

Exhibit D: Malibu Creek Watershed Coordinated Integrated Monitoring Program

The Natural Resources Defense Council (“NRDC”), Heal the Bay, and Los Angeles Waterkeeper (“LAWK”) (collectively, “Environmental Groups”) have identified several concerns with the Draft Coordinated Integrated Monitoring Program (“CIMP”) for the Malibu Creek Watershed, submitted by the City of Calabasas, City of Agoura Hills, City of Westlake Village, City of Hidden Hills, County of Los Angeles, and Los Angeles County Flood Control District,¹ which we discuss below.

This discussion, however, is not intended to provide an exhaustive list of deficiencies of the CIMP. Nor does it, in general, address concerns with the Enhanced Watershed Management Program Work Plan for the Malibu Creek Watershed.² For Environmental Groups’ comments in response to the Malibu Creek Watershed EWMP Work Plan, please see Environmental Groups’ September 16th letter to the Los Angeles Regional Water Quality Control Board (“Regional Board”),³ submitted under separate cover.

I. Specific Comments to CIMP for the Malibu Creek Watershed

As a general comment, applicable to both the CIMP and the permittees’ EWMP Work Plan, the permittees describe the Malibu Creek Watershed as the largest watershed to drain into the Santa Monica Bay⁴; however, this is incorrect as Ballona Creek Watershed is the largest, and Malibu Creek Watershed is the second largest.

Table 5⁵ shows monitoring in the watershed. Heal the Bay’s watershed monitoring is ongoing, not ending in 2010 as listed in this table. Heal the Bay would be happy to share additional data, or the permittees and Regional Board can access the data at: www.streamteam.healthebay.org. Table 5 also appears to have numerous duplicate entries; permittees should clarify whether these represent the same or different data.

¹ City of Calabasas, City of Agoura Hills, City of Westlake Village, City of Hidden Hills, County of Los Angeles, Los Angeles County Flood Control District. Malibu Creek Watershed Coordinated Integrated Monitoring Plan (“CIMP”).

² City of Calabasas, City of Agoura Hills, City of Westlake Village, City of Hidden Hills, County of Los Angeles, Los Angeles County Flood Control District. Malibu Creek Watershed Enhanced Watershed Management Program Work Plan (“EWMP Work Plan”).

³ Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay. “Comments on Enhanced Watershed Management Program Work Plans and Monitoring Plans Pursuant to Requirements under the Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175.” Letter to California Regional Water Quality Control Board, Los Angeles Region. 16 Sept. 2014.

⁴ EWMP Work Plan, at 1.

⁵ *Id.*, at 14.

A. Inclusion of Maps for Review

Figure 6 of the CIMP⁶ shows a map of the 14 receiving water monitoring sites for the watershed. However, sub-watersheds are not included on this map. It would be helpful to include sub-watersheds in this or another figure to allow for full assessment of whether the sampling sites are representative of the overall sampling area.

B. The CIMP Lacks a Specific Timeline or Schedule for CIMP Implementation

The CIMP does not contain a specific timeline or schedule for CIMP implementation, as required. Instead, it states that “implementation of monitoring program and modifications to existing monitoring programs will begin July 2015, or 90 days after the approval of the CIMP, whichever is later.”⁷ This proposal is vague, and would appear to potentially inappropriately delay the start of monitoring beyond 90 days after the CIMP is approved by the Executive Officer of the Regional Board.

C. The Proposed Receiving Water Monitoring Program Contains Vague Triggers and Appears to Lack Adequate Monitoring for Priority Constituents

The CIMP describes wet weather monitoring as sampling when there is a 70% chance of 0.25 inches of rain within a 24-hour period, and as rainfall that creates an increase of flow by 20%.⁸ However, it is unclear if both triggers are needed to occur for an event to be considered wet weather in the proposal. Further, it is unclear whether these triggers would apply to the first rainfall of the year only, or to all subsequent events. Finally, it is unclear how wet weather triggers apply to receiving waters (e.g. Santa Monica Bay, estuarine water bodies, rivers, creeks, or streams); further description is needed for defining wet weather monitoring triggers. (2012 Permit, Attachment E, at VI.C. and VIII.B.). The permittees must clarify the proposed wet weather monitoring approach to ensure compliance with Permit requirements.

Further, while the CIMP shows the constituents to be monitored and the frequency of monitoring in Table 11,⁹ we are concerned that certain sites are not being monitored for specific constituents, despite being considered “Highest Priority” or “Category 1.”¹⁰ For instance, Stokes and Cold Creeks are placed in Category 1 for Total Nitrogen, Total Phosphorus, and Sedimentation in Table 5. However, Table 11 shows that monitoring sites in Stokes and Cold Creeks are only to be monitored for *E. coli*. The CIMP must provide justification for this discrepancy between prioritization and actual monitoring. We are additionally concerned that

⁶ Draft CIMP, at 30.

⁷ *Id.*, at ix.

⁸ *Id.*, at 36.

⁹ *Id.*, at 38 (Table 11).

¹⁰ See *id.* Table 5, at 22.

basic parameters (flow, DO, pH, conductivity, and temperature) are only proposed for monitoring at 3 of the 14 identified sites. These parameters should be monitored at all sites to allow for analysis and assessment of basic conditions.

D. Stormwater (Wet Weather) Outfall-Based Monitoring Locations do not Appear Representative of Land Uses in Each Sub-Watershed

We are concerned that the locations identified for stormwater outfall monitoring are not representative of the land uses within each HUC-12 sub-watershed. Permittees state that because the watershed is largely undeveloped, and outfalls are primarily sited in developed areas, the sites cannot be truly representative of the overall sub-watershed land use.¹¹ However, additional outfall monitoring locations are warranted in order to better capture the full range of inputs to each HUC-12 sub-watershed. For example, the outfall location for the Medea Creek sub-watershed¹² does not capture a significant portion of the sub-watershed, and therefore misses inputs from the MS4 system to both Medea Creek and Lindero Reach 1. Similarly, the outfall location for the Cold Creek Malibu Creek sub-watershed¹³ is located at the very edge of the sub-watershed and does not capture the majority of inputs to the system. The inclusion of additional monitoring locations would better capture MS4 inputs in the watershed area.

E. Non-stormwater (Dry Weather) Outfall-Based Monitoring Does not Comply with Permit Requirements

It is unclear from the CIMP whether a database of all major outfalls has already been developed for the Malibu Creek Watershed or if this work remains to be done.¹⁴ The permittees must include this database for public review if or when it has been completed. Further, the 2012 Permit specifies that non-stormwater outfalls shall be monitored quarterly for the first year. (2012 Permit, Attachment E, at IX.G.3.) Thus, the proposed frequency of monitoring for non-stormwater outfalls, twice per year, does not comply with Permit requirements.¹⁵ The Permittees must correct this discrepancy in their monitoring program.

F. Reference Errors in the CIMP

Of note, the reference to tables in the text of the CIMP appear to be mismatched; for example, Table 7 is referred to on Page 31 of the CIMP but it appears that the text should be referencing

¹¹*Id.*, at 42.

¹²*Id.*, Figure 9, at 45.

¹³ *Id.*, Figure 11, at 47.

¹⁴ *Id.*, Table 13, at 51.

¹⁵ *Id.*, at 57.

Table 8.¹⁶ There additionally appears to be a missing reference to a Table or Figure on Pages 50 and 52, indicated by the text “Error! Reference source not found.”¹⁷

¹⁶ *Id.*, at 31.

¹⁷ *Id.*, at 50 and 52.