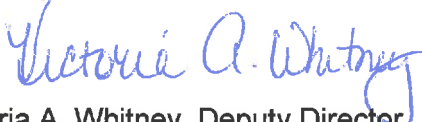
- a. Timely inspect the receiving waters, control measures, and BMPs to detect any conditions which may cause violations of the receiving water limitations and other requirements in the Aquatic Weed Control Permit.
- b. Conduct monitoring and reporting in compliance with the provisions and requirements in Attachment C of the Aquatic Weed Control Permit.

c. Include the following certification in all monitoring reports:

"I certify under penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If you have any questions regarding this NOA or the Aquatic Weed Control Permit, please contact Mr. Russell Norman in the NPDES Wastewater Unit, Division of Water Quality at (916) 323-5598 or [russell.norman@waterboards.ca.gov](mailto:russell.norman@waterboards.ca.gov).

Sincerely,



Victoria A. Whitney, Deputy Director  
Division of Water Quality

cc: Pascal Mues  
NPDES Permits Office  
U.S. EPA Region 9, WTR-5  
75 Hawthorne Street  
San Francisco, CA 94105

Charles Andrews, Associate Director  
California Department of Pesticide Regulation  
1001 I Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200  
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