

**Responsiveness Summary – Trash TMDL for the Malibu Creek Watershed  
Comment Due Date: April 1, 2008**

1. Heal the Bay
2. United States Environmental Protection Agency (USEPA)
3. California Department of Transportation (Caltrans)
4. County of Los Angeles Department of Public Works (LACDPW)
5. County of Ventura Public Works Agency
6. County Sanitation District
7. City of Malibu
8. City of Simi Valley
9. City of Thousand Oaks
10. City of Calabasas
The following comment letters were received after deadline of 12:00pm on April 1, 2008. The comments are listed below without responses.
11. Ventura County Watershed Protection District (VCWPD) – LATE
12. National Park Service - LATE
13. California State Parks - LATE

<b>No.</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
1.1	Heal the Bay	April 1	However, we have serious concerns that several requirements in the Draft TMDLs will not lead to the WLA and LA of zero trash, and thus do not pave the way for water quality standards attainment in these waterbodies. In fact, several provisions in the Draft TMDL appear to be a step backwards from previously adopted trash TMDLs such as the Ballona Creek Trash TMDL. First, implementation of the Minimum Frequency and Collection Program as outlined in the Draft TMDLs is unlikely to lead to compliance with the zero trash limits. This is especially the case in a large, urban watershed such as Malibu Creek. Also the discussion of "partial capture devices" as a	The Malibu Creek Trash TMDL encompasses all of the requirements in the Ballona Creek Trash TMDL, and further regulates nonpoint source trash discharges. Staff disagrees that this TMDL is a step backwards from the Ballona Creek Trash TMDL.  Nonpoint Sources of trash need to be addressed in the Malibu Creek Trash TMDL because the watershed is only partially urbanized and contains most open space.

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			potential route to compliance with WLAs and Las is inappropriate. Further, upstream sources must be considered in order to achieve the goal of zero trash. These concerns and others are discussed in further detail below.	Itemized comments are address below.
1.2	Heal the Bay	April 1	<p><b><u>Staff correctly assigns a TMDL of zero trash.</u></b> The Draft Trash TMDLs establish a numeric target of zero trash, a final Waste Load Allocation ("WLA") of zero trash and a final Load Allocation ("LA") of zero trash. We strongly support these requirements, as zero is the only appropriate TMDL for trash given the water quality standards for these waterbodies set forth in the Basin Plan and Clean Water Act requirements.</p> <p>The federal Clean Water Act requires states to establish TMDLs "...at levels necessary to obtain and maintain the applicable narrative and numerical WQS [water quality standards] with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality."<sup>1</sup> The Basin Plan calls for no floatables or settleables that will cause a nuisance or adversely affect beneficial uses. Even small quantities of trash violate the Clean Water Act and Basin Plan. For instance, small amounts of trash can maim or kill wildlife that becomes entangled in, or ingests, the debris. Plainly, zero is the only fair interpretation of the Basin Plan water quality standards that will guarantee protection of the beneficial uses of these waterbodies with an appropriate margin of safety. Also after numerous legal challenges by the regulated community, the courts upheld the LA River Trash</p>	Staff appreciates the support of establishing "zero" trash for both point and nonpoint sources discharges as numeric targets.

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			<p>TMDL zero trash limit as an appropriate piece of legislation. Thus, the Regional Board staffs proposal of zero trash discharge is, clearly, appropriate.</p>	
1.3	Heal the Bay	April 1	<p><b><u>The Minimum Frequency and Collection Program on its own will not lead to compliance with final WLAs and LAs.</u></b></p> <p>The Draft TMDL sets forth the concept of implementation of a Minimum Frequency and Collection ("MFAC") Program to comply with the zero trash LAs. Further, the Draft TMDL allows point source dischargers to achieve compliance by implementing a MFAC/BMP program in lieu of approved full capture devices under "certain circumstances". While we support the idea of clean-up programs to handle trash, the MFAC as a stand-alone program is unlikely to compliance with final LAs. This is especially the case for Malibu Creek which is a large, significantly urbanized watershed. Further an MFAC program is not a plausible approach for dealing with point source discharges.</p> <p>The MFAC Program should be over and above the full capture device concept, not in lieu of this established concept. BMPs used to address nonpoint sources must be the functional equivalent of a full capture system at a minimum. If and only if there is no logical application of the full capture device concept to nonpoint sources should a MFAC Program alone be pursued. Under no circumstances should a MFAC Program be allowed as a functional equivalent for meeting the zero trash limit or as a full capture device on a point source. At a minimum, the MFAC option should be removed from the</p>	<p>Based on the land use analysis, over 80% of the Malibu Creek Watershed is under the categories of open space, agriculture, water and recreational use. The assumption of "significantly urbanized watershed" is misleading and likely to result in a flawed implementation plan.</p> <p>The Minimum Frequency of Assessment and Collection in conjunction with Best Management Practice program does not preclude the use of any structural or non-structural BMPs, including full capture devices or any BMPs functionally equivalent to full capture devices, in addition to the necessary MFAC. The MFAC/BMP program proposed by dischargers in the Trash Monitoring and Reporting Plan must meet the standards of full capture for the Regional Board Executive Officer approval.</p> <p>The watershed of this TMDL is different from that of the Los Angeles River where full capture devices alone are appropriate. The watershed of this TMDL loads a greater proportion of</p>

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			Draft TMDL for WLAs	<p>trash from nonpoint sources. In some cases, full capture devices provide minimal source reduction and would not attain a zero trash target. Responsible jurisdictions require greater flexibility for a number of site specific reasons, including but not limited to flooding, extensive nonpoint source loading, and potential for effectiveness of BMPs.</p> <p>In order to clarify the distinction between BMPs which are not certified full capture devices and an MFAC program, the Tentative Basin Plan Amendment was revised to indicate that partial capture with BMPs are to address point source loads and comply with WLAs, whereas MFAC are to comply with nonpoint source loads and comply with LAs. The revised Tentative BPA also indicates that partial capture/BMPs require trash monitoring in accordance with an approved Trash Monitoring and Reporting Plan (TMRP) to measure compliance with WLAs.</p>
1.4	Heal the Bay	April 1	<p><b><u>The source analysis should consider trash from upstream discharges.</u></b></p> <p>The source analysis sections in the Draft TMDLs discuss three sources of trash to the impaired waterbodies: storm</p>	<p>Comment noted. Staff agrees that up streams could be point sources causing trash impairment. This TMDL is developed based on CWA 1998 303(d) list. It includes tributaries of Malibu Creek including Medea Creek, Lindero</p>

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			<p>drains, wind action and direct disposal. However, this analysis is missing a critical source of trash. Streams and other drainages discharging into the impaired reaches are major sources of trash. For instance, Heal the Bay's Stream Team monitoring efforts identified streamwashed debris and dump sites in Triunfo Creek, Cheseboro Creek, Stokes Creek and Cold Creek. These are all tributaries to Malibu Creek that is listed as impaired for trash. Of note, this also calls into question whether these reaches should also be listed as impaired. Regardless, final WLAs will never be met until streams are addressed as a source. The Regional Board should evaluate these upstream sources of trash and require full capture devices throughout the watersheds of streams and drainages that discharge to the impaired waterbodies.</p>	<p>Creek, Lake Lindero, Las Virgenes Creek, Malibou Lake and Malibu Lagoon. Any additional evidence showing trash impairment in other reaches or tributaries can be provided to Regional Board staff for the 303(d) list update or for staff to include these tributaries in the TMDL. In order to accommodate any additional upstream sources of trash that may be identified during the implementation of this TMDL, the Tentative Basin Plan amendment has been revised to include the word "location" to the basis by which the MFAC program can be revised.</p>
1.5	Heal the Bay	April 1	<p><b><u>The Regional Board should develop a definition for a major rain event.</u></b></p> <p>As part of the MFAC monitoring program, the Draft TMDL requires that the discharger develop a definition for a major rain event. This is an inappropriate task for a discharger and would facilitate varied definitions throughout the Region. Instead, the Regional Board should develop a definition. We propose that a major rain event for monitoring purposes be defined as 0.25" or more predicted rainfall based on the National Weather Service forecast. If the actual rain event is 0.1" or greater, the data would be kept. This is also consistent with the definition of a critical event included in the Los Angeles River Trash TMDL (Resolution No. 2007-012).</p>	<p>According to the Rational Equation: <math>Q=CIA</math>, where Q is design flow rate, C runoff coefficient, I design rainfall intensity, and A subdrainage area, each specific geographical region has a specific runoff coefficient and subdrainage area. Therefore 0.25" may be feasible for the Los Angeles River Trash Watershed, but not necessarily accurate for the Malibu Creek Watershed. It is more scientifically accurate for the responsible jurisdiction to provide data to support their definition on a major rain event for the Regional Board Executive Officer approval.</p>

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1.6	Heal the Bay	April 1	<p><b><u>The Regional Board should require that the Trash Monitoring and Reporting Program begin within one year of TMDL adoption.</u></b></p> <p>The Draft TMDL requires that a Trash Monitoring and Reporting Plan ("Monitoring Plan") be submitted within 6 months of adoption, and the Executive Officer has 9 months to approve the Monitoring Plan. Further after EO approval, the discharger has 6 months to begin monitoring. Thus, the discharger may not begin monitoring for 21 months, nearly two years. In addition, the discharger is given another 6 months to report on recommended baselines and prioritization of full capture installation. This lengthy timeframe is unacceptable, especially given that the first 20% reduction is at year four. Instead, the Regional Board should halve the time allowed for all of the implementations steps outlined above.</p>	<p>It is a misunderstanding of the Implementation schedule. If the TMRP proposed by the responsible jurisdiction can not be approved by the Executive Officer within 9 months after the effective date of the TMDL, the Regional Board will establish a TMRP for the responsible jurisdiction to implement. Another 6 months will be given for responsible jurisdictions to implement the approved TMRP. Therefore, the latest for the responsible jurisdictions to implement the TMRP is 15 months.</p>
1.7	Heal the Bay	April 1	<p><b><u>"Partial Capture Systems" will not lead to compliance with WLAs and Las</u></b></p> <p>The Staff Report states that "WLA assignees may comply with WLAs through implementation of full capture systems, partial capture systems, nonstructural BMPs, or any lawful methods..." Staff Report at 20. As the name implies, "partial capture systems" alone will not lead to compliance with WLAs. This option should be deleted from the staff report or a clarification should be made that this system would need to be implemented in conjunction with other measures.</p>	<p>Responsible jurisdictions are required to monitor their compliance with trash reduction if they choose to use partial capture devices or any lawful methods. Responsible jurisdictions maintain the right to determine which implementation methods will be used as long as they are in compliance with the implementation schedule requirements. This is also consistent with Los Angeles River Trash, Ballona Creek Trash, Lake Elizabeth, Munz Lake and Lake Hughes Trash, Revolon Slough and Beardsley Wash Trash, Ventura River Estuary</p>

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				Trash, Machado Lake Trash, and Legg Lake Trash TMDLs.
1.8	Heal the Bay	April 1	<p><b><u>The Regional Board should require the discharger to monitor trash in the Malibu Creek Watershed in order to develop an appropriate baseline.</u></b></p> <p>The Draft TMDL allows the discharger to use the Calabasas data or data collection in the actual impaired areas to develop a baseline. A baseline based on current data is critical, and the Regional Board should require that this approach be taken. Actual monitoring data is a preferred approach as it represents actual conditions. At a minimum, the Regional Board should ensure that the discharger does not choose one approach over the other, in order to find the lower trash baseline.</p>	Staff agrees that the trash quality and quantity should be monitored and documented as part of the report for implementing the TMRP. The Executive officer approved TMRP shall include, at a minimum, the measures to quantify and qualify trash types for the specific land uses in the drainage areas.
1.9	Heal the Bay	April 1	The Staff Report states that "All different land uses may be assumed to have the same litter generation rate unless data is collected separately for specific land uses." Staff Report at 21. This provision could be very problematic if generation rates in an open space, for example, are used to determine rates in a commercial space, as these numbers would be very different. Please clarify this statement. Of note, the City of Los Angeles and Los Angeles County found that commercial and multifamily residential land uses had higher trash generation rates than other land uses, especially open space.	The trash generation rate is generalized for different land uses because of the lack of land use specific data. The data collected for a specific land use may be used for other land uses only if there is no adequate data available and the data must be reviewed and approved by the Executive Officer before it becomes applicable.
2.1	USEPA	March 28	The proposed trash TMDLs are designed to address impairments in Malibu Creek, Las Virgenes Creek, Medea Creek Reaches 1 & 2, Lindero Creek Reaches 1&2 and	Trash was observed at separate visits to Malibu Lagoon and Malibou Lake (page 15 of staff report) after critical conditions. The immediate upstream

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			Lindero Lake as identified on California's 2006 Section 303(d) list. However, the proposed Basin Plan Amendment Problem Statement names two other water bodies, Malibou Lake and Malibu Lagoon, included in these TMDLs. The Staff Report discusses site visits to document the trash impairment, yet the report implies no trash was observed in Malibu lagoon and Malibou Lake (pg. 13-14). Please clarify whether the application of these TMDLs extends to these two additional water bodies and, if appropriate, provide adequate support for any additional impairment findings.	and downstream areas of Malibou Lake and upstream of Malibu Lagoon are listed with trash impairments, therefore it is rational to include Malibou Lake and Malibu Lagoon in this Trash TMDL.
2.2	USEPA	April 1	The proposed TMDLs appropriately set the numeric target at zero trash, and included phased reduction tasks from defined baseline waste load and load allocations (WLA and LA). The critical portion of these TMDLs is the implementation plans, which define in detail the steps for achieving zero trash in a set time frame. In addressing non-point sources, each TMDL practically establishes a program of Minimum Frequency of Assessment and Collection (MFAC) program and installation of Best Management Practices (BMPs) to address the trash impairment problem.	Comment noted.
3.1	Caltrans	March 21	In the Proposed Basin Plan Amendments, the use of a Minimum Frequency of Assessment and Collection program (MFAC) is not included under the Numeric Target section of Table 7-31.1 for Point Sources, as a method by which Point Sources permittees can meet their compliance requirements, nor under the Implementation Schedule for Point Sources shown as Table 7 31.2a. However, the MFAC method of compliance is allowed for Point Sources under the discussion	Comment noted. Point source dischargers may comply with the WLA in any lawful manner.



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			for Implementation. We request the allowed usage of MFAC be more clearly and consistently indicated throughout the Proposed Amendments.	
3.2	Caltrans	March 21	The Staff Report (page 15) indicates that monitoring was conducted using Proposition 13 funding by the Malibu Creek Watershed Monitoring Program between 2005 and 2007. However, for the Baseline Waste Load Allocation (WLA) of MS4 Responsible Jurisdictions other than the Department, data from a 1998 study in Calabasas was used. The Department requests that data from the Proposition 13 study be more clearly described in the Staff Report, and the rationale for not using that data for any or all Point Source permittees, including the Department, under this proposed TMDL be provided.	The detailed information for the Malibu Creek Watershed Monitoring Program may be available by visiting website: <a href="http://www.mcwmp.net/">http://www.mcwmp.net/</a> . The monitoring data collected by this program are appropriate to be used as reference, but not for any calculations.
3.3	Caltrans	March 21	The Staff Report discusses under <u>Baseline Waste Load Allocations for MS4 Responsible Jurisdictions</u> (pages 20 and 21) the development of a Trash Monitoring and Reporting Plan (TMRP) by those agencies. However, the language used when referring to the Department seems to prohibit the Department from partnering with those other agencies a single Trash Monitoring and Reporting Plan: "Transportation land use under Caltrans' jurisdiction will be covered under-Caltrans' permit. Caltrans will be required to submit a monitoring plan for that land use, and will be assigned a Waste Load Allocation." Please clarify if this partnering would be allowed.	Caltrans, as one of the responsible jurisdictions, is eligible to coordinate with other responsible jurisdictions to propose a TMRP.
3.4	Caltrans	March 21	The Staff Report under <u>Baseline Waste Load Allocations for Caltrans Stormwater Permit</u> (page 22), states: "Under the Los Angeles River Trash TMDL, a <i>Litter Management Pilot</i>	Comment noted. The Staff Report will be revised accordingly.

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			<p><i>Study (LMPS) <u>was conducted</u></i> [emphasis added] to evaluate the effectiveness of several litter management practices in reducing litter that is discharged from Caltrans storm water conveyance systems." Please revise, as the <i>LMPS</i> study was not specifically conducted for that TMDL, although it was evaluated by under that TMDL in its final Staff Report.</p>	
3.5	Caltrans	March 21	<p>The Staff Report under <u>Baseline Waste Load Allocations for Caltrans Stormwater Permit</u> (page 22), where data are discussed and then later shown in "Table 4, Average Weight and Volume of Trash for Freeways by Caltrans Phase 1 Gross Solids Removal Devices Pilot Study at Year 2000 though 2002." Please delete all references to the Phase 1 study, as the litter capture devices used in that study were designed to capture litter even during a 25-year storm event. This design philosophy was used to allow retrofit of the existing hydraulic system, but it also had the effect of capture a much greater volume of lifter, even that lifter that would be bypassed under the design philosophy proposed in the draft Basin Plan Amendment (a one-year, one-hour, storm in the sub-drainage area). The Department wishes to reserve the right to bypass the flows higher than the one-year, one-hour event, while otherwise meeting its assigned WLA. Other comments regarding an appropriate WLA loading rate are made below.</p>	<p>The trash quantity data collected during the Caltrans Phase I Gross Solids Removal Devices Pilot Study is used as an initial reference for WLAs. Caltrans may propose a TMRP which could include a method to develop site-specific WLAs, for Regional Board Executive Officer approval.</p>
3.6	Caltrans	March 21	<p>The Baseline WLA loading assigned to the Department is based on data from the Department's <i>LMPS</i> (page 23 of the Staff Report), and was assigned at 6,677 gallons per square mile. However, Table 5 incorrectly lists the WLA as 10,813 gals/yr, while the correct value should be 2,136 gals/yr (0.32</p>	<p>Comment noted. The WLAs for Caltrans should be based on the Phase I Gross Solids Removal Devices Pilot Study, therefore the average volume is 33,452.80 gallons/square mile/year. The Staff Report will be revised</p>

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			square miles times 6,667 gals/yr). It also should be noted that use of <i>LMPS</i> to set the Department's Baseline WLA loading rate is questionable, because of such factors as the very different proportion of land uses, population density, and average daily traffic between the <i>LMPS</i> study area (which was set in the highly urbanized Los Angeles metropolitan area) and the Malibu Creek area.	accordingly.
3.7	Caltrans	March 21	Notwithstanding Comment 6, the difference in WLA loading between the other MS4s and the Department is significant, at 640 versus 6,677 gal/sq mi/yr. Given the prevailing land usages and relatively low population density of the study area, the Department requests: a) that the loading rate assigned to the other MS4 permittees also be assigned as the Department's WLA; or b) if it is deemed that certain segments of SR 101 are considered to be in an urban environment similar to that of the <i>LMPS</i> study, please provide a break out of the rural and urban segments, and associated right of way widths, and then assign the reduced WLA rate for the rural areas. We would be happy to assist in that effort.	Responsible jurisdictions are required to propose a TMRP which would include a protocol to derive site-specific WLAs and LAs.
3.8	Caltrans	March 21	In the Staff Report, page 42, under " <u>Tax Benefit by Adopting Waterbodies, Parks, etc.</u> " The current language could be read as implying that the Department's "Adopt a Highway" program confers some tax benefits ("This concept is adapted from the "adopt a highway" program". ...efforts to keep the environment clean could be encouraged by having tax benefit."), which is not the case; please revise the text.	Comment noted. Staff Report will be revised accordingly.
3.9	Caltrans	March 21	In the Staff Report, page 39, information related to the California Vehicle Code is repeated under two separate	Comment noted. Staff Report will be revised accordingly.

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			headings; please delete in its entirety the section entitled "Caltrans, D1.02 Laws That Pertain to Litter, Debris." Note: the `California Vehicle Code' is the correct reference, and not any reference to "D1.02," which has been determined to be a subheading taken from a Caltrans Maintenance Manual. Also, please <i>note</i> also that the Department per se is not an enforcement agency.	
3.10	Caltrans	March 21	In the Staff Report Section XI, Cost Considerations (pages 49 through 56): It is recommended that full capture devices, as defined by R4-RWQCB under its certification authority, and their associated costs be clearly and separately listed for the structural BMPs. Please also indicate if any devices are listed that are not approved as full-capture. Continuing, it is recommended that a reference to a R4-RWQCB document listing the approved full-capture devices be included in the Bibliography. Finally, it is recommended that costs for the Caltrans' Gross Solids Removal Devices, which have been approved as full-capture systems, be included in this section; those construction costs are on the order of \$150,000 or more per unit (one per outfall), and increasing as the treated area increases, and as other issues (such as traffic control) influence costs.	Comment noted. Staff Report will be revised to include the suggested changes, if appropriate.
3.11	Caltrans	March 21	Lastly, notwithstanding that compliance using MFAC may be an option, the Department is concerned that use of full capture (structural) devices to meet this TMDL may not be compatible with the structural controls required for subsequent TMDLs. For example, the nutrient TMDL currently being developed for this watershed will require different structural devices to achieve TMDL allocations. The	Staff disagrees that the approach to the TMDL is piecemeal. Two TMDLs for the Malibu Creek Watershed have been developed. None of these TMDLs will require structural controls for trash. Further, with the eight year compliance schedule, the trash TMDL extends beyond the duration of many of the

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			<p>piecemeal issuance of the TMDLs means that permittees such as the Department must implement controls before being aware of the total pollutant control requirements to comply in a particular watershed. The problem of incompatibility can manifest itself in several ways:</p> <p>Structural controls are often needed in constrained locations; space constraints may limit the option to incorporate additional controls at the end of pre-existing controls without costly purchase of additional right of way.</p> <p>Similarly, hydraulic constraints may limit the option to retrofit an existing structural BMP to accommodate subsequent TMDLs.</p>	<p>other TMDLs, so there should be adequate schedule to plan for structural BMPs.</p>
3.12	Caltrans	March 21	<p>We encourage Regional Board staff to coordinate the compliance schedule of this TMDL to be compatible with the other TMDLs adopted or upcoming for this watershed. This would enable the Department to appropriate public funds and implement effective controls to treat the various pollutants causing impairment to the waterbody.</p>	<p>Please see the response to comment 3.11.</p>
4.1	County of Los Angeles, Department of Public Works	April 1	<p><u>Table 7-31.1</u>  <u>Requested Action:</u> In the section on Load Allocations, we recommend that the California Department of Transportation should be identified as an additional responsible jurisdiction, since Las Virgenes Creek near the Ventura Freeway is called out for trash removal efforts.  We also support the inclusion as responsible jurisdictions individual landowners. As the Staff Report notes, much of the</p>	<p>Comment noted. Caltrans will remain as a responsible jurisdiction for point source discharge of trash.</p>

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			land along the listed subwatersheds is owned by private landowners, and not by municipalities. The municipalities do not have authority to enter such land to accomplish trash removal activities. The legal responsibility for implementation of the Load Allocations under the proposed Basin Plan Amendment (BPA), should be limited to the property owned by the respective responsible jurisdictions, whether public or private, unless a municipality agrees to accept such responsibility under a coordinated program. (We note that the proposed BPA properly exempts responsible jurisdictions from assessing or collecting trash where personnel are prohibited.)	
4.2	County of Los Angeles, Department of Public Works	April 1	<u>Table 7-31.1</u> <u>Requested Action:</u> In the section on Implementation, Nonpoint Sources, in the discussion of the Executive Officer's authority to approve or require a revised assessment and collection frequency and critical condition definition, item (c) states: "If the amount of trash collected does not show a decreasing trend, where necessary, such that a shorter interval between collections is warranted." We suggest, for clarity, that this be modified to insert between necessary and such the following phrase: "to prevent nuisance or adverse affects on beneficial uses." This will ensure that the numeric target is the standard by which the Executive Officer will be acting.	Regional Board staff agrees. The Basin Plan Amendment will be revised accordingly.
4.3	County of Los Angeles, Department of Public Works	April 1	<u>Table 7-31.1</u> In item (c) on page 8 of Table 7-31.1 in the Nonpoint Sources provisions of the proposed BPA it is stated: "If the amount of trash collected does not show a decreasing trend, where necessary, such that a shorter interval between	Please see response to comment 4.2.

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			<p>collections is warranted." This item allows the Executive Officer to unrestrictedly increase the initially proposed minimum frequency of assessment and collection (MFAC) to warrant that the amount of trash accumulating between collections is not causing nuisance or otherwise not adversely affecting beneficial uses. The proposed BPA also requires that trash be cleaned within 72 hours after critical conditions. Therefore, <u>Requested Action:</u> Modify item (c) to say, "If the amount of trash collected does not show a decreasing trend where necessary to prevent nuisance or adverse effects on beneficial uses, such that a shorter interval between collections is warranted."</p>	
4.4	County of Los Angeles, Department of Public Works	April 1	<p><u>Table 7-31.1</u> <u>Requested Action:</u> Also in the section on Implementation, Nonpoint Sources, it is stated that the "Counties of Los Angeles and Ventura will act as third parties to identify private party dischargers in unincorporated County lands." With respect, the California Regional Water Quality Control Board (Regional Board) has no authority to require the counties to perform this task. Therefore, we, request that this sentence be deleted.</p>	Comment noted. The Staff Report will be revised accordingly.
4.5	County of Los Angeles, Department of Public Works	April 1	<p><u>Table 7-31.1</u> <u>Requested Action:</u> In the section on the Monitoring and Reporting Plan, it is stated that "Dischargers shall cooperate with jurisdictions in the vicinity of Malibu Lagoon (City of Malibu and State Parks) in developing and implementing the trash monitoring and reporting plan for Malibu Lagoon." The term dischargers is not defined. If it is referring to private parties, the term responsible jurisdictions is already defined</p>	Comment noted. Both the BPA and Staff Report will be revised accordingly.

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			to include private landowners. We question why dischargers are responsible for cooperating in the development the TMRP for the Lagoon, which lies exclusively within the jurisdiction of the City of Malibu and the State Park, but not in any other subwatershed. The Staff Report on pages 38-39, states that "Dischargers shall <i>cooperate with responsible jurisdictions in the vicinity of Malibu Lagoon (City of Malibu and State Parks), Malibu Creek and its tributaries, and lakes in developing and implementing the trash monitoring and reporting plan.</i> " The proposed BPA should reflect this statement.	
4.6	County of Los Angeles, Department of Public Works	April 1	<p><u>Table 7-31.2</u>            For Task No. 3 in table .7-31.2a, responsible jurisdictions are required to comply with this task one year from receipt of the letter of approval for the TMRP from the Regional Board Executive Officer. During this one year period, the first six months is the time allowed to implement the TMRP. Responsible jurisdictions have to start trash monitoring activities no later than this 6-month period. This leaves responsible jurisdictions only six months of trash monitoring data to recommend for approval the Trash Baseline Waste Load Allocations. The Trash Baseline Waste Load Allocations should be established based on trash data collected for both dry weather and wet weather. Only providing six months to prepare the allocations obviously will not satisfy this requirement. We note also that on page 20 of the Staff Report, it is stated that the Trash Baseline Waste Load Allocations "may be revised with data collected during the Trash Monitoring and Reporting Plan (TMRP) in the first two years of the implementation period." Therefore,</p>	<p>Comment noted. The Staff Report will be revised to be consistent with the BPA.            Responsible jurisdictions will provide data collected based on the Executive Officer approved TMRP, its analysis, and the proposed baseline WLAs and/or LAs. Responsible jurisdictions could start to implement the E.O. approved TMRP as soon as possible if they wish to collect more representative data. However, additional data collected after the first report submittal may be provided to the Regional Board for EO's review and consideration.</p>



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			<u>Requested Action:</u> Change the date for Task No.3 in table 7-31.2a from one year from receipt of letter of approval to two and a half years from receipt of letter of approval.	
4.7	County of Los Angeles, Department of Public Works	April 1	<p><u>Table 7-31.2</u> For Task No. 4 in table 7-31.2b, responsible jurisdictions are required to comply with this task one year from receipt of the letter of approval for the TMRP from the Executive Officer. During this one year period, the first six months is the time allowed to implement the Minimum Frequency of Assessment and Collection/Best Management Practices (MFAC/BMP) program. Responsible jurisdictions have to start the MFAC/BMP program no later than this 6-month period. This leaves responsible agencies only six months to actually run the MFAC/BMP program and submit the first annual report, as well as to propose revising the MFAC/BMP program. This one year time period is not sufficient for these tasks. There should be at least one full year's data available to the responsible jurisdictions under the MFAC/BMP program so that the proposal for revision is meaningful and based on actual experience in the watershed. Therefore,</p> <p><u>Requested Action:</u> Change the date for Task No.4 in table 7-31.2b from one year from receipt of letter of approval to two years from receipt of letter of approval.</p>	Please see response to comment 4.6.
5.1	County of Ventura Public Works Agency	March 27	The calculation of the Ventura County Unincorporated land area for the Non-point Source Load Allocation (LA) is of concern. On page 29, Table 6 of the Draft Staff Report, the "Ventura County-Responsible Jurisdiction" is listed as having 10.18 square miles of "Nonpoint Source Area (Mile <sup>2</sup> )". We	Comment noted. The Responsible jurisdiction proposed TMRP shall include responsible areas and the associated maps for trash abatement practice. However, the Santa Monica Mountains Conservancy is also listed as

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			<p>feel this land allocation is incorrect and assume the number includes the Upper Las Virgenes Creek, designated on Page 25, Figure 2, "Areas of the Malibu Creek Watershed" of the Staff report as being all Unincorporated County lands. This is incorrect; the vast majority of Upper Las Virgenes Creek lands (above the City of Calabasas) is owned and operated by the Santa Monica Mountains Conservancy and listed as a region in the Santa Monica Mountains National Recreation Area, Upper Las Virgenes Canyon Open Space (Former Ahmanson Ranch Area). The County of Ventura has no authority in these areas and thus has no mechanism to take actions associated with TMDL implementation. Attachment A shows the area described. This "impaired area" should be reallocated to the proper responsible parties.</p>	<p>a responsible jurisdiction, for which it shall provide more updated information on its responsible areas.</p>
5.2	County of Ventura Public Works Agency	March 27	<p>The Minimum Frequency of Assessment and Collection (MFAC) compliance option presented in the TMDL provides the responsible parties with a significant tool in addressing trash impairments in the MCW Trash TMDL. The language in the Draft Staff Report and Tentative BPA is unclear as to the extent of application of the MFAC program. The application of the MFAC program should be clearly limited to defined high-trash generating areas of the sub-watershed. If this "extent" is meant to be defined in the Trash Monitoring and Reporting Plan, we request additional language be added to both the Draft Staff Report and BPA specifically stating the TMRP will not only define the Baseline Wasteload Allocations (WLAs) and Load Allocations (LAs), but also the "extent to which the MFAC be applied to upstream locations."</p>	<p>Staff disagrees. The BPA does specify certain areas for MFAC to be implemented initially. Responsible jurisdictions shall monitor the effectiveness of implementation, and should propose additional MFAC application areas or revise the initial MFAC if the trash impairment is not removed.</p> <p>The MFAC program proposed in the TMRP depends on the severity of trash impairment at specific reaches. Its application is not limited to the high trash generating areas only. Data collected while implementing the TMRP can be used to develop WLAs and LAs, should responsible</p>

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				jurisdictions opt to.
5.3	County of Ventura Public Works Agency	March 27	In Table 7-31.1(Elements), under the "Nonpoint Sources", Paragraph 4 of the Tentative BPA states that Load Allocations (LAs) shall be implemented through either a conditional waiver or <i>"...alternate program implemented through waste discharge requirements or an individual waiver or another appropriate order of the Regional Board."</i> Please clarify which appropriate order(s) could be utilized for implementation.	Other Regional Board authorities to implement and enforce LAs include, but are not limited to, Cleanup and Abatement Order, issuance of 13267 letters for report request, and potential enforceable Memorandum of Understanding (MOU).
5.4	County of Ventura Public Works Agency	March 27	Within that same "Nonpoint Sources" section, numerous statements are made concerning the Executive Officer (EO) approving various actions associated with the MFAC/BMP program. Will these EO actions also require a formal board approval similar to the TMDL reopener process?	The Executive Officer of the Regional Board is authorized to approve or disapprove the responsible jurisdiction proposed TMRP, and allow the TMRP to be implemented without formal Regional Board meeting process.
6.1	County Sanitation District	April 1	The Calabasas Landfill is operated under a number of existing permits, including the General Industrial Storm Water Permit issued by the State Water Resources Control Board, a Solid Waste Facility Permit issued by the Los Angeles County Department of Public Health (LACDPH) with concurrence from the California Integrated Waste Management Board, and a Special Use Permit issued by the National Parks Service (NPS). Each of these permits has enforceable conditions and requirements established to prevent and control the generation of litter. These provisions include requirements to employ best management practices (BMPs) to prevent off-site litter, modify landfill operations to control litter based on wind conditions, conduct regular	Comment noted.

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			<p>inspections for litter both on the facility and off-site and remove any litter found, and respond promptly to any notifications of off-site litter migration . In addition to the actions specifically required by the facility's permits, the Districts have voluntarily implemented a program designed to deter waste haulers from generating litter while the loads are in transit, to the facility. As part of this program, the Districts impose a monetary surcharge on all loads delivered to the site that are uncovered and are capable of producing litter. This surcharge provides a financial incentive for haulers to reduce litter while in transit to the Calabasas Landfill.</p>	
6.2	County Sanitation District	April 1	<p>In compliance with the various requirements discussed above, the Districts inspect the landfill for litter on a daily basis and inspect nearby off-site locations at least once every two weeks. Depending upon weather conditions, the Districts conduct inspections more frequently. These measures, together with other litter monitoring, control, and collection BMPs implemented by the Districts, have been effective in controlling litter from the Calabasas Landfill. The Regional Board and the LAC1DPH routinely inspect the site. A review of the inspection reports provides documentation of the success of the Districts' pro-active litter control program.</p>	Comment noted.
6.3	County Sanitation District	April 1	<p>The Districts agree with the Regional Board staff's determination that Waste Load Allocations and/or Load Allocations for the Calabasas Landfill are not necessary at this time (Staff Report, page 28): The existing litter control requirements for the Calabasas Landfill are more frequent and more relevant to the landfill operations than those in the proposed Basin Plan Amendment under the applicable</p>	Comment noted. WLAs and/or LAs will be issued if other data indicate that the Calabasas landfill is a source of trash to waterbodies in the Malibu Creek Watershed.

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			<p>minimum frequency of assessment and collection* in conjunction with BMPs Program (MFAC/BMP Program). Based on the foregoing, and because the existing protocols have been documented to be successful, the Districts conclude that the Calabasas landfill is not a significant source of litter within the Malibu Creek Watershed.</p>	
7.1	City of Malibu	April 1	<p>The final Waste Load Allocations (WLA) for point sources and Load Allocations (LA) for non-point sources to the Malibu Creek Watershed and adjacent coastline are proposed to be "zero trash discharged". The City is concerned about the Board imposing an unrealistic and likely unobtainable objective. Furthermore, the potential implications of third, party interpretation of this regulation are unsettling.</p>	<p>Staff disagrees that “zero trash discharge” is unrealistic given that compliance can be attained through such programs as full capture devices and an MFAC/BMP program. Responsible jurisdictions for either point, nonpoint sources, or both, shall eliminate any possible discharge of trash to waterbodies. There are eight precedent TMDLs that have been adopted with a numeric target of “zero trash discharge.” However, the compliance is measured by the mechanisms installed, programs implemented and their monitoring results.</p>
7.2	City of Malibu	April 1	<p>The WLA of "zero trash" seems inconsistent with the LA numeric target stated in the resolution that "waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses". Given the conditions of the watershed, it is quite possible that point and non-point source 'discharges will be challenging to differentiate once trash has reached the</p>	<p>Staff disagrees. The definition of “zero trash” for point sources is anticipated to be different from that for nonpoint source since characteristics and loading mechanisms are very different.</p>

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			waterbody. Will the Regional Board provide clarification to ensure consistency in this resolution and attachment? '	
7.3	City of Malibu	April 1	The term "nuisance" as part of the narrative water quality objective is used in the proposed resolution and attachment. City staff could not locate a definition in the documents provided. Will the Regional Board provide a clear definition of nuisance in the documents?	According to Porter-Cologne Water Quality Control Act (California Water Code, Division 7), 13050(m): "Nuisance" means anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as a result of, the treatment or disposal of waste.
7.4	City of Malibu	April 1	Table 7-31.1 Problem Statement of the proposed amendments attachment and #11 p. 3 of the resolution discuss protecting beneficial uses and several beneficial uses pertaining to the Malibu Creek Watershed as a whole are listed. However, not all of those beneficial uses apply to all reaches. We suggest adding the language "where applicable" to the end- of the last sentence in #11 currently ending "to achieve the narrative water quality objectives set to protect those uses".	Comment noted. These beneficial uses cited in Table 7-31.1 and the Resolution are not specifically assigned to any particular reaches. However, in the Malibu Creek Watershed, these beneficial uses are impaired by trash and shall be protected.
7.5	City of	April 1	The City is concerned that several ' organizations which the	The BPA has included land owners in

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	Malibu		<p>City and other responsible agencies listed do not have regulatory jurisdiction over do not seem to have been notified and were subsequently not listed as responsible agencies in the proposed TMDL,. It is requested that the, Regional Board please, reconsider adding schools (private and public school districts), Home Owners Associations (HOA), Property Owners Associations (POA), and the Los Angeles County Sanitation District. It is very important that these organizations be acknowledged in some form up front in this Trash TMDL so that potential dischargers and contributors may address the issue. Failing to address this concern could potentially increase the difficulty agencies currently listed as responsible have in implementing efforts to comply. In the WLA and LA of the attachment it is stated "Load Allocations may be issued to additional responsible jurisdictions in the future under appropriate regulatory program". Would this not be the appropriate program and time to include these jurisdictions? Please contact City staff for a list of additional jurisdictions to include.</p>	<p>the vicinity of waterbodies addressed by this TMDL as responsible jurisdictions for nonpoint source discharges. The baseline LA assigned to land owners who are identified as nonpoint source dischargers is 640 gallons per square mile per year; all requirements in the BPA Table 7-31.2b apply to these land owners when this TMDL becomes effective. The Regional Board Executive Officer may order a TMRP from the individual property owners based on staff's evaluation on the trash loading from sources to the waterbodies.</p> <p>Las Virgenes Unified School District (LUSD) already have programs including a routine schedule of trash removal from school premises six days per week, continuous education programs which discuss the importance of recycling and inform students of littering ordinances and environmental protection activities, and maintenance of sufficient exclusion from school properties to waterbodies, to minimize the possibility of being nonpoint source of trash.</p> <p>The Los Angeles County Sanitation District (Sanitation District) which</p>

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				operates Calabasas Landfill, has prepared a litter control protocol. The litter control measures include, but are not limited to, (1) daily inspection of the entrance areas, all interior and the access roads, (2) Use of portable litter fences at the perimeter, (3) all potential litter-producing loads received are required to be covered, (4) a litter crew is dispatched to remove any litter to the extent possible that has blown to the edge of the landfill or offsite during high wind conditions.
7.6	City of Malibu	April 1	The LA (for non-point sources) section of the attachment mentions "land owners in the, vicinity of listed waterbodies in the Malibu Creek Watershed". What does staff intend with using "land owners"? If this is related to the City's comment #5, perhaps the Regional Board could qualify what is meant by land owners by saying "such as" and then listing the other types of land owners or jurisdictions that are responsible under this TIVIDL.	Please see response to comment 7.5.
7.7	City of Malibu	April 1	In the resolution, #4 states. "since a TMDL <b>must</b> represent the "total" load, TMDLs must account for all sources of the relevant pollutants, irrespective of whether the pollutant is discharged to impaired or unimpaired upstream reaches". That verbiage alone seems to justify why additional responsible agencies should be listed in this TMDL, as discussed in comment #6. This is not consistent with the attachment verbiage cited in the previous comment where only "land owners in the vicinity of the listed water body"	Please see response to comment 7.5.



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			are considered responsible. Will the Regional Board consider adjusting this language since land owners in the vicinity of an upstream unimpaired reach could certainly contribute to a downstream impaired reach?	
7.8	City of Malibu	April 1	The Implementation section of the attachment discussing point sources states that "if point source dischargers comply with WLAs by implementing full capture system on conveyances that discharge to the listed subwatersheds of the Malibu Creek Watershed through a progressive implementation schedule of full capture devices, they will be deemed in compliance with the WLA". How does this relate to privately owned drains that are not a part of the municipal separate storm sewer system (MS4)?	Under City of Malibu Municipal Code 13.04.060B, the City of Malibu is responsible for controlling the trash from stormdrains regardless of whether they are publicly or privately owned.
7.9	City of Malibu	April 1	The Implementation section of the attachment discussing non-point sources Conditional Waivers discusses the MFAC/BMP Program. In it is stated "the MFAC/BMP program shall include collection and disposal of all trash found in the water and on the shoreline". The City 'has concerns about accessing some of these areas. The lower Malibu Creek and Lagoon is not a narrow slow moving stretch of creek or a lined conveyance channel. While the City completely agrees that trash has no place in these environments, these areas are protected. Can Regional Board staff please clarify the expectations of collecting and removing "all trash" from a larger estuary that may have inaccessible areas?	In the Basin Plan Amendment Table 7-31.1, Implementation section, Nonpoint sources(e): "The MFAC/BMP program shall not require responsible jurisdictions to access and collect trash from areas where personnel are prohibited." Responsible jurisdictions can identify these "prohibited" areas in the proposed TMRP for the Regional Board Executive Officer approval.
7.10	City of Malibu	April 1	The Implementation section of the attachment discussing non-point sources and specific reaches of the watershed sets minimum initial frequencies for cleaning. In the Malibu	Comment noted. The word "premises" is eliminated from the Basin Plan Amendment. The City of Malibu is

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			Creek discussion, the location is stated as "within City of Malibu premises". Please clarify what is meant by City of Malibu premises. What about privately owned properties, State lands within the City, and County of Los Angeles Department of Beaches and Harbors property in the City of Malibu?	responsible for areas under its jurisdiction.
7.11	City of Malibu	April 1	The Implementation section of the attachment discussing non-point sources e) says "the MFAC/BMP shall not require responsible jurisdictions to access and collect trash from areas where personnel are prohibited".. It is appreciated that the Regional Board recognizes there are limitations. Will staff provide more clarification and define or give examples of what is meant by prohibited.	Areas where personnel are prohibited include, but are not limited to, locations with potential hazards of any types unless precaution measure are taken, outside of the jurisdiction, with limited or prohibited access by regulation or by law. Responsible jurisdictions shall propose the "prohibited" areas in the TMRP for the Regional Board Executive Officer approval.
7.12	City of Malibu	April 1	The Implementation section of the attachment discussing point sources final paragraph describes the Counties' roles in regards to private properties in unincorporated areas. What about addressing the local jurisdictions' roles with private properties within incorporated areas? Once again, if the agencies listed in comment #5 are included as responsible agencies the local agencies would have greater leverage in implementing the requirements of this TMDL.	Local responsible jurisdictions are encouraged to participate in the effort to work with private property owners who are identified as responsible jurisdictions.
7.13	City of Malibu	April 1	The Monitoring and Reporting Plan section of the attachment gives the City of Malibu and State Parks as an example of agencies that may need to coordinate their efforts for the TMRP. What about other collaborations'? Recognizing the need for cooperation between multiple agencies is essential for success and it is wonderful that the	Comment noted. The Basin Plan Amendment will be revised accordingly.

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			Regional Board has noted this important factor. Please revise the wording so that it does not appear that the cooperation of the City and the State is the only partnership needed. The Malibu Lagoon can also be affected by other jurisdictions including private properties in an HOAIPOA, the Los Angeles County Department of Beaches and Harbors, and potentially Caltrans.	
7.14	City of Malibu	April 1	Please define what is meant by "implicit margin of safety" in the attachment.	Margin of safety (MOS) is a required component of the TMDL that accounts for the uncertainty about the relationship between the pollutant loads and the quality of the receiving waterbody. When the MOS is incorporated into the conservative assumptions used to develop TMDLs, generally within the calculations or models, this MOS is referred to as the implicit margin of safety.
7.15	City of Malibu	April 1	In the Implementation Schedule Task 6, the Regional Board assesses effectiveness of full capture devices, If it is discovered that information shows that full capture devices are less than effective in reducing trash in listed areas, is there a provision for the Regional Board to provide expedient alternate direction to the responsible agencies' to prevent wasted resources on less than effective devices?	The TMRP proposed by Responsible jurisdiction may include a feasibility study to evaluate the effectiveness of various trash removal devices. Any methods chosen by responsible jurisdictions can be proposed in the TMRP for the Regional Board Executive Officer approval.
7.16	City of Malibu	April 1	The Implementation Schedule tasks responsible agencies with defining the trash baseline WLA within one year of implementing the TMRP. What if the year proves to be particularly mild when that baseline is set and it is unintentionally set lower than would have been experienced	The baseline may be reconsidered at the fifth year after the TMDL effective date. The TMRP proposed by responsible jurisdictions may include a provision to justify any unusual

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			on a year with heavier critical conditions? Is there a provision for correcting the baseline such as a set date for reconsideration?	conditions from normal patterns.
7.17	City of Malibu	April 1	'In the resolution #22 discusses potential treatment processes. Alum injection seems to be a chemical treatment process and not applicable to trash, Please clarify if this does indeed relate to trash. Since the other treatment processes may only marginally relate to trash, perhaps this is an artifact from a different TMDL (nutrients).	Comment noted. The Resolution will be revised.
8.1	City of Simi Valley	March 10	Please consider removing the City of Simi Valley from the list of "responsible jurisdictions" and "responsible agencies" for the Malibu Creek Watershed Trash TMDL, as well as future Malibu Creek TMDLs.	City of Simi Valley is not listed as a responsible jurisdiction in the Trash TMDL for the Malibu Creek Watershed.
8.2	City of Simi Valley	March 10	A letter dated August 16, 2005 (attachment 2) from LARWQCB Executive Officer Jonathon Bishop concluded that the Simi Valley land within the Malibu Creek Watershed had little to no potential to impact the watershed. The letter further committed to considering formally removing Simi Valley as a responsible agency under the Malibu Creek TMDL requirements when timely. The condition has not changed since 2005, so it is timely for the Board to consider removing the City from the Malibu Creek TMDL requirements now.	Comment noted.
9.1	City of Thousand Oaks	March 26	The ultimate trash standard in effect for the Malibu Creek Watershed will be "zero trash" into waterbodies and along shorelines at water level. In the case of <i>non-point</i> sources, the TMDL Tentative Basin Plan Amendment (page 3) has set zero	Please see response to comment 7.2.

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			<p>accumulation to be that amount of trash "that does not accumulate in a deleterious amount on the surface and shorelines to adversely affect the beneficial uses." The <i>point source</i> narrative limit states "zero trash discharged." The TMDL should use identical language to define the objective, as once trash is in the waterway there is no method to determine whether the generator is a point source or a non-point source. Will the RWQCB use language to provide consistency of the <i>point</i> with the <i>non-point</i> source standard?</p>	
9.2	City of Thousand Oaks	March 26	<p>The "zero trash" water quality objective is not a viable or obtainable objective. Common sense dictates there is a threshold of trash loading above zero which does "not accumulate in a deleterious amount on the surface and shorelines to adversely affect the beneficial uses..." How can the Board require attainment of a water quality goal that for all practical purposes is unachievable?</p>	Please see response to comment 7.1.
9.3	City of Thousand Oaks	March 26	<p>Many point and non-point sources that, in the City's opinion, should be named as responsible parties are not named in draft TMDL. Private streets and private properties with sheet flow or other non-structural conveyances drain directly to these creek reaches without crossing into any public property. In addition, wind borne trash will undoubtedly originate from private and public agency properties over which the City has no control. These properties are as likely a source of trash to Reach 2 of Lindero Creek as is any tributary MS4 system. These additional parties should be named before the TMDL is adopted. If these parties are not listed, the City of Thousand Oaks and other cooperating agencies could be in jeopardy of non-compliance for circumstances beyond the</p>	<p>The City of Thousand Oaks as a co-permittee of Ventura County Municipal Separate Storm Sewer System (MS4) permit, is responsible for controlling the trash from stormdrains regardless of whether they are publicly or privately owned.</p> <p>The BPA has included land owners in the vicinity of waterbodies addressed by this TMDL as responsible jurisdictions for nonpoint source discharges. The baseline LA assigned to land owners who are identified as nonpoint source</p>

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			<p>City's control because the City has no ability to require participation by private or public parties (such as homeowners associations and special districts) in a Trash Monitoring and Reporting Plan (TMRP).</p> <p>Such areas include, and are controlled or owned by the following agencies/entities: North Ranch Country Club and Golf Course, Conejo Recreation and Park District, Conejo Open Space Conservation Agency (COSCA), Conejo Unified School District and the following Home Owner Associations: Fairway Estates, High Country, Emerald Forest, Island Forest, Westlake Ranch, Meadow Oaks Kensington Park, Braemar Garden Homes, and Braemar North Ranch Owners Association.</p>	<p>dischargers is 640 gallons per square mile per year; all requirements in the BPA Table 7-31.2b apply to these land owners when this TMDL becomes effective. The Regional Board Executive Officer may order a TMRP from the individual property owners based on staff's evaluation on the trash loading from sources to the waterbodies.</p> <p>Regional Board was not provided information regarding trash loadings from sources. LAs may be assigned with sufficient data during reconsideration.</p>
9.4	City of Thousand Oaks	March 26	<p>Critical Conditions": The "wind advisory" and "high visitation" critical conditions (Draft Staff Report, pg.30) would necessitate excessive and redundant monitoring without necessarily providing identifiable benefit or correlation with negative impacts to waterways. As currently written, a "wind advisory" issued by the National Weather Service or California Highway Patrol for the Angeles Crest Forest or Santa Clarita Valley is one criterion that constitutes a "critical condition." It is important to note that these conditions are being added to the important "Minimum Frequency of Assessment and Collection" (MFAC) initiation criteria. A number of issues need to be addressed with this provision. A "Wind Advisory" is entirely too high of a threshold for initiating assessment and collection responses.</p>	<p>Responsible jurisdictions shall include actions for critical conditions such as strong wind events and storm events in the proposed TMRP for the Regional Board Executive Officer approval. Responsible jurisdictions can utilize data collected while implementing their TMRP to derive correlations between critical conditions and trash impacts to the waterbodies.</p>

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9.5	City of Thousand Oaks	March 26	<p>Per a recent conversation with National Weather Service (NWS) staff in Oxnard (the agency responsible for issuing Wind Advisories, Watches and Warnings in Los Angeles and Ventura Counties), "Wind Advisories" are issued 30 to 50 times per year in their jurisdictional area. A NWS determined "High Wind Watch" seems to be a much more appropriate threshold. A "Watch," by NOAA/NWS definition (<a href="http://www.nws.noaa.gov/glossary/">www.nws.noaa.gov/glossary/</a>) is "used when the risk of a hazardous weather or hydrologic event has increased significantly, but its occurrence, location, and/or timing is still uncertain. It is intended to provide enough lead time so that those who need to set their plans in motion can do so." When a "Wind Advisory," as currently drafted, is reported, an assessment of trash conditions and possibly trash collection is required within 72 hours. The subject wind monitoring "trigger" sites are 40 to 60 miles away from eastern Ventura County. The location of a weather station from which the wind advisory is determined must be situated in an area appropriate for Ventura County. The NOAA/NWS web site has an automated remote wind tracking station in Thousand Oaks with an 'hour by hour' data tracking capability. The City of Thousand Oaks also maintains a data tracking weather station at the Municipal Service Center (western Thousand Oaks) which could be used as a back-up. Would the Board agree that these are much more suitable locations from which to monitor local conditions? If not, please explain the relevance of Santa Clarita Valley or the Angeles National Forest wind conditions to those in the Malibu Creek Watershed.</p>	Responsible jurisdictions may propose a proper application of the National Weather Service data for the Regional Board Executive Officer's review and approval.

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9.6	City of Thousand Oaks	March 26	Also, it is unclear whether the 72-hour clock begins with the initial "advisory" episode or at the culmination of such an episode. When Santa Ana winds set in for extended periods of time it becomes unclear how a named responsible party is required to respond. Would Board staff please provide clarification on this point?	Responsible jurisdictions shall initiate the cleanup actions after critical conditions when environment conditions permit and will not cause hazard of any kind. Any site-specific considerations shall be included in the proposed TMRP.
9.7	City of Thousand Oaks	March 26	"High visitation" is noted in the Draft Staff Report as a basis for a "Critical Condition." "High Visitation" is defined as weekends and holidays that occur from May 15 to October 15. A "Critical Condition" triggers an assessment and collection along a waterbody and shorelines within 72-hours. Attendance patterns may have predictable impacts at beaches, publicly accessible creeks and coastal areas. However, the City strongly believes that remote, non-public and mostly private property sub-reaches of Lindero Creek Reach 2 are not adversely impacted during May through October weekends and holidays. Please provide a basis for this requirement as it applies to remote, non-public and mostly private property sub-reaches of Lindero Creek Reach 2. Can the assessment and collection required by "High Visitation" only apply to areas shown to have an increased attendance and pattern of excessive litter accumulation?	Comment noted. The Staff Report will be revised accordingly. The critical conditions defined in the Basin Plan Amendment include major rain events and wind events. High visitation only applies to Malibu Lagoon and State Parks along Malibu Creek.
9.8	City of Thousand Oaks	March 26	The cost of implementing the draft Malibu Creek Trash TMDL (Staff Report, page 50) underestimates time requirements and potential costs of achieving compliance with this regulation. Reviewing Table 14 of the Draft Staff Report, indicating an estimate for agency staff hours required for implementing a "Minimum Frequency of Assessment and Collection" (MFAC) for Lindero Creek Reach 2, "Critical	Comment noted. The Staff Report will be revised accordingly.



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			<p>Conditions" as "triggering events" are estimated at four per year. As currently drafted, 26 weekends occur over the six-month "high visitation" season. Accounting for perhaps 30-50 Wind Advisories and three to eight storm events, the total MFAC driven events far exceed the 28 estimated events and projected agency staff time of 224 hours/year. Will Board staff please provide a more accurate estimate of impacts and labor needed to comply with this provision? The City believes that poorly calculated costing and labor provision also seriously undermines the necessary CEQA document provided for this TMDL. Does Board staff concur with this assessment? If not, please provide support for your rationale.</p>	
9.9	City of Thousand Oaks	March 26	<p>Additional CEQA Issues. The TMDL provides for trash collection efforts in the upper Lindero Creek area. Significant reaches of this creek area are fairly pristine and inaccessible. Neither the CEQA SED nor the Draft Basin Plan Amendment sufficiently addresses these impacts or the safety of staff that must consistently attempt to access these areas. Pristine habitat suffers with the intrusion of clean-up or assessment crews: Flora and fauna become trampled, paths are cut or carved, erosion increases, pools are intruded upon and sediment and important ecosystems may be disturbed. When paths and access are opened up, more human access is bound to occur and thus the impacts are compounded. The City believes these impacts were not taken into full account. Were these impacts addressed during the CEQA process?</p>	<p>In the Implementation section of BPA, Nonpoint Source 1(e):            “The MFAC/BMP shall not require responsible jurisdictions to access and collect trash from areas where personnel are prohibited.”            The reasonably foreseeable environmental impacts to plant and animals have been properly analyzed at the program level in the Substitute Environmental Document (SED). However, the project level Environmental Impact Report (EIR) with greater details shall be prepared by responsible jurisdictions as required by CEQA.</p>
9.10	City of Thousand Oaks	March 26	<p>Significant lengths of upper Lindero Creek are private property. No provision or easement has been made for public</p>	<p>Please see responsible to comment 9.9.</p>

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			<p>agency staff to access these areas to conduct these operations. How does RWQCB staff foresee the City obtaining such access if the property owners are unwilling to accommodate our requests? The CEQA document produced by the RWQCB does not account for the many vehicle trips that will be necessary to perform the maintenance or assessment required under this draft Basin Plan Amendment. Air quality and additional fuel consumption are not seriously regarded in this Scoping Document. Would Board staff please provide consideration of these impacts to the environment?</p>	
9.11	City of Thousand Oaks	March 26	<p>Full capture devices located in storm drain catch basins impede the drainage flow of flood waters to our drainage courses. Regional Board staff have alluded to anecdotal reports of such devices having been tested up to a 2" precipitation event. The volume of water directed to any one catch basin during a precipitation event can vary significantly. Flooding must be considered as an inevitable result of using full-capture devices. The risk of flooding needs to be appropriately considered as a result of using these devices, yet it appears Board staff has not considered this result seriously. Will the Board please address and comment on the potential flooding issues?</p>	<p>Staff agrees that the volume of water directed to any one precipitation event can vary. However, staff does not understand the cited "such devices having been tested up to 2" precipitation event". More information will be provided if it is to be clarified. The reasonably foreseeable environmental impacts such as floods have been analyzed at the program level in the Substitute Environmental Documents (SEDs). However, the project level Environmental Impact Report (EIR) with greater details at shall be prepared by responsible jurisdictions as required by CEQA.</p>
9.12	City of Thousand Oaks	March 26	<p>The Draft Staff Report cites a number of reference articles used as evidence to support certain Regional Board staff assertions in the draft TMDL. These articles were not made readily available to the responsible parties, nor for the most</p>	<p>The reference and documents that this TMDL relies upon are public information. These documents can be reviewed at the Regional Board and will be included in the Administrative</p>

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			part are they readily available on the internet. As this documentation provides much of the credibility for the Board staff's conclusions, the City believes these documents should be made available through the Regional Board website or some other provision should be made to provide such access for an evaluation of assumptions made in the Draft Staff Report (Pages 57-59). Would the Board please agree to provide access to these documents?	Record. Regional Board staff is willing to provide electronic copies of documents with reasonable size upon request.
9.13	City of Thousand Oaks	March 26	An example of the need for such substantiation is the assertion in the Draft Staff Report (page 15) that Heal the Bay had documented that sometime during the period of 2001 to 2004, they found "dump site" conditions in almost all Malibu Creek sub-watersheds. Do these "dump sites" still exist today? What constitutes a dump site? Aren't these more aptly described as temporary aberrations rather than descriptions of chronic conditions? Do the "dump sites" represent an imminent threat of trash loading in the creek	These dump sites were believed to be monitored from year 2001 through 2004. It may not appear to be temporary aberrations. Please contact Heal the Bay for current and detail information.
10.1	City of Calabasas	March 19, 2008	<p>I would like to ask you to include the following agencies and homeowners association in your list of responsible agencies for the Malibu Creek Trash TMDL. The City of Calabasas does not have jurisdiction over private streets and schools within the City boundaries and these entities either own the creek or are located adjacent to Las Virgenes Creek and shall be held responsible for littering the creek:</p> <ol style="list-style-type: none"> <li>1. Malibu Canyon Apartment (5324 Las Virgenes Road, Calabasas, CA 91302)</li> <li>2. Malibu Creek Condos HOA (managed by: Real</li> </ol>	<p>Under City of Calabasas Municipal Code 8.28.050 and 8.28.060, the City of Calabasas is responsible for controlling the trash from stormdrains regardless of whether they are publicly or privately owned.</p> <p>The BPA has included land owners in the vicinity of waterbodies addressed by this TMDL as responsible jurisdictions for nonpoint source discharges. The</p>

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			<p>Support Property Management, 28990 Pacific Coast HWY, Suite 107, Malibu, CA 90265)</p> <p>3. Archstone Calabasas (3831 Orchid Lane, Calabasas, CA 91302)</p> <p>4. Calabasas Colony (Managed by Encore Enterprise, 3407 West Burbank Blvd, Burbank, CA 91505)</p> <p>5. Las Virgenes Hills Homes (5938 Ruthwood Drive, Calabasas, CA 91302)</p> <p>6. Las Virgenes Village Townhomes (Managed by Tandem Property, 6451 Independence Avenue, Woodland hills, CA 91364)</p> <p>7. Malibu Canyon Villas (Managed by Bowker and Roth property Magt. 14930 Ventura Blvd, Suite 300, Sherman Oaks, CA 91403)</p> <p>8. Malibu Canyon Community Association (5411 Ruthwood Drive, Calabasas, CA 91302)</p> <p>9. Saratoga Hills Community Association (5221 Edgeware Drive, Calabasas, CA 91302)</p> <p>10. Steepalechase HOA (Managed By Gold Coast Management Co., 3626 Old Conbejo Road, Suite 270, Newbury Park, CA 91302)</p> <p>11. Stonecreek HOA (Managed by Tandem Management, 6451 Independence Ave, Woodland Hills, CA 91367)</p> <p>12. Albertson’s Shopping Center (Managed by Mar Investment, 331 North Atlantic Blvd, Suite 200, Monterey Park, CA 91754)</p> <p>13. Calabasas Tech Business Park (Managed by Arden Realty, 21031 Ventura Blvd, Suite 640, Woodland Hills, CA 91364)</p>	<p>baseline LA assigned to land owners who are identified as nonpoint source dischargers is 640 gallons per square mile per year; all requirements in the BPA Table 7-31.2b apply to these land owners when this TMDL becomes effective. The Regional Board Executive Officer may order a TMRP from the individual property owners based on staff’s evaluation on the trash loading from sources to the waterbodies.</p> <p>Las Virgenes Unified School District (LUSD) already have programs including a routine schedule of trash removal from school premises six days per week, continuous education programs which discuss the importance of recycling and inform students of littering ordinances and environmental protection activities, and maintenance of sufficient exclusion from school properties to waterbodies, to minimize the possibility of being nonpoint source of trash.</p> <p>The Los Angeles County Sanitation District (Sanitation District) which operates Calabasas Landfill, has prepared a litter control protocol. The litter control measures include, but are</p>

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			14. Las Virgenes Unified School District (LVUSD) 15. Calabasas Landfill operated by the County of Los Angeles Sanitation District.	not limited to, (1) daily inspection of the entrance areas, all interior and the access roads, (2) Use of portable litter fences at the perimeter, (3) all potential litter-producing loads received are required to be covered, (4) a litter crew is dispatched to remove any litter to the extent possible that has blown to the edge of the landfill or offsite during high wind conditions.