



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

September 26, 2008

Mr. Jim Thorsen  
Manager, City of Malibu  
23815 Stuart Ranch Road  
Malibu, CA 90265-4861

Dear Mr. Thorsen:

### **TENTATIVE RESOLUTION FOR TERMINATION OF MEMORANDUM OF UNDERSTANDING REGARDING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) FOR THE CITY OF MALIBU**

On September 17, 2004, the Regional Board completed a Memorandum of Understanding (MOU) with the City of Malibu (City), delegating the Regional Board's authority to the City as a Qualified Local Agency to manage residential and small commercial septic systems to improve the water quality in the Civic Center, requiring that their discharge be consistent with any applicable state or regional water quality control plans and is in the public interest.

On September 19, 2008, the Regional Board sent our 30-day notice to you regarding the intent to terminate the MOU pursuant to the MOU, Section IX "Enforcement of the MOU". A copy of the tentative Resolution to terminate MOU regarding OWTS and the MOU are enclosed.

In accordance with administrative procedures, this Board will consider the enclosed tentative Resolution and comments therein at a public hearing to be held at 9:00 AM on November 13, 2008 at the Metropolitan Water District at 700 North Alameda Street, Los Angeles, California. The Board will hear any testimony pertinent to this tentative Resolution. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Board at its discretion may order further investigation.

In order to be fully evaluated by the Regional Board staff and included in the Regional Board's agenda packet, written comments must be received at the Regional Board's office by 5:00 p.m. on October 26, 2008. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence. Timely submittal of written comments is encouraged to ensure that all comments are accurately and fully included in the administrative record, that Board staff is able to provide timely review, and that Regional Board Members have sufficient time to give full consideration to the comments and issues raised.

If you have any questions or need additional information, please call Project Manager, Ms. Elizabeth Erickson at (213) 620-2264 or Unit Chief, Dr. Rebecca Chou at (213) 620-6156.

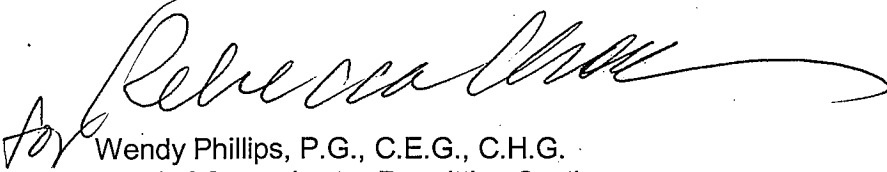
***California Environmental Protection Agency***



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*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Sincerely,



Wendy Phillips, P.G., C.E.G., C.H.G.  
Chief of Groundwater Permitting Section

Enclosures:

1. Tentative Resolution of Termination of MOU regarding Onsite Wastewater Treatment Systems for the City of Malibu
2. MOU between the Regional Board and the City of Malibu

cc: Mayor Pamela Conley Ulich, City of Malibu

Mr. Craig George, Mr. Granville Bowman, Dr. Andrew Sheldon, City of Malibu  
Mr. J.J. O'Brien, Weintraub Financial  
Dr. Mark Gold, Heal the Bay  
Mr. Don Schmitz, Schmitz and Associates, Inc.  
Mr. John Yaroslaski, Ensite Engineering, Inc.  
Mr. Mark Pesterella, Department of Public Works, County of Los Angeles  
Mr. Chi Diep, CA Dept. of Public Health Drinking Water Program  
Ms. Tatiana Gaur, Santa Monica Baykeeper  
Mr. Carlos Borja, Los Angeles County of Public Works, Cross Connections  
Ms. Katherine Nguyen, Surfrider Foundation

