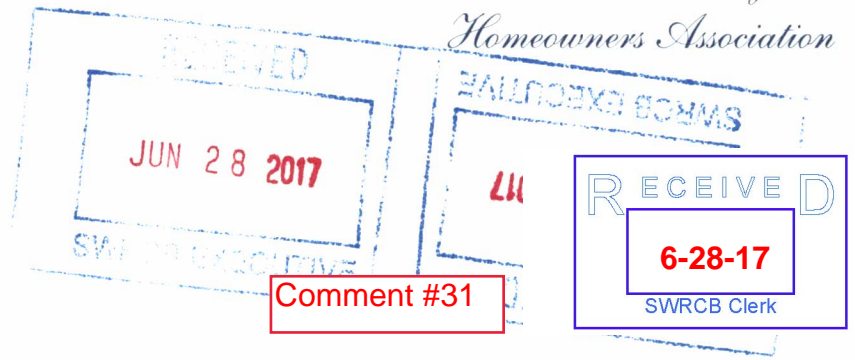




June 22, 2017

Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Re: Request for the State to Review Lake Sherwood 303(d) List for Algae and Eutrophic

31.01 On June 18, 2010 (more than seven years ago), Lake Sherwood submitted data for de-listing Lake Sherwood (Attachment 1). Additional data was requested by and supplied to the State on April 21, 2011 (Attachment 2). The State transferred authority to respond to our request to *Los Angeles Regional Water Quality Control Board (LARWQCB)* at the end of 2011. Our seven-year journey through the Water Control Board's organizational process for listing/de-listing water bodies has revealed a procedural deficiency, i.e. time limits on responding to de-listing requests do not exist.

31.02 LARWQCB is now providing the State a de-listing report that removes Lake Sherwood from the 303 (d) list for low dissolved oxygen, ammonia and organic enrichment. We appreciate removal from the list for these pollutants. This is gratifying and recognizes the positive results produced by the time, effort and expense the Association has put forth over many years to mitigate these concerns. The report however continues to list Lake Sherwood for algae and eutrophic, unjustifiably in our opinion, as outlined in the enclosed March 28, 2017 letter to the LARWQCB (Attachment 3). Furthermore, in reading the State's 2004 Water Quality Control Policy 303 (d) Listing Factors we find no basis for continuing to list Lake Sherwood for algae and eutrophic. Therefore, we respectfully request that the State remove Lake Sherwood from the 303(d) list for algae and eutrophic prior to submitting the de-listing report to the Federal government.

31.04 Lake Sherwood has a County approved Lake Management Plan. We are committed to improving the water quality of Lake Sherwood and have spent considerable resources to understand and improve Lake Sherwood's water health for nearly two decades. The Association contracts with a professional licensed company to provide services for a *Water Quality Monitoring Program*. On a monthly basis, we meet with our six-member Lake Advisory Committee to review test results and implement corrective actions for a variety of issues as necessary. We are committed to keeping our lake a healthy, usable body of water. Thank you for considering our request. Please let me know if you have any questions.

Sincerely,

Annette Louder, CMCA, AMS, PCAM  
General Manager  
SHERWOOD VALLEY HOMEOWNERS ASSOCIATION

cc: Irma Munoz, chair LARWQCB, Rene Purdy, L.B. Ni  
Supervisor Linda Parks, District 2 Ventura County  
Jacqui Irwin, District 44 Assembly Person

Attachments: 1. Data for submittal for de-listing Lake Sherwood June 18, 2010  
2. 303(d) list de-listing for Lake Sherwood request for additional data April 21, 2011  
3. Response to LARWQCB March 29, 2017

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[www.sherwoodvalleyhoa.com](http://www.sherwoodvalleyhoa.com)



*Sherwood Valley  
Homeowners Association*

June 18, 2010

Mr. Jeffrey Shu  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: Date Submittal for De-Listing Lake Sherwood

**EXECUTIVE SUMMARY**

Lake Sherwood is currently on the 303d List for algae, ammonia, eutrophic, mercury in fish tissue and organic enrichment/low dissolved oxygen. This report provides the rationale and supporting data to remove Lake Sherwood from the impaired water 303d list.

- **Algae:** It is our opinion that the basis for placing Lake Sherwood on the 303d list for algae does not exist or is not adequately supported. Algae are found in all salt and fresh waters worldwide. Algae provide the base of food chains for all within and around a body of water and through photosynthesis produce 40-50% of the oxygen that we breathe. Algae should be removed from the 303d List.
- **Ammonia:** Our tests for ammonia show we are below the limits established for Malibu Watershed. The limits range between 1.32 and 19.9mg/l. Our tests show levels between .04 and .33mg/l. Data submitted here support de-listing for ammonia.
- **Eutrophic:** It is unclear what criteria are being used to define eutrophic. We have no evidence that the waters of Lake Sherwood contain biostimulatory substances that promote aquatic growth to the extent that this has any adverse effects or impact on beneficial use. Eutrophic should be removed from the list.
- **Mercury (tissue):** U.S. Fish and Game and SVHOA tests for mercury in Lake Sherwood fish exceed the guidelines. SVHOA adopted a "catch and release" policy to discourage residents from eating the fish. The cost of these tests and the aggressive mercury limits lead us to conclude listing is appropriate. It is interesting to note that fish sold in markets have higher levels than found in Lake Sherwood and a recent EPA analysis estimate the total quantity of mercury in Lake Sherwood is 29 grams and arrived through the atmosphere..

SVHOA  
June 18, 2010  
Delisting submittal  
Page 2

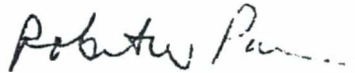
- **Organic Enrichment:** It is unclear what criteria are being used to define organic enrichment. SVHOA removes 30 tons of organic material annually. Septic tanks were replaced with a sewer system. SVHOA requests that Lake Sherwood be de-listed for lack of sufficient criteria to define this impairment.
- **Dissolved Oxygen:** Our tests for dissolved oxygen (DO) led us to install an aeration system, operational March 2008. Results show DO rising from 5.8 to 8.17mg/l for the water column at the mid lake test point. Data sets submitted show two year annual average of 8.14mg/l for the entire lake and support de-listing dissolved oxygen.

We have spent considerable resources to understand and improve Lake Sherwood's water health. SVHOA takes the quality of the water in Lake Sherwood seriously. As documented we have addressed each of the criteria that led to listing and request de-listing of Lake Sherwood. Furthermore, the maintenance of Lake Sherwood is negatively impacted by unenforced regulations, conflicting restrictions and standards. We request that these be addressed forthwith. Thank you for considering our submission.

Sincerely,



Carol Stephenson, CCAM, PCAM  
Lake Manager



Robert Parmele, President  
Board of Directors

cc: LARWQCB  
Valentina Cabrera-Stagno, EPA  
Linda Parks, Div. 2 County Supervisor

Enclosures: Lake Sherwood 303d De-listing Data Package  
2012 Integrated Report Data Submittal Information Form  
Highlights of Significant milestones at Lake Sherwood and Issues





*Sherwood Valley Homeowners Association*

April 21, 2011

Jeffery Shu, Environmental Scientist  
TMDL, Division of Water Quality  
State Water Resources Control board  
1001 I St., Sacramento CA 95814

Subject: 303 (d) List de-listing Consideration for Lake Sherwood - Request for Additional Data

Dear Mr. Shu,

Thank you for responding to our submittal of data for delisting consideration per your communication of April 8, 2011.

**Mercury**

SVHOA is not attempting to delist Lake Sherwood for Mercury in the bass. We collected samples of bass and had the flesh tested for methyl mercury to confirm the impairment stated in the Lund Report. Once this was confirmed, it was decided that no further testing would take place as it is cost prohibitive. We are unaware of organic pollutants in our test samples of fish. The data collected by SVHOA was provided to the USEPA. Additional fish samples were collected by the CDFG on two occasions as part of SWAMP. It is possible that these samples may include analysis of the organic pollutants you describe. This data is available to the State as well as the USEPA. Additionally, the USEPA has water and sediment data provided in the Draft Mercury TMDL.

**Selection of Time for Delisting Evaluation.**

Our resources are extremely limited. The DO samples we collected between 2003 and 2007 allowed us to understand where the lake was deficient, guide us in our quest to improve the lake's health and justify the significant expenditure required for installation of an aeration system. This testing effort resulted in confirming the data provided in the Lund Report. There is no need for us to incur unnecessary expenses providing pre-aeration data as the State is already in possession of similar information that is included in the Lund Report. It was the Lund Report data that was used to place Lake Sherwood on the 303(d) list.

Subsequent to analyzing this data, SVHOA authorized the funding, design and installation of an aeration system. SVHOA tailored its application to disrupt the stratification and negative annual turnover effects. The beneficial effects were immediately realized.



## *Sherwood Valley Homeowners Association*

### **Dissolved Oxygen**

To support our request for delisting consideration we have provided all Dissolved Oxygen data from multiple sites including increments less than 3 feet from the lake bottom to the surface beginning with the startup of the aeration system in 2008. This is not a partial data set. We have provided the necessary data using the Water Quality Control Policy guidelines for delisting, which state, "*Using the binomial distribution, waters shall be removed from the section 303(d) list if the number of exceedences supports rejection of the null hypothesis as presented in Table 4.1*". We have provided a great deal more information and test sites than those provided in the original listing data from the Lund Report. Our data demonstrates the positive effects and improving trend from the installation of the aeration system. This improvement also validates the ongoing lake maintenance effort.

We are hopeful that you would agree that our investment has resolved the DO deficiency at Lake Sherwood.

### **Ammonia**

The data provided includes ammonia as N from 1/30/08-4/27/10 and pH from 1/08-2/10 per the One-Hour Objective formula provided in the Amended Basin Plan (page 3, figure 3).. We believe this data set is the appropriate one to use because it is consistent with the time frame of the aeration system operation. Due to the cost of compiling data and determining that temperature was not part of the formula for evaluating ammonia impairment, it was decided to save resources and avoid an unnecessary expense.

### **Algae, Eutrophication, Organic Enrichment**

Our discussion for removal of these impairments from the 303d list is based in part from your disclosure in a conversation with one of our Advisory Committee members that these are terms the State no longer uses for defining an impairment. If the State has since developed a definition and numeric target for these items we would appreciate the State providing a written copy.

SVHOA has provided the State with information related to the impairments listed on the 303d list. We recognize that the State would like as much information on Lake Sherwood as possible and will continue to comply in the future depending upon the available budget. As a stakeholder in the Malibu Creek Watershed, SVHOA hopes to partner with local and State agencies to further benefit the waters of Lake Sherwood and surrounding watershed.



*Sherwood Valley Homeowners Association*

We respectfully request you answer our request for delisting algae, ammonia, eutrophic and organic enrichment/low dissolved oxygen and welcome the opportunity to meet with you and members of your staff to assist us in our efforts.

Respectfully,

Marc Binenfeld CCAM, PCAM  
General Manager  
For the Joint Lake Advisory Committee

Cc: Valentina Cabrera-Stagno  
Linda Parks, Div. 2 County Supervisor  
Shakira Ashimi, SWRCB



March 29, 2017

California Regional Water Quality Control Board  
Los Angeles Region  
ATTN: Jun Zhu  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**RE: Comment Letter – Revisions to the Los Angeles Region 303(d) List**

We thank you for this opportunity to comment on the proposed changes to the 303(d) list prior to the upcoming public hearing on May 4, 2017. Representatives from the Lake Sherwood Joint Lake Advisory Committee plan to attend this meeting to discuss these important issues.

We appreciate the proposed removal of the two pollutants, Ammonia and Organic Enrichment/Low Dissolved Oxygen. This is gratifying and recognizes the positive results produced by the time, effort and expense the Association has put forth over many years to mitigate these concerns. Respectfully, however, we are troubled to see that Algae and Eutrophic remain on the list.

To help understand why these are still considered pollutants in Lake Sherwood, we reviewed the Los Angeles Water Board's website of the Draft 2016 303(d) List, and specifically Appendix G – Fact Sheets of the Draft. Here we see that the listing of Algae and Eutrophic are noted as "placeholders" to support decisions made prior to the 2006 Clean Water Act, and further that no evidentiary data samples were collected which could be used to assess these pollutants relative to the 2006 standards. Clearly there are zero measured exceedances of these standards at this point yet they remain on the list. It seems to us somewhat arbitrary to continue to consider these as "pollutants" in Lake Sherwood especially where there is a consistently good dissolved oxygen level, a continuous effort to remove excess plant growth via a special harvester with a full time crew, monthly monitoring of water chemistry, and special attention to and approved treatment of any algae that occurs as needed throughout the year. If sufficient justification does exist to continue to include these on the 303(d) list, we would appreciate having the reasons and rationale detailed to us in writing so we may take any necessary actions to remove them in the future.

We are looking forward to the upcoming meeting. Thank you again for the opportunity to respond to the proposed changes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Annette Louder', written over a white background.

Annette Louder, CMCA, AMS, PCAM

General Manager

Sherwood Valley Homeowners Association, Inc.

cc: Jenny Newman, Chief, TMDL Unit 3, CRWQCB  
LB Nye, PhD, Senior Environmental Scientist, CRWQCB  
Lake Sherwood Joint Lake Advisory Committee, Sherwood Valley Homeowners Association, Inc.  
Board of Directors, Sherwood Valley Homeowners Association, Inc.

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