

**LAS VIRGENES - TRIUNFO  
JOINT POWERS AUTHORITY  
AGENDA**

**4232 Las Virgenes Road, Calabasas, CA 91302**

CLOSING TIME FOR AGENDA IS 8:30 A.M. ON THE TUESDAY PRECEDING THE MEETING. GOVERNMENT CODE SECTION 54954.2 PROHIBITS TAKING ACTION ON ITEMS NOT ON POSTED AGENDA UNLESS AN EMERGENCY, AS DEFINED IN GOVERNMENT CODE SECTION 54956.5 EXISTS OR UNLESS OTHER REQUIREMENTS OF GOVERNMENT CODE SECTION 54954.2(B) ARE MET.

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5:00 PM

January 3, 2017

PLEDGE OF ALLEGIANCE

**1 CALL TO ORDER AND ROLL CALL**

**2 APPROVAL OF AGENDA**

**3 PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

**4 CONSENT CALENDAR**

**A Minutes: Regular Meeting of December 5, 2016 (Pg. 3)**

**5 ACTION ITEMS**

**A Farm Sprayfield Operation and Maintenance: Renewal of Agreement (Pg. 11)**

Authorize the Administering Agent/General Manager to execute a one-year agreement with W. Litten Land Preparation for the operation and maintenance of the Rancho Las Virgenes Farm, in an amount not to exceed \$250,000.

**B Draft Policy Principles for Dry-Weather Urban Runoff Diversions (Pg. 27)**

Adopt the Draft Policy Principles for Dry-Weather Urban Runoff Diversions.

**6 BOARD COMMENTS**

**7 ADMINISTERING AGENT/GENERAL MANAGER REPORT**

**8 FUTURE AGENDA ITEMS**

**9 INFORMATION ITEMS**

- A **Centrate Equalization Tank Project: Change Order No. 1 (Pg. 31)**
- B **Basin Plan Amendment for 2013 Malibu Creek TMDL Implementation Plan (Pg. 37)**
- C **Nominees for Administrator of the Environmental Protection Agency and Secretary of the Interior (Pg. 73)**

## **10 PUBLIC COMMENTS**

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

## **11 CLOSED SESSION**

### **A Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):**

1. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson (TMDL cases)
2. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency (FOIA case)

## **12 ADJOURNMENT**

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.

**LAS VIRGENES – TRIUNFO  
JOINT POWERS AUTHORITY  
MINUTES  
REGULAR MEETING**

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5:00 PM

December 5, 2016

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Angela Saccereccia.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at **5:00 p.m.** by Chair Glen Peterson in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road in Calabasas, California. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Director(s): Caspary, Iceland, Lewitt, McReynolds, Orkney, Paule, Peterson, Polan, Renger, and Wall.

Absent: Director(s): None.

**2. APPROVAL OF AGENDA**

Chair Peterson noted that the agenda was previously amended to add item 5C.

Director Paule moved to approve the agenda as amended. Motion seconded by Director Caspary. Motion carried unanimously.

**3. PUBLIC COMMENTS**

Administering Agent/General Manager David Pedersen introduced newly hired Finance Manager Angela Saccereccia.

**4. CONSENT CALENDAR****A Minutes: Regular Meeting of November 7, 2016 – Approve**

Director Caspary moved to approve the Consent Calendar as presented. Motion seconded by Director Iceland. Motion carried unanimously.

**5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

**A Recognition of Director Michael McReynolds' Service to the JPA**

Chair Peterson presented a proclamation to Director Michael McReynolds.

Director Orkney acknowledged Director McReynolds for his contributions to Triunfo Sanitation District and to the JPA.

Director Paule expressed his appreciation with serving on the JPA, Triunfo Sanitation District, and the Oak Park Municipal Advisory Council with Director McReynolds.

Director McReynolds noted that the reason for his resignation was due to his moving to Virginia for his wife's new position.

Director Caspary stated that it was an honor to serve with Director McReynolds.

Chair Peterson wished Director McReynolds much luck on his new venture.

**B Annual Financial Statements and Independent Auditor's Report**

**Receive and file the Fiscal Year 2015-16 JPA Financial Statements and Independent Auditor's Report.**

Ken Pun, representing The Pun Group, presented a PowerPoint presentation of the Fiscal Year 2015-16 JPA Financial Statements and Independent Auditor's Report.

Director Lewitt moved to receive and file Item 5B. Motion seconded by Director Paule.

Mr. Pun responded to several questions posed by the Board regarding non-depreciable assets, statements of net positions, JPA cash and investments pooled with Las Virgenes Municipal Water District, and depreciation under operating expenses.

Motion carried unanimously.

**C Pure Water Project Las Virgenes-Triunfo: Financial Impacts and Funding Alternatives Update**

Brian Thomas, representing The PFM Group, provided a PowerPoint presentation of the Pure Water Project Las Virgenes-Triunfo Preliminary Financing and Revenue Impact Analysis. He responded to questions regarding Las Virgenes and Triunfo financing their share of the project separately, factors

that cause differences in per meter connection between the two agencies due to the split in costs, and leveraging State Revolving Fund (SRF) financing.

## **6. ACTION ITEMS**

### **A Tapia Water Reclamation Facility Secondary Influent Slide Gates Replacement: Final Acceptance**

**Approve the execution of a Notice of Completion and have the same recorded, and in the absence of claims from subcontractors and others, release the retention, in the amount of \$19,694.65, within 30 calendar days after filing the Notice of Completion for the Tapia Water Reclamation Facility Secondary Influent Slide Gates Replacement Project.**

Administering Agent/General Manager David Pedersen presented the report.

Director Polan moved to approve Item 6A. Motion seconded by Director Orkney. Motion carried unanimously.

### **B Pure Water Project Las Virgenes-Triunfo – Reschedule Special Board Workshop**

**Reschedule the special JPA Board meeting for a workshop to discuss institutional issues related to the Pure Water Project Las Virgenes-Triunfo.**

Administering Agent/General Manager David Pedersen presented the report and proposed that the workshop be rescheduled to February 23, 2017.

Chair Peterson directed that the workshop be rescheduled to February 23, 2017, at 5:00 p.m., in the Board Room.

### **C Pure Water Project Las Virgenes-Triunfo Project Preliminary Design: Proposal Award**

**Accept the proposal from CDM Smith, in the amount of \$142,487, and authorize the Administering Agent/General Manager to execute a professional services agreement for the preliminary design and environmental review of a demonstration project for the Pure Water Project Las Virgenes-Triunfo.**

Administering Agent/General Manager David Pedersen presented the report.

Director Orkney moved to approve Item 6C. Motion seconded by Director Iceland.

Administering Agent/General Manager David Pedersen responded to questions regarding the proposed location for the demonstration project at Building No. 1,

modeling the reservoir for the demonstration project, and seeking a real estate advisor to assist in locating a site for the advanced water treatment facility.

Director Caspary expressed concern with the proposal's project understanding indicating that the JPA had decided to proceed with an indirect potable reuse option. He noted that the JPA Board directed staff to investigate a preferred option and that a CEQA analysis had not yet been done. He also noted that CDM Smith had done work for Cambria to treat wastewater and brackish groundwater and he expressed support for a brackish groundwater component. Administering Agent/General Manager David Pedersen responded that staff would discuss the Cambria project with CDM Smith. He also noted that staff had held preliminary discussions with the City of Thousand Oaks regarding bringing groundwater to the plant. Director Caspary commented that the JPA has groundwater available in the existing wells that might have some potential value as a source.

Administering Agent/General Manager David Pedersen responded to a question regarding whether the reverse osmosis (RO) process would change should a different type of water such as groundwater be brought in by stating that the RO process would not change; however, the chemical makeup of the water would be important in operating a plant. He noted that microfiltration or ultrafiltration could be used for pretreatment of the RO process.

Director Polan spoke in support of beginning outreach efforts and developing informational materials as soon as possible to share with the public, cities, and various agencies.

Chair Peterson expressed support for the demonstration project; however, he expressed concern with the use of Building No. 1 due it possibly not being very inviting.

Motion carried unanimously.

## **7. BOARD COMMENTS**

Director McReynolds expressed his appreciation to the public for allowing him the opportunity to serve on the JPA Board.

Director Paule noted that several Boardmembers toured the Orange County Water District's Groundwater Replenishment System. He expressed his appreciation for the opportunity to tour this facility. Director Orkney stated that the tour of the groundwater replenishment system was presented very well.

## **8. ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that the sand

berm separating Malibu Lagoon from the ocean opened on November 29th, and discharge from Tapia to the creek was occurring, when needed. He noted that the Regional Water Quality Control Board would meet on December 8th at Simi Valley City Hall to consider several items on its agenda, including the Basin Plan Amendment that incorporates the Implementation Plan for the two TMDLs. He stated that the Basin Plan Amendment would establish the regulatory framework for the Pure Water Project Las Virgenes-Triunfo. He also stated that staff would attend the meeting and address the long-term plan for the project. Director Caspary inquired whether the consultant would attend and provide testimony. Administering Agent/General Manager David Pedersen responded that staff would contact Larry Walker and Associates to verify that they will attend.

**9. FUTURE AGENDA ITEMS**

Director Polan requested a future agenda item to discuss the issue of how to achieve the five-year schedule for summer season compliance that is being proposed by the Regional Water Quality Control Board.

**10. INFORMATION ITEMS**

**A Supply and Delivery of Aluminum Sulfate: Award of Bid**

**B Reservoir No. 2 Improvements: Shade Ball Effectiveness**

**11. PUBLIC COMMENTS**

None.

**12. CLOSED SESSION**

**A Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):**

1. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson (TMDL cases)
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The Board recessed to Closed Session at **6:15 p.m.** and reconvened to Open Session at **6:31 p.m.**

Authority Counsel Wayne Lemieux announced there was no reportable action taken during the Closed Session.

13. **ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:31 p.m.**



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Glen Peterson, Chair

ATTEST:

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Michael Paule, Vice Chair

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January 3, 2017 JPA Board Meeting

TO: JPA Board of Directors

FROM: Resource Conservation & Public Outreach

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**Subject : Farm Sprayfield Operation and Maintenance: Renewal of Agreement**

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**SUMMARY:**

For the past seven years, the JPA Board has authorized the Administering Agent/General Manager to execute one-year contracts with W. Litten Land Preparation (Litten), in annual amounts not to exceed \$250,000, for the operation and maintenance of the JPA's Rancho Las Virgenes Farm. Litten provides effluent disposal services at the Farm as required by the NPDES permit for the Tapia Water Reclamation Facility, including planting and harvesting of crops for nutrient removal as required by Part 503 of the EPA Biosolids Rule, management of the irrigation system for the sprayfields, maintenance of catch basins to prevent off-site runoff and general upkeep of the facility.

In 2016, Litten's contract expense was approximately \$200,350, or 20% below the budgeted amount of \$250,000. Litten has consistently provided the services within budget; however, the level of effort for the work varies from year-to-year based on the volume of effluent disposal, harvesting needed, demand for recycled water, weather conditions and needed maintenance at the Farm. For 2017, Litten proposes an escalation in its labor and equipment rates, resulting in a net 17% increase for the services, which would remain below the budgeted amount of \$250,000. Staff evaluated the proposed labor and equipment rates and believes they are competitive.

**RECOMMENDATION(S):**

Authorize the Administering Agent/General Manager to execute a one-year agreement with W. Litten Land Preparation for the operation and maintenance of the Rancho Las Virgenes Farm, in an amount not to exceed \$250,000.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

Litten has provided these contracted services using the same unit rates for the last seven years and is proposing a first-time cost increase for the services in 2017. The proposed increases in unit rates consist of an estimated 10% increase in labor and a 59% increase in equipment rates, when compared to the current rates. Approximately 85% of the charges for these services were for labor. It is anticipated that the contract work can continue to be completed within the budgeted amount of \$250,000.

**GOALS:**

Construct, Manage and Maintain All Facilities and Provide Services to Assure System Reliability and Environmental Compatibility

Prepared by: Dave Roberts, Resource Conservation Manager

**ATTACHMENTS:**

Draft Agreement

## AGREEMENT

As of January 3, 2017, **LAS VIRGENES MUNICIPAL WATER DISTRICT**, herein "DISTRICT," and **W. LITTEN, INC.**, herein "CONTRACTOR," agree as follows:

1. Scope of Work:

- (a) This agreement sets forth the terms for the contractor to furnish **Sprayfield Operation and Maintenance Services**. The services are described on Exhibit "A".
- (b) The services required under this agreement are variable and dependent on recycled water customer demand, weather, field conditions, crop conditions, competing demands for the land, and other factors. DISTRICT is not responsible for changes in work load resulting from these variations.
- (c) CONTRACTOR assumes full responsibility for having familiarized itself with the nature and extent of the work and CONTRACTOR has visited the areas and correlated observations with the requirements of the agreement.

2. Term:

This agreement is for one year, beginning January 3, 2017. This agreement may be extended by mutual agreement.

3. Consideration:

- (a) DISTRICT will make payments to CONTRACTOR as set forth on Exhibit "B".
- (b) DISTRICT shall pay CONTRACTOR upon receipt of a monthly invoice for types of work performed and hours worked. The payment will be for actual time worked as directed by DISTRICT to accomplish needed tasks. The Contractor shall present a demand for payment no later than the 25th day of the month following the month for which payment is sought. The District's check for payment shall be mailed.
- (c) DISTRICT may retain sums sufficient to cover unpaid claims. DISTRICT shall deduct from billings and shall not pay the following:
  - i. Charges attributable to work that have, in the opinion of the DISTRICT, not been performed or have been improperly performed by CONTRACTOR.
  - ii. Claims for extra work unless the work was approved in writing in advance by the DISTRICT.

4. Laws and Regulations:

CONTRACTOR shall give notices required by law and comply with laws pertaining to the conduct of the work. CONTRACTOR shall exercise necessary precautions for safety and environmental protection and be in compliance with statutory and regulatory. CONTRACTOR shall comply with District policies. CONTRACTOR shall be liable for all violations of the law in connection with the work.

5. Insurance:

CONTRACTOR shall not commence work without Worker's Compensation, Employer's Liability, and Liability Insurance. Insurers must be authorized to do business and have an agent for service of process in California. Excepting only the State Compensation Insurance Fund in reference to Workers' Compensation Insurance, insurers must have an "A" policyholder's rating and a financial rating of at least Class VI in accordance with the most current Best's rating.

CONTRACTOR shall furnish proof of Crime Insurance, including Employee Dishonesty/Fidelity Coverage, to protect the District against loss by theft or mysterious disappearance of property by any of the CONTRACTOR'S employees while DISTRICT property is in the care, custody or control of the CONTRACTOR. Coverage amounts shall be not less than \$25,000 per employee, or \$100,000 aggregate.

Limits:

General Liability: Bodily injury coverage shall be for not less than \$250,000 each occurrence and not less than \$500,000 aggregate.

Property damage coverage shall be for not less than \$100,000 each occurrence and \$500,000 aggregate.

Personal injury coverage shall be for not less than \$1,000,000 aggregate.

Bodily injury, personal injury, and property damage coverage shall be in a combined single limit of not less than \$1,000,000.

Automobile Liability: Bodily injury coverage shall be for not less than \$500,000 each person and not less than \$1,000,000 for each accident, per each occurrence.

Property damage coverage shall be for not less than \$500,000 each occurrence

or

Bodily injury and property damage coverage shall be in a

combined single limit of not less than \$1,000,000 for each occurrence.

Employer's Liability: Bodily injury coverage by accident shall be for not less than \$1,000,000 for each employee and \$1,000,000 for each accident.

Bodily injury coverage by disease shall be for not less than \$1,000,000 for each employee and \$1,000,000 for each disease.

Workers' Compensation: In accordance with the provisions of Section 3700 of the Labor Code, CONTRACTOR shall secure the payment of compensation to all employees. CONTRACTOR shall sign and file with the DISTRICT the following certificate prior to performing the work of this contract: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with such provisions before commencing the performance of the work of this contract".

As evidence of specific insurance coverage, CONTRACTOR shall provide industry-standard ACCORD forms naming the DISTRICT as additionally insured. Said coverage shall not be amended or cancelled without giving at least 30 days advance written notice to DISTRICT. A waiver of subrogation is to be included.

6. Contractor Representative:

CONTRACTOR shall maintain a local representative who can be reached during normal working hours who is authorized to discuss matters pertaining to the agreement.

CONTRACTOR shall also provide a twenty-four (24) hour per day, seven (7) days per week emergency service phone number. Within two (2) hours after a call is made requesting CONTRACTOR perform emergency services, outside of normal business hours, CONTRACTOR shall commence the required service. DISTRICT shall not be charged any additional amount for emergency services unless the services to be provided would be billed as additional work if done in the regular course of CONTRACTOR'S performance.

7. Contractor's Responsibility for Work:

CONTRACTOR shall rebuild, repair, restore, and make good all injuries, losses or damages to any portion of the work, facilities or the materials occasioned by any

cause before its completion and acceptance and shall bear the expense thereof. Where necessary to protect the work, facilities or materials from damage, CONTRACTOR shall at his expense provide suitable drainage and erect such temporary structures as are necessary to protect the work, facilities or materials from damage. The suspension of the work or the granting of an extension of time from any cause whatever shall not relieve CONTRACTOR of his responsibility for the work and materials as herein specified. In an emergency affecting the safety of life or property, including adjoining property, CONTRACTOR, without special instructions or authorizations, shall act at his discretion to prevent such threatened loss or injury.

8. Safety:

CONTRACTOR shall be solely and completely responsible for conditions of the jobsite, including safety of persons and property during performance of the work. The right of the DISTRICT'S representative to conduct review or observation of the CONTRACTOR'S performance will not include review or observation of the adequacy of the CONTRACTOR'S safety measures in, on, or near the site.

9. Contractor's Personnel:

- (a) DISTRICT may require CONTRACTOR to remove from the work site(s) any employee(s) deemed, careless, incompetent, or who is an annoyance to the public.
- (b) CONTRACTOR shall publish and distribute to all employees, workers and subcontractors (hereinafter worker) a statement notifying worker that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited. Any worker under the effect or residual effect of such controlled substance is considered a hazard and shall be removed from the job site immediately. This notice shall state that the worker has an obligation to abide by the terms of the agreement and to notify the CONTRACTOR in writing of any violation of a criminal drug statute occurring in the workplace or at the job site. CONTRACTOR shall notify DISTRICT of such incident and take appropriate action within thirty (30) days. CONTRACTOR is responsible to see that this requirement is included in all Subcontractor contracts.
- (c) CONTRACTOR shall provide to its employees environmental, health and safety training to ensure compliance with all federal, state and local laws or regulations.

10. Assignment of Contract:

CONTRACTOR shall not assign this contract, or any right or interests hereunder, without the prior consent in writing of the DISTRICT.



IN WITNESS WHEREOF, this Agreement is executed by DISTRICT and CONTRACTOR as follows.

**Las Virgenes Municipal Water District**

By: \_\_\_\_\_  
David W. Pedersen, Administering Agent/General Manager

Dated: \_\_\_\_\_, 20\_\_

**W. Litten Inc.**

By: \_\_\_\_\_  
W. Dean Litten

Dated: \_\_\_\_\_, 20\_\_

**Approved as to Form:**

\_\_\_\_\_  
Wayne K. Lemieux, District Counsel

## **EXHIBIT “A” SCOPE OF WORK**

### **1. WORK OBJECTIVES**

Disposal of surplus recycled water at the Rancho Las Virgenes Farm (Farm) is necessary during periods of low demand, from April 15 to November 15 every year, in order to meet the National Pollutant Discharge Elimination System (NPDES) permit for operation of the Tapia Water Reclamation Facility (Tapia). Partially treated wastewater or biosolids may also be disposed of at the Farm should operational emergencies or upsets occur in the wastewater treatment system. The disposal of recycled water requires the planting and harvesting of crops for nutrient removal as required by Part 503 of federal biosolids regulations, maintenance of catch basins to prevent offsite runoff and general maintenance of the Farm. The work includes furnishing labor and equipment necessary to meet these permit requirements.

### **2. FACILITIES DESCRIPTION**

#### **A. General**

Rancho Las Virgenes Farm  
3700 Las Virgenes Road  
Calabasas, CA 91302

The Rancho Las Virgenes Farm comprises approximately 70 acres of generally flat fields, falling off slightly to the west for positive drainage during periods of heavy rainfall. This acreage is divided into 15 separately irrigated fields, 12 of which take water through booster pumps. The farm fields are utilized primarily for seasonal waste spray of surplus recycled water. Occasionally, one or more fields is taken out of production, prepped for injection of biosolids, and then replanted after the injection process is complete. A mixture of grasses and legumes—including but not limited to fescue, rye, orchard grass, clover and alfalfa—is grown as a means of nutrient and moisture uptake and erosion control. The fields are managed with a variety of methods, including but not limited to green chopping, mowing, baling and discing.

Additionally, approximately 2 acres of hillside has been developed into a field used solely for spray application of recycled water. This area is covered with native vegetation.

Soils vary from clay loam to sandy loam.

Irrigation water is non-potable water and should not be used for drinking, washing or other uses.

## B. Additional Locations

The Contractor may be requested to perform similar or associated duties on other lands. The cost to complete these requested tasks shall be based upon the unit prices contained in the bid form.

## C. HOURS OF WORK AND FACILITY ACCESS

As directed, the Contractor shall perform the required work primarily during the hours of 7:30 am to 5:00 p.m. Monday through Friday. Work outside of these hours may be directed by District staff, including work in the evening and over weekends and holidays. Labor and equipment requirements vary with the season. The Contractor shall be provided all necessary keys, access cards and codes required to complete the work.

## 3. DISTRICT/CONTRACTOR REPRESENTATIVES

The Contractor will work with one or more designated District representatives regarding the terms and conditions of the contract. The Contractor shall designate a single representative that has the authority to act for the Contractor. Directives can be either verbal or written, although all directives requiring extra work shall be in written form only. If the Contractor acts upon direction from anyone other than the representatives named by the District, they will not be entitled to additional compensation for any work that results.

## 4. EQUIPMENT AND LABOR

The Contractor shall at all times furnish and maintain sufficient labor and equipment to perform the work of this contract.

“To perform the work of this contract” means that the facilities, fields and equipment will be continually maintained in the most desirable of conditions, and that water application will be maximized – when directed – with zero off-site runoff.

The Contractors equipment shall be subject to the inspection and approval of the District. There are limited areas available to the Contractor for the storage and/or maintenance of equipment and materials.

## 5. STANDARDS OF PERFORMANCE

Irrigation is accomplished via above ground, solid-set irrigation systems constructed of District-owned steel and aluminum irrigation pipe typically arranged in a 40' by 30' sprinkler head spacing.

Under no circumstances can the ground be disturbed or can irrigation water be allowed to fall within the drip-line of any oak tree.

All other portions of these specifications notwithstanding, it is agreed that the intent of

this contract is to provide a level of management that will also present a pleasing and desirable appearance at all times.

The District representative:

1. Shall decide any and all questions that may arise as to claims and compensation;
2. Shall have authority to enforce and make effective such decisions and orders as the Contractor fails to promptly carry out;
3. Shall have the authority to implement alternative action either by District forces or request separate contract to accomplish the work and prevent loss or damage based upon the urgency of the conditions;
4. Shall decide any and all questions which may arise as to:
  - a. The quality or acceptability of the materials furnished and the work performed.
  - b. The manner of performance.
  - c. The rate of performance.
  - d. The interpretation of the work specifications.
  - e. The acceptable fulfillment of the contract on the part of the Contractor.
5. Shall direct the work and the administration of the work.

## 6. MATERIALS

All materials and equipment used shall conform to District specifications.

Contractor supplied:

- Caterpillar D6 dozer or equivalent
- Farm utility tractors
- Pick-up trucks
- Flail Mower
- Ring Roller
- Chainsaws
- Spray equipment
- Weedeaters

District supplied:

- John Deere 6320-L tractor
- Backhoe
- Crop chopper
- Harvest wagon
- Rotary mower
- Disc
- Tool bar with chisel plow attachments
- PTO powered broadcast Seeder
- Portable pumps – all sizes

## 7. TASK DESCRIPTIONS

This provides an overview of possible tasks, however, these tasks may or may not need to be accomplished, depending upon the conditions present at that time. Conditions dictating the need to perform a certain task include District recycled water customer irrigation demand, weather, sprayfield conditions, crop conditions, and competing demands for use of the land.

### July through August

Dismantle irrigation pipe.

Manage vegetation, as directed, by any or all of the following methods

- Harvest and transport off fields

- Cut and leave on field

- Cut and disc into field

Improve drainage of fields as needed

- Rip soil to 24+ inches

- Develop and maintain farm ditches, mechanically and by hand

Prepare fields for planting as needed

- May include disking, rock removal, ring rolling

Seeding as needed

Set up irrigation pipe

Weed control on and off fields as directed

### September through November

Operate sprayfields

- Turn water on and off, record meter readings, repair breaks, maintain equipment

Monitor field conditions to prevent runoff

Continue with vegetation and weed management

### December through March

Dismantle irrigation pipe.

Pump catch basin water to fields

Remove plugs from catch basin drain outlets

Manage vegetation, as directed, by any or all of the following methods

- Harvest and transport off fields

- Cut and leave on field

- Cut and disc into field

Improve drainage of fields as needed

- Rip soil to 24+ inches

- Develop and maintain farm ditches, mechanically and by hand

Prepare fields for planting as needed

- May include disking, rock removal, ring rolling

Seeding as needed

Set up irrigation pipe

Weed control on and off fields as directed

April through June

Plug catch basin outlets to storm drain system

Operate sprayfields

Turn water on and off, record meter readings, repair breaks, maintain equipment

Monitor field conditions to prevent runoff

Continue with vegetation and weed management

Year round activities

Maintain and repair farm equipment

Maintain roads and fences as needed

Maintain irrigation equipment

Valve repair, sprinkler head repair, portable pump maintenance, etc.

Develop new sprayfields if land becomes available

clearing, ripping, discing, seeding and irrigation system setup

8. FIELD CARE

The Contractor shall receive all fields, drainages, catch basins, roads and adjacent areas in good condition at the beginning of the contract. If the condition of any area found to be otherwise at the start of work, the District shall be notified in writing immediately. Necessary repairs shall not occur prior to District authorization.

At the close of the contract period, all fields, drainages, catch basins, roads and adjacent areas shall be checked by the District and shall be returned to the District in a satisfactory condition. Any area found to be in an unsatisfactory condition as a result of negligence on the part of the Contractor, as determined by the District, shall be repaired by the Contractor at no cost to the District.

9. FIELD MONITORING

Each day the Contractor is on site, the Contractor shall inspect the sprayfields for soil and crop condition and report any problems to the District.

10. FIELD MANAGEMENT

Fields will be managed to optimize the ability to accept irrigation water without runoff. Crops will be managed to eliminate weed populations and prevent weed invasion. Non-cultivated fields will be managed to eliminate weeds via well-timed fieldwork, as conditions permit, and to promote the growth and success of desired vegetation.

The Contractor shall notify the District immediately upon discovery of damage to any fields. Costs to repair fields or replace crops damaged as a result of anything other than Contractor neglect will be borne by the District. Costs to repair fields or replace

crops damaged as a result of Contractor's neglect shall be borne by the Contractor. The Contractor shall repair said damage immediately after authorization to repair has been received from the District.

## 11. MANAGEMENT OF ADJACENT BASINS, BERMS AND ROADS

### A. BASINS

Basins will not be allowed to fill with sediments, but will always maintain an acceptable capacity below the standpipe gate to capture any excess irrigation water that might leave the field in an emergency situation.

### B. BERMS

Berms will be kept clear of weeds, and managed to promote the growth of desired vegetation for erosion control.

### C. ROADS

Roads will be kept clear of weeds and soil. Potholes and washouts will be repaired immediately.

## 12. EQUIPMENT AND IRRIGATION SYSTEMS CARE

The Contractor shall receive all equipment and irrigation systems in sound working order at the beginning of the contract. If the working order of any equipment or irrigation system component is found to be otherwise at the start of work, the District shall be notified in writing immediately. Necessary repairs shall not occur prior to District authorization.

Irrigation repairs and maintenance shall meet the requirements of DISTRICT and American Water Works Association standards and specifications pertaining to recycled water use. The District shall provide a copy of these standards for the Contractor to follow.

At the close of the contract period, all equipment and irrigation system components shall be checked by the District and shall be returned to the District in a satisfactory condition. Any equipment or system component found to be faulty as a result of negligence on the part of the Contractor, as determined by the District, shall be repaired or replaced by the Contractor at no cost to the District.

## 13. SYSTEMS MONITORING

The Contractor shall inspect the irrigation systems continually for broken and clogged heads, malfunctioning or leaking valves, or any other conditions that hamper the correct operation of the system or reduce irrigation or result in runoff. The Contractor shall clean and adjust irrigation heads as needed for proper coverage. Authorization must be obtained from the District before proceeding with repair work.

14. EQUIPMENT AND IRRIGATION SYSTEM MAINTENANCE, REPAIR AND OPERATION

The Contractor shall notify the District immediately upon discovery of damage to equipment and/or irrigation system components. Costs to repair or replace equipment and/or irrigation system components deteriorating due to normal wear and tear or that have been damaged by vandalism will be borne by the District. Costs to replace equipment and/or irrigation system components which have deteriorated or been damaged as a result of Contractor's neglect shall be borne by the Contractor. The Contractor shall repair said damage as soon as possible after authorization to repair has been received from the District.

Any damages resulting from a failure of the Contractor to promptly report or repair equipment or irrigation system problems will require Contractor to make repairs at his own expense. All replacement of equipment parts and irrigation system components shall be original equipment types where known. All substitutions for replacement equipment and components shall be approved by the District prior to performing the work.

Irrigation shall be performed by the use of manually operated irrigation systems. The Contractor will ensure uniform coverage of the irrigated areas by the irrigation system.

All damages to public or private property, as well as any fines levied against the District as a result of excessive irrigation water or irrigation water run off shall be charged against the contract payment unless the Contractor makes immediate reparation to the satisfaction of the District.



**EXHIBIT "B"**  
**SPRAYFIELD PROGRAM SERVICES**  
**UNIT COSTS**

	Unit Cost <sup>1</sup> per Hour
D-6 9U with operator	70.00
50 HP wheel tractor with operator	52.00
Pickup trucks	12.00
Disc	10.00
Ring Roller	5.00
Box Scraper	6.00
Flail Mower	25.00
Chainsaw	5.75
Weedeater	5.75
Labor – Unskilled	23.10
Labor – Skilled	27.62
Foreman	31.15
Operator only for district-supplied equipment	43.70
Supervisor	43.40
Labor – Unskilled: Overtime	9.50
Labor – Skilled: Overtime	14.00
Foreman: Overtime	15.00
Operator only for district-supplied equipment: Overtime	21.50
Supervisor: Overtime	22.00

<sup>1</sup>Units include all overhead costs.

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January 3, 2017 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

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**Subject : Draft Policy Principles for Dry-Weather Urban Runoff Diversions**

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**SUMMARY:**

The JPA and its member agencies have been contacted by several organizations seeking to divert dry-weather urban runoff to the sanitary sewer system. The diversions would be intended to eliminate dry-weather discharges from the Municipal Separate Storm Sewer System (MS4) to receiving waters for compliance with new MS4 National Pollutant Discharge Elimination System (NPDES) permit requirements, while providing an additional source of water for recycling and future potable reuse. Staff proposes the attached Draft Policy Principles for Dry-Weather Urban Runoff Diversions.

**RECOMMENDATION(S):**

Adopt the Draft Policy Principles for Dry-Weather Urban Runoff Diversions.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**DISCUSSION:**

The JPA and its member agencies have been contacted by several organizations seeking to divert dry-weather urban runoff to the sanitary sewer system. Preliminary discussions of the concept have been conducted with the City of Agoura Hills, City of Westlake Village, Los Angeles County Flood Control District, Ventura County Watershed Protection District and the City of Thousand Oaks. The diversions would be intended to eliminate dry-weather discharges from the Municipal Separate Storm Sewer System (MS4) to receiving waters for compliance with new MS4 National Pollutant Discharge Elimination System (NPDES) permit requirements.

Traditionally, sanitary sewer system operators, including Las Virgenes Municipal Water District, have prohibited the introduction of storm water, urban runoff or other drainage waters into the

sewer system. The rationale was that the sewer system is intended for wastewater, and introduction of other water sources could overwhelm the system, leading to sanitary sewer overflows. However, the on-going statewide drought and urban water conservation have substantially reduced wastewater flows to treatment plants throughout Southern California, including the Tapia Water Reclamation Facility. The diversion of dry-weather urban runoff could provide an additional source of water for recycling and future potable reuse, while minimizing the overall cost to ratepayers for MS4 compliance.

Generally, urban runoff contains bacteria and other contaminants that can impair receiving waters. The sanitary sewer system and wastewater treatment process are well-suited to address bacteria and certain other contaminants commonly found in urban runoff. However, urban runoff may also contain pollutants that disrupt the treatment process and/or are not removed through traditional wastewater treatment. As a result, a thorough characterization of the source water quality is necessary before accepting the diversion of dry-weather urban runoff to the sanitary sewer system. Additionally, urban runoff cannot be accepted into the sewer system during and following rain events.

To help facilitate discussions with agencies requesting dry-weather diversions, staff believes adopting policy principles will provide direction to both the JPA and the requesting agencies. The attached draft policy principles are proposed for adoption by the JPA Board. Following adoption, staff proposes to hold a workshop with the MS4 permittees in the watershed to share the policy principles. At the meeting, staff will ask the participants to provide more information on the number and size of potential dry-weather diversions and an explanation of how the facilities would serve as an alternative MS4 compliance mechanism.

Prepared by: David R. Lippman, P.E., Director of Facilities and Operations

**ATTACHMENTS:**

Draft Policy Principles for Dry-Weather Urban Runoff Diversions

**Las Virgenes – Triunfo Joint Powers Authority**  
**Draft Policy Principles for Dry-Weather Urban Runoff Diversions**

1. JPA Board approval and a Discharge Permit are required for any diversion of dry-weather urban runoff to the sanitary sewer.
2. Sufficient data must be provided to characterize the expected flowrate and quality of urban runoff to be diverted to the sanitary sewer.
3. The total volume of urban runoff diverted to the sanitary sewer, plus all projected future wastewater flows at buildout, shall not exceed the capacity of the Tapia Water Reclamation Facility.
4. Urban runoff shall only be diverted during dry-weather; sufficient controls shall be in place to prevent diversions during and following rain events.
5. Urban runoff shall not interfere with the operation of the collection system, treatment plant and recycled water system.
6. Urban runoff diversions shall not interfere with or limit the ability of the JPA to implement the Pure Water Project Las Virgenes-Triunfo, including future brine disposal to Calleguas Municipal Water District's Salinity Management Pipeline.
7. Urban runoff must be pumped to the sanitary sewer and diversion facilities must be designed to prevent the potential of backflow of wastewater into the MS4.
8. Diversion facilities shall be designed to prevent trash, debris and sediment from entering the sanitary sewer.
9. The discharger shall pay the appropriate fees and charges to connect to the sanitary sewer system and to treat the urban runoff.
10. The discharger shall own, operate and maintain all diversion facilities; however, the JPA or its member agencies shall have unimpeded access to stop the diversion of urban runoff in the event of an operational emergency.
11. The discharger shall be responsible for the quality of urban runoff diverted to the sewer system and shall verify compliance with discharge standards through routine water quality monitoring and reporting.
12. The discharger shall maintain a source control program to prevent illicit connections or discharges to the tributary portion of the MS4.

13. The volume and flowrate of diverted urban runoff shall be measured and recorded continuously.
14. The discharger shall indemnify and hold the JPA and its member agencies harmless for any liability associated with diversion of dry-weather urban runoff.
15. The JPA shall have the right to discontinue any dry-weather diversion at its discretion or for any permit violation.

**#####**

January 3, 2017 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

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**Subject : Centrate Equalization Tank Project: Change Order No. 1**

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**SUMMARY:**

On September 6, 2016, the JPA Board awarded a construction contract to Zusser Company, Inc., in the amount of \$1,455,604, for the Centrate Equalization Tank Project. Change Order No. 1, in the amount of \$38,388, was administratively approved by the Administering Agent/General Manager on December 5, 2016. The change order addressed a reconciliation of the quantities for earthwork performed by the Contractor as provided for in the contract documents.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

Sufficient funds are available in the adopted Fiscal Year 2016-17 JPA Budget for the project. No additional appropriation is required.

**DISCUSSION:**

Change Order No. 1 was required in order to reconcile the earthwork quantities, which exceeded the quantities estimated in the bid schedule for the contract. The additional earthwork included 2,742 cubic yards of cut and export that was not included in the estimated quantities at the time of bid.

The quantities included in the bid schedule were provided solely for the purpose of facilitating the comparison of bids. Pursuant to the contract documents, the Contractor's compensation is based on the actual quantities for completion of the work, whether more or less than originally estimated.

A discrepancy in the Engineer's calculations to determine the estimated earthwork quantities was discovered after the contract was awarded. Since the Contractor's bid provided a unit price for earthwork, the additional cut and export quantities could be adjusted accordingly and would have been paid regardless of whether they were included at the time of bid or not.

The change order also included a nine working-day extension of time to the contract.

**GOALS:**

Ensure Effective Utilization of the Public's Assets and Money

Prepared by: Eric Schlageter, P.E., Senior Engineer

**ATTACHMENTS:**

Change Order No. 1





**CONTRACT CHANGE ORDER**  
No. 1

4232 Las Virgenes Road  
Calabasas, California 91302-1994

Project Centrate Storage Tank Project

Project No. Acct. No. 10564.1880.605

Contractor Zusser Company, Inc.

Date 11/29/2016

CONTRACTOR CHANGE ORDER NO. 1 The Contractor is hereby authorized and directed to make the herein described changes from the Plans and Specifications or do the following work not included in the Plans and Specifications for the construction of this project.

This change requested by: Zusser Company, Inc.

DESCRIPTION OF CHANGE:

	Description	Amount
1	<u>Contractor Change Order Request</u>  The change order request is due to a reconciled quantity of earthwork performed by the contractor. The increase accounts for the volume of earthwork (both cut and export) that was required but not originally included in the bid schedule due to a discrepancy between the design surfaces used for determination of earthwork quantities.  <u>Item One:</u>  Increase quantity of bid item #5 (cut) by 2,742 CY @ \$6/CY	\$16,452
	<u>Item Two:</u>  Increase quantity of bid item #5 (export) by 2,742 CY @ 8/CY	\$21,936
	<b>TOTAL</b>	<b>\$38,388</b>

**INCREASES**

TOTAL AT AGREED PRICES OR FORCE ACCOUNT **\$38,388**

**DECREASES**

Contract Change Order No. 1 Project No. 10568 Acct. No. 10564.1880.605

Date 11/29/2016

(2) Estimate of increases and/or decreases in contract items at contract unit prices:

**INCREASES**

Item	Description	Quantity	Unit Price	Total
Bid Item 5	Cut	2,742 CY	\$6 / CY	\$16,452
Bid Item 5	Export	2,742 CY	\$8 / CY	\$21,936
<b>TOTAL INCREASES</b>				<b><u>\$38,388</u></b>

**DECREASES**

Item	Description	Quantity	Unit Price	Total
<b>TOTAL DECREASES</b>				<b><u>\$</u></b>

**TOTAL NET INCREASES IN CONTRACT ITEMS AT CONTRACT UNIT PRICES \$38,388**

**TOTAL COST OF THIS CHANGE ORDER \$38,388**

**INCREASE**

**DECREASE**

It is agreed 9 working days extension of time will be allowed by reason of this change.

Recommended by

  
Eric Schlageter, P.E.  
Senior Engineer

**Anton  
Fyodorov  
OV**

Digitally signed by: Anton Fyodorov  
DN: CN = Anton Fyodorov C = US OU = Zusser Company, Inc.  
Date: 2016.11.29 12:49:50 -08'00'

Departmental Approval

  
David R. Lippman  
Director of Facilities and Operations

ACCEPTED:

By: Anton Fyodorov, Zusser Company Inc.

Date: 11/29/16

APPROVED:

Las Virgenes Municipal Water District

By:   
David W. Pedersen, General Manager

Date: 12/05/16

Note: Attention is called to the sections of the Special Provisions and Standard Provisions on EXTRA, ADDITIONAL OR OMITTED WORK.

- THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY OWNER
- IF ACCEPTABLE TO THE CONTRACTOR, THIS CHANGE ORDER IS EFFECTIVE IMMEDIATELY



November 29, 2016

VIA EMAIL: ESchlageter@lvmwd.com

Mr. Eric Schlageter, P.E.  
Senior Engineer  
4232 Las Virgenes Road  
Calabasas, CA 91302

Phone (818) 251-2100 Fax (818)251-2909

**Project:** Rancho Las Virgenes Centrate Storage Tank Project

**Subject:** Request for Change Order #01

Dear Mr. Schlageter.

Bid item 5 Earthworks for Grading, Cut, Fill and Export had a quantity increase of 2,742 cy for Cut and Export. This quantity increase is that earthwork quantities for excavation of the tank itself were not included in overall Cut (4,669 cy) and Export (4,340 cy) quantities.

A disclaimer on page 8 of bid documents says:

*"It is understood the foregoing quantities are approximate only and are solely for the purpose of facilitating the comparison of bids. The Contractor's compensation will be computed upon the basis of the actual quantities in the complete work, whether they are more or less than those shown. "*

Zusser discovered that 2,742 cy was not included in the Cut and Export quantities earliest in the project and notified the District in advance. Zusser was directed by the District to proceed with the excavation.

Zusser performed topographical survey for additional excavation and confirmed that 2,742 cy was in fact not included in the Cut and Export (see enclosed AutoCAD file).

Zusser request additional payment for the actual quantities in the complete work at bid unit prices:

Increase Item 5 (Cut) - 2,742 cy @ \$6.00/cy=\$16,452.00

Increase Item 5 (Export) - 2,742 cy @ \$8.00/cy=\$21,936.00

Additionally, Zusser request nine (9) days none-compensatory, project time extension associated with the 59% quantity increase.

Anton  
Fyodorov  
OV

Digitally signed by: Anton  
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DN: CN = Anton Fyodorov C = US  
OU = Zusser Company, Inc.  
Date: 2016.11.29 11:13:15 -08'00'  
Zusser Company, Inc.

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**INFORMATION ONLY**

January 3, 2017 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : Basin Plan Amendment for 2013 Malibu Creek TMDL Implementation Plan**

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**SUMMARY:**

On December 8, 2016, the Los Angeles Regional Water Quality Control Board unanimously approved a tentative Basin Plan Amendment to establish an Implementation Plan for the *Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to Address Benthic Community Impairments*. Attached for reference is a copy of Resolution No. R16-009, which includes a copy of the Basin Plan Amendment as Attachment A.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**DISCUSSION:**

JPA staff attended the Los Angeles Regional Water Quality Control Board meeting on December 8, 2016, and spoke in support of the proposed Implementation Plan. The Plan outlines a combination of short- and long-term actions for the JPA to comply with the 2013 TMDL for Malibu Creek.

The short-term action consists of diluting the concentration of nutrients in summertime flow augmentation to Malibu Creek to meet the stringent summertime standards five years after the effective date of the Implementation Plan. The long-term action consists of complying with the wintertime nutrient standards 13-1/2 years after the effective date of the Implementation Plan.

The approved timeframe corresponds to the schedule proposed for the Pure Water Project Las Virgenes-Triunfo. Also, the Implementation Plan recognizes the potential need for discharges to Malibu Creek during and immediately following rain events and provides a mass-based load allocation for such discharges in lieu of a concentration-based limit.

On December 20, 2016, the State Water Resources Control Board (SWRCB) issued the attached Notice of Opportunity to Comment on the proposed Basin Plan Amendment. Comments are due by 12 noon on January 26, 2017. Staff will prepare and submit a comment letter requesting that the SWRCB approve the Basin Plan Amendment as proposed.

Prepared by: David W. Pedersen, Administering Agent/General Manager

**ATTACHMENTS:**

Resolution No. R16-009, Tentative Basin Plan Amendment  
SWRCB Notice of Opportunity to Comment

**State of California  
California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. R16-009  
December 8, 2016**

**Amendment to the Water Quality Control Plan for the Los Angeles Region  
to Incorporate an Implementation Plan for the Total Maximum Daily Loads for Nutrients in  
the Malibu Creek Watershed and Sedimentation and Nutrients to Address Benthic  
Community Impairments in Malibu Creek and Lagoon**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:**

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) to establish water quality standards for each waterbody within its region. Water quality standards include beneficial uses, water quality objectives that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to prevent degrading waters. Waterbodies that do not meet water quality standards are considered impaired.
2. CWA section 303(d)(1) requires each state to identify the waters within its boundaries that do not meet water quality standards. Those waters are placed on the state's "303(d) List" or "Impaired Waters List". For each listed water, the state is required to establish the Total Maximum Daily Load (TMDL) of each pollutant impairing the water quality standards in that waterbody. Both the identification of impaired waters and TMDLs established for those waters must be submitted to the United States Environmental Protection Agency (U.S. EPA) for approval pursuant to CWA section 303(d)(2). Alternatively, U.S. EPA may establish the TMDLs determined necessary to implement the water quality standards applicable to the impaired waters. Upon such establishment by U.S. EPA, the state shall incorporate the TMDLs into its plans for the water body.
3. A consent decree between U.S. EPA, Heal the Bay, and Santa Monica BayKeeper was approved on March 22, 1999, which resolved litigation between those parties relating to the pace of TMDL development in the Los Angeles Region. The consent decree directs the U.S. EPA to ensure that TMDLs for all 1998-listed impaired waters in the Los Angeles Region be established within 13 years of the consent decree. The consent decree combined waterbody pollutant combinations in the Los Angeles Region into 92 TMDL analytical units. Analytical unit 50 was designed to address nutrient related listings within streams and lakes within Malibu Creek Watershed. Under the consent decree, TMDLs were required to be established for nutrient related pollutants in this analytical unit by March 2003.
4. A Stipulation to Modify the Amended Consent Decree was approved on September 2, 2010. The Stipulation added listings for Malibu Creek (benthic-macroinvertebrate bioassessments), Malibu Creek (sedimentation/siltation), and Malibu Lagoon (benthic community effects) to the list of impairments for which TMDLs were required to be completed.



5. On March 21, 2003, U.S. EPA established TMDLs for Nutrients in Malibu Creek Watershed.
6. On July 2, 2013, U.S. EPA established TMDLs for Nutrients and Sedimentation to address benthic community impairments in Malibu Creek and Lagoon.
7. The U.S. EPA-established TMDLs include the problem statement, numeric targets, source analysis, loading capacity, load allocations, waste load allocations, and margin of safety as required by 40 CFR 130.2 and 130.7 and section 303(d)(1)(C) and (D) of the CWA. An implementation plan is not a required element of a TMDL established by U.S. EPA; therefore, these TMDLs do not include implementation plans or schedules for implementation. This amendment incorporates implementation plans for the TMDL for nutrients in Malibu Creek Watershed and the TMDL for nutrients and sedimentation in Malibu Creek and Malibu Creek tributaries.
8. Upon establishment of TMDLs by the State or U.S. EPA, the State is required to incorporate the TMDLs into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Water Quality Control Plan for the Los Angeles Region (Basin Plan) and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Los Angeles Water Board. Attachment A to this resolution contains the language to be incorporated into the Basin Plan for these TMDLs.
9. The Malibu Creek Watershed (MCW) is located in western Los Angeles County and southeastern Ventura County. At 109 square miles, it extends from the Santa Monica Mountains and Simi Hills to the Santa Monica Bay at Malibu State Beach (also known as Surfrider Beach). The MCW contains the cities of Agoura Hills, Westlake Village, Calabasas, Thousand Oaks, Hidden Hills, Malibu, and Simi Valley; and the counties of Los Angeles and Ventura. The MCW is comprised of numerous tributaries and lakes. The tributaries include streams draining to Lake Sherwood, which then discharges to Potrero Creek. Potrero Creek then reaches Westlake Lake and flows down to Triunfo Creek to its confluence with Medea Creek to form Malibou Lake. Lindero Lake is located along Lindero Creek, which, along with Palo Comado Creek, is a tributary of Medea Creek. Malibou Lake drains into Malibu Creek. Farther downstream Las Virgenes Creek enters Malibu Creek at Malibu Creek State Park. Stokes Creek and Cold Creek are also major tributaries of Malibu Creek. Eventually, Malibu Creek empties into Malibu Lagoon and then the Pacific Ocean.
10. Los Angeles Water Board staff has prepared a detailed technical document that analyzes and describes the specific necessity and rationale for the incorporation of the Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments. The technical document entitled "Implementation Plan for the Malibu Creek Watershed Nutrients TMDL (2003) and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments (2013) Staff Report" is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting.
11. On December 8, 2016, prior to the Los Angeles Water Board's action on this resolution, a public hearing was conducted on this Implementation Plan. Notice of the hearing was published in accordance with the requirements of Water Code section 13244. This



notice was published in the Los Angeles Times and the Ventura County Star on August 29, 2016.

12. The public has had a reasonable opportunity to participate in the review of this Implementation Plan. A draft of the Implementation Plan was released for public comment on August 29, 2016 and a Notice of Hearing was published and circulated 45 days preceding Los Angeles Water Board action. A draft of the Implementation Plan was made available on the Los Angeles Water Board's website. Los Angeles Water Board staff responded to oral and written comments received from the public and the Los Angeles Water Board held a public hearing on December 8, 2016 to consider adoption of the Implementation Plan.
13. In amending the Basin Plan to incorporate the Implementation Plan for these TMDLs, the Los Angeles Water Board considered the requirements set forth in Water Code sections 13240 and 13242. The Implementation Plans identifies implementation measures that could be used to attain the TMDLs, the regulatory mechanisms that will be used to implement the TMDLs, how compliance with the TMDLs will be determined, and schedules for implementing the TMDLs. As envisioned by California Water Code section 13242, the Implementation Plan also includes a description of monitoring to be undertaken to determine compliance with the TMDLs. The monitoring element of this Implementation Plan recognizes that monitoring will be necessary to assess the progress in reducing pollutant loads, improvements in receiving water quality, and compliance with the TMDLs' waste load allocations and load allocations.
14. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
15. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Los Angeles Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3782.) The Los Angeles Water Board staff has prepared "substitute environmental documents" for this project that contain the required environmental documentation under the State Water Resources Control Board's (State Water Board) CEQA regulations. (Cal. Code Regs., tit. 23, §§ 3775-3781.) The project itself is the establishment of an Implementation Plan for TMDLs that have already been established by U.S. EPA. The Regional Board has discretion in determining the program of implementation and setting various milestones in achieving the previously established TMDLs. The CEQA checklist and other portions of the substitute environmental documents contain significant analysis and numerous findings related to impacts and mitigation measures.
16. A CEQA Scoping meeting was conducted on March 17, 2016 at the Los Angeles Regional Water Quality Control Board office located at 320 W. 4th Street, Suite 200, Los Angeles, California, to receive input from stakeholders regarding reasonably foreseeable methods of compliance, reasonably foreseeable environmental impacts of the methods of compliance, reasonably foreseeable mitigation measures, reasonably foreseeable alternative means of compliance, and alternatives to the project. This

meeting fulfilled the requirements under CEQA. (Pub. Resources Code § 21083.9; Cal. Code Regs., tit. 23, § 3775.5). A notice of the CEQA Scoping hearing was sent to interested parties on March 1, 2016.

17. In preparing the substitute environmental documents, the Los Angeles Water Board has considered the requirements of Public Resources Code section 21159 and section 15187 of Title 14 of the California Code of Regulations, and intends those documents to serve as a tier 1 environmental review. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. The "Lead" agencies for tier 2 projects will assure compliance with project-level CEQA analysis of this programmatic project. Project level impacts will need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2.
18. The reasonably foreseeable methods of compliance for this TMDL include Tapia WRF's seasonal storage and water repurpose at the Las Virgenes Reservoir during the winter and possible use of dilution water or a side stream treatment facility in the summer; agriculture's irrigation and nutrient management practices, filter strips, and mulching; horse and livestock facilities' use of grazing and manure management practices; stormwater permittees' use of structural BMPs and treatment systems such biofiltration, bioretention, infiltration, and constructed wetlands, as well as street sweeping, stormdrain and catch basin cleaning, and public outreach; onsite wastewater treatment system (OWTS) inspections and upgrades; lake aeration systems, floating islands, and hydrologic dredging; and watershed-wide restoration such as riparian buffers and stream bank stabilization.
19. Consistent with the Los Angeles Water Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture. The substitute environmental documents only consider the reasonably foreseeable environmental impacts, including those relating to the reasonably foreseeable methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.
20. The proposed Basin Plan amendment could have a potentially significant adverse effect on the environment. However, there are feasible alternatives, feasible mitigation measures, or both, that if employed, would substantially lessen the potentially significant adverse impacts identified in the substitute environmental documents. Such alternatives or mitigation measures are within the responsibility and jurisdiction of other public agencies, and not the Los Angeles Water Board. Water Code section 13360 generally precludes the Los Angeles Water Board from specifying the design, location, type of construction, or particular manner in which responsible parties comply with Los Angeles Water Board orders. When the entities responsible for implementing this TMDL determine how they will proceed, the entities responsible for those parts of the project can and should incorporate such alternatives and mitigation into any subsequent projects or project approvals. These feasible alternatives and mitigation measures are described in more detail elsewhere in the substitute environmental documents. (Cal. Code Regs., tit. 14, § 15091, subd. (a)(2).)
21. The substitute environmental documents for this TMDL, and in particular the

Environmental Checklist and staff's responses to comments, identify a range of mitigation approaches that should be considered at the project level.


22. The Los Angeles Water Board has balanced the economic, legal, social, technological, and other benefits of the TMDL against the unavoidable environmental risks and finds that specific economic, legal, social, technological, and other benefits of the TMDL outweigh the unavoidable adverse environmental effects, such that those effects are considered acceptable. The basis for this finding is set forth in the substitute environmental documents. (Cal. Code Regs., tit. 14, § 15093.)
23. Health and Safety Code section 57004 requires external scientific peer review for certain water quality control policies. The implementation plan for the TMDLs is not scientifically based, and therefore, not subject to the peer review requirements of Health and Safety Code section 57004. As a result, the Los Angeles Water Board has fulfilled the requirements of Health and Safety Code section 57004, and the proposed amendment does not require further peer review.
24. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act. (Gov. Code, § 11353, subd. (b).) As specified above, federal law and regulations require that TMDLs be incorporated, or referenced, in the state's water quality management plan. The Los Angeles Water Board's Basin Plan is the Los Angeles Water Board's component of the water quality management plan, and the Basin Plan is how the Los Angeles Water Board takes quasi-legislative planning actions. Moreover, the Implementation Plan is a program of implementation for existing water quality objectives and is, therefore, appropriately a component of the Basin Plan under Water Code section 13242. The necessity of incorporating the Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments is established in the staff report.
25. The Basin Plan amendment incorporating an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments must be submitted for review and approval by the State Water Board and the State Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. Once effective, a Notice of Decision will be filed with the Resources Agency.
26. If during the State Water Board's approval process, Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer should make such changes consistent with the Los Angeles Water Board's intent in adopting this implementation plan, and should inform the Los Angeles Water Board of any such changes.
27. Considering the record as a whole, this Basin Plan amendment is expected to result in an effect, either individually or cumulatively, on wildlife resources. The implementation of this TMDL may cause temporary impacts to fish and wildlife, but will result in improved water quality in the Malibu Creek watershed and will have significant beneficial impacts to the environment over the long term.



**THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the Water Code, the Los Angeles Water Board hereby amends the Basin Plan as follows:**

1. The Los Angeles Water Board hereby approves and adopts the CEQA substitute environmental documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and directs the Executive Officer to sign the environmental checklist.
2. Pursuant to Water Code sections 13240 and 13242, the Los Angeles Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendments to Chapter 7 of the Water Quality Control Plan for the Los Angeles Region, as set forth in Attachment A hereto, incorporating an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments.
3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
4. The Los Angeles Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to OAL for review and approval.
5. If during the State Water Board's approval process, Los Angeles Water Board staff, the State Water Board or OAL determines that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
6. The Executive Officer is authorized to request a "No Effect Determination" from the California Department of Fish and Wildlife, or transmit payment of the applicable fee as may be required to the California Department of Fish and Wildlife.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 8, 2016.

  
Samuel Unger, P.E.  
Executive Officer

**Amendment to the Water Quality Control Plan – Los Angeles Region  
to Incorporate an Implementation Plan for the U.S. EPA-Established  
Malibu Creek Nutrients TMDL and the U.S. EPA-Established Malibu Creek and Lagoon  
Sedimentation and Nutrients TMDL to Address Benthic Community Impairments**

Adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) on December 8, 2016

**Amendments:**

**Table of Contents**

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

- 7-42 Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments

**List of Figures, Tables, and Inserts**

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

Tables

- 7-42 Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments
  - 7-42.1 Malibu Creek Nutrients TMDL and Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments – Implementation
  - 7-42.2 Malibu Creek Nutrients TMDL and Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments – Implementation Schedule

**Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries:**

Add: Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments

This Implementation Plan was adopted by:

The Regional Water Board on December 8, 2016

This Implementation Plan was approved by:

The State Water Resources Control Board on [date]

The Office of Administrative Law on [date]

This Implementation Plan is effective on [date]

In Chapter 7, add the following summary of the U.S. EPA-established TMDLs and tables. The TMDL Implementation Plan is presented in Table 7-42.1 and the Implementation Schedule in Table 7-42.2.

### **Summary of the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments**

The United States Environmental Protection Agency (U.S. EPA) established the [“Malibu Creek Watershed Nutrients TMDL” \(2003 TMDL\)](#) on March 21, 2003 to address impairments due to ammonia, nutrients, dissolved oxygen, algae, scum, and odor in Malibu Lagoon, Malibu Creek and its tributaries, and four lakes in the watershed. On July 2, 2013, U.S. EPA established the [“Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments” \(2013 TMDL\)](#) to address impairments of Malibu Creek and Las Virgenes Creek related to impacted benthic macroinvertebrates and sedimentation/siltation and impairments of Malibu Lagoon related to adverse benthic community effects.

The sources of nutrients and/or sediment loading in the Malibu Creek Watershed include point sources, such as discharges from storm drains regulated under municipal separate storm sewer system (MS4) permits, direct discharges from the Tapia Water Reclamation Facility (WRF), and nonpoint sources, such as discharges from onsite wastewater treatment systems (OWTS), Tapia WRF irrigation and sludge disposal, and runoff from golf courses, agriculture, livestock facilities, and open space.

Both TMDLs include a problem statement, numeric targets, source analysis, loading capacity, waste load allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and a margin of safety, but do not include an implementation plan or schedule. The 2003 TMDL sets numeric targets for nutrients, chlorophyll a, dissolved oxygen, ammonia, and algal cover; and assigns WLAs and LAs for total nitrogen (expressed as Nitrite-N + Nitrate-N in the 2003 TMDL) and total phosphorus to sources discharging to all waterbodies within the Malibu Creek Watershed. The 2013 TMDL sets numeric targets for nutrients, chlorophyll a, dissolved oxygen, and algal cover as well as sedimentation, benthic community diversity, and benthic community bioscores, and assigns WLAs and LAs for total nitrogen (expressed as organic-N + inorganic-N) and total phosphorus to sources discharging to waterbodies in the eastern portion of the Malibu

Creek Watershed below Malibou Lake. These waterbodies include: Malibu Creek, Cold Creek, Stokes Creek, Las Virgenes Creek, and four lakes (Malibou Lake, Lindero Lake, Westlake Lake, and Sherwood Lake). In addition, the 2013 TMDL sets sediment WLAs and LAs based on a 38 percent reduction in the sediment transport capacity of the Malibu Creek Watershed. Sediment WLAs are assigned for point sources below Malibou Lake, and sediment LAs are assigned to discharges from the combined area upstream of Malibou Lake, discharges from protected land below Malibou Lake, and the Ventura County unincorporated area along Las Virgenes Creek. The following tables address implementation of the 2003 TMDL and the 2013 TMDL.

Table 7-42.1. Malibu Creek Nutrients TMDL and Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments: Implementation

Elements	Key Findings and Regulatory Provisions
<p><b><i>2003 and 2013 TMDL Nutrient Implementation</i></b></p>	<p>I. Implementation and Determination of Compliance with Nutrient WLAs</p> <p><b><u>Tapia WRF</u></b></p> <p>The nutrient WLAs in the 2013 TMDL will be incorporated into the Tapia WRF NPDES permit and translated into effluent limitations expressed as concentration-based summer and winter seasonal averages. Compliance with the concentration-based seasonal averages shall be determined by calculating the sum of all nutrient concentration samples collected during the season divided by the number of samples collected during that season.</p> <p>The 2013 TMDL summer nutrient WLAs shall be achieved five years from the effective date of this Implementation Plan. The 2013 TMDL winter nutrient WLAs shall be achieved thirteen and a half years from the effective date of this Implementation Plan. Interim nutrient WLAs are established based on current performance equal to the maximum effluent concentration from the past three years and shall be updated during each permit renewal with the most current data or based on current permit limitations<sup>1</sup>, whichever are more stringent.</p>

<sup>1</sup> The current permit limits for the Tapia WRF (Order No. R4-2010-0165) include a monthly average limit for nitrite-N + nitrate-N of 8 mg/l and  $1.1 \times 10^3$  lbs/day and a monthly average limit for Total Phosphorus of 3.0 mg/L and  $4.0 \times 10^2$  lbs/day during the summer and winter season. The permit also sets a daily maximum limit for Total Phosphorus at 4.0 mg/L and  $5.4 \times 10^2$  lbs/day during the winter season.

Elements	Key Findings and Regulatory Provisions				
	Implementation Schedule	Total Nitrogen Summer WLA	Total Nitrogen Winter WLA	Total Phosphorus Summer WLA	Total Phosphorus Winter WLA
	<b>Upon effective date of the Implementation Plan</b>	Current performance	Current performance	Current performance	Current performance
	<b>5 years from effective date of Implementation Plan</b>	1.0 mg/L	Current performance	0.10 mg/L	Current performance
	<b>13.5 years from effective date of Implementation Plan</b>	1.0 mg/L	4.0 mg/L <sup>1</sup>	0.10 mg/L	0.20 mg/L <sup>2</sup>
	<p>Total Nitrogen = Organic-N + Inorganic-N  Summer: April 15-November 15  Winter: November 16-April 14  1-Concentration-based WLA applies unless, due to a rain event, Tapia WRF discharges the excess of 11 MGD to Malibu Creek or its tributaries and all other discharge options have been exhausted. In that case, the concentration-based WLA does not apply and the mass-based WLA is:</p> $\sum_{i=1}^n x_i \times 1.0 \frac{mg}{L} \times 0.35 \times 8.34$ <p>x = average flow at gage F-130 during the period of discharge (MGD)  i = number of days when Tapia's discharge is greater than 11 MGD</p> <p>Compliance with the mass-based WLA shall be determined by:</p> $\sum_{i=1}^n y_i \times z_i \times 8.34$ <p>y = average flow of Tapia's discharge during the period of discharge (MGD)  z = total nitrogen concentration in Tapia's discharge (mg/L)  i = number of days when Tapia's discharge is greater than 11 MGD</p> <p>2-Concentration-based WLA applies unless, due to a rain event, Tapia WRF discharges the excess of 11 MGD to Malibu Creek or its tributaries and all other discharge options have been exhausted. In that case, the concentration-based WLA does not apply and the mass-based WLA is:</p> $\sum_{i=1}^n x_i \times 0.2 \frac{mg}{L} \times 0.62 \times 8.34$ <p>x = average flow at gage F-130 during the period of discharge (MGD)  i = number of days when Tapia's discharge is greater than 11 MGD</p> <p>Compliance with the mass-based WLA shall be determined by:</p> $\sum_{i=1}^n y_i \times z_i \times 8.34$ <p>y = average flow of Tapia's discharge during the period of discharge (MGD)  z = total phosphorus concentration in Tapia's discharge (mg/L)  i = number of days when Tapia's discharge is greater than 11 MGD</p>				



Elements	Key Findings and Regulatory Provisions
	<p data-bbox="488 268 670 302"><b><u>MS4 Permits</u></b></p> <p data-bbox="488 342 1430 701">The 2003 TMDL encompasses the whole Malibu Creek Watershed; therefore, the 2003 TMDL MS4 nutrient WLAs will be implemented through NPDES permits that regulate MS4 discharges within the Malibu Creek Watershed, which include but may not be limited to the Los Angeles County MS4 Permit, Ventura County MS4 Permit, and California Department of Transportation (Caltrans) Statewide Storm Water Permit. The 2013 TMDL only addresses the portion of the watershed below Malibou Lake; therefore, the 2013 TMDL MS4 nutrient WLAs will be implemented through the Los Angeles County MS4 and Caltrans MS4 permits only.</p> <p data-bbox="488 741 1430 957">Additional MS4 discharges within the Malibu Creek Watershed that may be designated in the future under Phase II of the U.S. EPA Stormwater Permitting Program will implement the MS4 WLAs through the applicable NPDES permit. Other discharges may also be required to implement the MS4 WLAs if the State or U.S. EPA exercise their residual designation authority under CWA section 402(p)(2)(E).</p> <p data-bbox="488 997 1430 1251">The 2003 TMDL nutrient LAs for “runoff from developed areas” and “dry weather urban runoff” are newly interpreted as nutrient WLAs for MS4 permittees in this Implementation Plan. These newly interpreted nutrient WLAs were summed and apportioned between MS4 permittees based on their relative area above and below Malibou Lake. The newly interpreted nutrient WLAs for MS4 permittees below Malibou Lake are superseded by the 2013 TMDL nutrient WLAs.</p> <p data-bbox="488 1291 1052 1325"><b>Los Angeles County and Ventura County</b></p> <p data-bbox="488 1365 1430 1724">The newly interpreted 2003 TMDL nutrient WLAs above Malibou Lake shall be achieved by December 28, 2021 for the discharges covered under the Los Angeles County MS4 Permit and within five years of the effective date of the permit renewal for discharges covered under the Ventura County MS4 Permit, but not to exceed 10 years from the effective date of this Implementation Plan. The 2013 TMDL nutrient WLAs below Malibou Lake shall be achieved by December 28, 2023 for the discharges covered under the Los Angeles County MS4 Permit. Interim nutrient WLAs are included based on existing permit requirements.</p>

Elements	Key Findings and Regulatory Provisions				
	Implementation Schedule	Total Nitrogen Summer	Total Nitrogen Winter	Total Phosphorus Summer	Total Phosphorus Winter
<b>LA County MS4s above Malibou Lake</b>					
	December 28, 2017	8.0 lbs/day*	8.0 mg/L*	0.80 lbs/day	N/A
	December 28, 2021	1.6 lbs/day*	8.0 mg/L*	0.16 lbs/day	N/A
<b>LA County MS4s below Malibou Lake</b>					
	December 28, 2017	8.0 lbs/day*	8.0 mg/L*	0.80 lbs/day	N/A
	December 28, 2023	1.0 mg/L**	4.0 mg/L**	0.10 mg/L	0.20 mg/L
<b>Ventura County MS4s</b>					
	Effective date of this Implementation Plan	Current permit limits***	8.0 mg/L*	Current permit limits***	N/A
	5 years from the effective date of the Ventura County MS4 Permit adoption, renewal, or modification but no later than 10 years from the effective date of this Implementation Plan	3.1 lbs/day*	8.0 mg/L*	0.31 lbs/day	N/A
<p>* Total Nitrogen = Nitrate-N + Nitrite-N  ** Total Nitrogen = Organic-N + Inorganic-N  *** Current Permit = Order No. R4-2010-0108  Summer: April 15 to November 15  Winter: November 16 to April 14</p>					
<p>Nutrient WLAs shall be incorporated into MS4 permits as water quality-based effluent limitations (WQBELs). The 2003 TMDL summer nutrient WLAs shall be incorporated as daily loads and the winter nutrient WLA shall be incorporated as a seasonal average. The 2013 TMDL summer and winter nutrient WLAs shall be incorporated as seasonal averages. MS4 Permittees may be deemed in compliance with WQBELs if they demonstrate that:</p> <ol style="list-style-type: none"> <li>(1) there are no violations of the WQBEL at the Permittee's applicable MS4 outfall(s);</li> <li>(2) there are no exceedances of the numeric targets in the receiving water downstream of the Permittee's outfalls; or</li> <li>(3) there is no direct or indirect discharge from the Permittee's MS4 to the receiving water during the time period subject to the WQBEL.</li> </ol>					

Elements	Key Findings and Regulatory Provisions																																			
	<p>The MS4 permittees shall provide an implementation plan to the Regional Water Board outlining how they intend to achieve the nutrient WLAs. A Regional Water Board approved Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) developed in accordance with a MS4 permit will satisfy the requirements of an implementation plan where the WMP or EWMP addresses the applicable waterbody-pollutant combinations of the TMDLs consistent with the implementation schedules in Table 7-42.2. MS4 permittees shall modify their WMP/EWMP no later than the next Adaptive Management Process cycle after provisions consistent with the assumptions and requirements of the TMDL nutrient WLAs are incorporated into the applicable MS4 permits.</p> <p><b>Caltrans</b></p> <p>The nutrient WLAs assigned to Caltrans will be implemented through the Caltrans statewide stormwater permit (Order No. 2012-0011-DWQ as amended by Order No. 2014-02006-EXEC, Order No. 2011-0077-DWQ, and Order No. 2015-0036-EXEC, or other successor order).</p> <table border="1" data-bbox="490 978 1430 1787"> <thead> <tr> <th data-bbox="496 978 764 1087">Implementation Schedule</th> <th data-bbox="764 978 906 1087">Total Nitrogen Summer</th> <th data-bbox="906 978 1047 1087">Total Nitrogen Winter</th> <th data-bbox="1047 978 1240 1087">Total Phosphorus Summer</th> <th data-bbox="1240 978 1424 1087">Total Phosphorus Winter</th> </tr> </thead> <tbody> <tr> <td colspan="5" data-bbox="496 1087 1424 1123"><b>Caltrans above Malibou Lake</b></td> </tr> <tr> <td data-bbox="496 1123 764 1325">According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032</td> <td data-bbox="764 1123 906 1325">0.032 lbs/day*</td> <td data-bbox="906 1123 1047 1325">8.0 mg/L*</td> <td data-bbox="1047 1123 1240 1325">0.0032 lbs/day</td> <td data-bbox="1240 1123 1424 1325">N/A</td> </tr> <tr> <th data-bbox="496 1325 764 1434">Implementation Schedule</th> <th data-bbox="764 1325 906 1434">Total Nitrogen Summer</th> <th data-bbox="906 1325 1047 1434">Total Nitrogen Winter</th> <th data-bbox="1047 1325 1240 1434">Total Phosphorus Summer</th> <th data-bbox="1240 1325 1424 1434">Total Phosphorus Winter</th> </tr> <tr> <td colspan="5" data-bbox="496 1434 1424 1470"><b>Caltrans below Malibou Lake</b></td> </tr> <tr> <td data-bbox="496 1470 764 1671">According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032</td> <td data-bbox="764 1470 906 1671">1.0 mg/L**</td> <td data-bbox="906 1470 1047 1671">4.0 mg/L**</td> <td data-bbox="1047 1470 1240 1671">0.10 mg/L</td> <td data-bbox="1240 1470 1424 1671">0.20 mg/L</td> </tr> <tr> <td colspan="5" data-bbox="496 1671 1424 1787">           * Total Nitrogen = Nitrate-N + Nitrite-N            ** Total Nitrogen= Organic-N + Inorganic-N            Summer: April 15 to November 15            Winter: November 16 to April 14         </td> </tr> </tbody> </table> <p>Some of the 2013 TMDL nutrient WLAs are currently included Order No. 2012-0011-DWQ, but none of the 2003 TMDL nutrient WLAs are.</p>	Implementation Schedule	Total Nitrogen Summer	Total Nitrogen Winter	Total Phosphorus Summer	Total Phosphorus Winter	<b>Caltrans above Malibou Lake</b>					According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032	0.032 lbs/day*	8.0 mg/L*	0.0032 lbs/day	N/A	Implementation Schedule	Total Nitrogen Summer	Total Nitrogen Winter	Total Phosphorus Summer	Total Phosphorus Winter	<b>Caltrans below Malibou Lake</b>					According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032	1.0 mg/L**	4.0 mg/L**	0.10 mg/L	0.20 mg/L	* Total Nitrogen = Nitrate-N + Nitrite-N ** Total Nitrogen= Organic-N + Inorganic-N Summer: April 15 to November 15 Winter: November 16 to April 14				
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Elements	Key Findings and Regulatory Provisions
	<p>The Caltrans statewide stormwater permit includes TMDL-specific requirements for the TMDLs incorporated into the permit. Order No. 2012-0011-DWQ requires Caltrans to prioritize impaired reaches subject to TMDLs for implementation by reach, so that all TMDLs are addressed by 2032.</p> <p>In order to reflect this Implementation Plan, the reaches covered by the 2013 TMDL, which were previously not included in Order No. 2012-0011-DWQ, and all of the reaches covered by the 2003 TMDL shall be added to Attachment IV of Order No. 2012-0011-DWQ when it is reopened consistent with provision E.11.b. of the Order. Within a year of the permit reopener, Caltrans shall submit a revised TMDL Reach Prioritization to include the additional reaches.</p> <p style="text-align: center;">II. Implementation and Determination of Compliance with Nutrient LAs</p> <p><b><u>Tapia WRF</u></b></p> <p>The nutrient LAs for irrigation from the Tapia WRF to the Rancho Las Virgenes Farm (also known as the spray field), Pepperdine University, Rancho Las Virgenes Compost Facility, and other recycled water users will be implemented through the Tapia WRF Water Reclamation Requirements. The nutrient LAs for sludge applied to the Rancho Las Virgenes Farm will be implemented through the Rancho Las Virgenes Waste Discharge Requirements (WDRs).</p> <p>The nutrient LAs shall be incorporated into these permits as requirements for the application of sludge and reclaimed water for irrigation. The permits shall require that irrigation and sludge be applied in compliance with current regulations and at rates to ensure that the amount of total nitrogen and phosphorus applied does not exceed the vegetative requirements of the crops or landscaping.</p> <p>The nutrient LAs in the 2003 and 2013 TMDL for Tapia WRF sludge and irrigation shall be attained upon the effective date of this Implementation Plan.</p> <p><b><u>Onsite wastewater treatment systems (OWTS)</u></b></p> <p>The 2003 TMDL and 2013 TMDL LAs for OWTS shall be implemented through WDRs or waivers of WDRs and local agency oversight where local agencies (city and county health departments and/or building departments) are implementing their permitting authority. Commercial and multifamily OWTS are currently regulated by the Regional Water</p>

Elements	Key Findings and Regulatory Provisions
	<p>Board through WDRs. Single family residential OWTS are currently regulated by local agencies through a memorandum of understanding (MOU) with the Regional Water Board or, in lieu of an MOU, by the Regional Water Board directly, via WDRs. The State Water Resources Control Board (State Water Board) adopted a water quality control policy for siting, design, operation, and maintenance of onsite wastewater treatment systems (OWTS Policy) as Resolution No. 2012-0032 to comply with Water Code sections 13290 and 13291. The policy emphasizes local management of OWTS. The policy requires an Advanced Protection Management Program (APMP) for OWTS near impaired waterbodies. Local agencies are authorized to implement APMPs in conjunction with their existing programs and in collaboration with the Regional Water Board through a Local Agency Management Program (LAMP).</p> <p>The U.S.EPA-established TMDLs assign LAs generally to all OWTS in the watershed, but do not specify which, if any, specific OWTS must reduce discharges to meet the LAs. As such, the TMDLs define the geographic area for the APMP as the entire watershed. Local agencies may conduct a special study to determine which existing OWTS are contributing to the nutrient loading to any waterbody within the Malibu Creek Watershed. Areas found not to be contributing to the overall loading may be removed from the APMP as approved in a LAMP. The study may build upon previous studies completed according to the Malibu Creek Bacteria TMDL (Resolution No. 2004-019). Existing, new, and replacement OWTS included in an APMP are required to be upgraded or modified to meet the supplemental treatment requirements for nitrogen per Tier 3 of the OWTS Policy and any other requirements of the APMP. If a local agency chooses to develop a LAMP, the LAMP shall include a schedule for upgrades or modifications based on the results of the study. Existing OWTS shall remain regulated by the existing MOU and LAMP until the above determination is made, the LAMP is revised, and subsequent OWTS upgrades are required.</p> <p>The Regional Water Board will evaluate existing MOUs and any future submittal of a LAMP under the OWTS Policy to determine if additional changes are needed to implement the LAs. All OWTS discharges within the APMP shall achieve compliance with LAs as soon as possible, but no later than 10 years after the effective date of this Implementation Plan. The owners of OWTS are ultimately responsible for achieving the LAs.</p> <p><b><u>Golf Courses</u></b></p> <p>The nutrient LAs for nutrients for golf courses in the 2003 and 2013 TMDLs will be implemented through WDRs or conditional waivers of</p>

Elements	Key Findings and Regulatory Provisions
	<p>WDRs consistent with the State’s Nonpoint Source Implementation and Enforcement Policy. WDRs or conditional waivers of WDRs may include requirements that golf courses submit fertilizer application plans and implement designated types of BMPs to comply with the TMDLs.</p> <p>Golf courses shall attain the nutrient LAs within five years of the effective date of this Implementation Plan.</p> <p><b><u>Agriculture Sources</u></b></p> <p>The nutrient LAs for agriculture in the 2003 and 2013 TMDLs will be implemented through the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands (Order No. R4-2016-0143) (Agriculture Waiver) or other appropriate Regional Water Board order. The existing Agriculture Waiver includes the 2003 and 2013 TMDL nutrient LAs as benchmarks.</p> <p>Agricultural lands shall achieve the nutrient LAs in the 2003 and 2013 TMDLs by October 14, 2022. This compliance date shall be updated in the waiver when it is renewed or replaced with another order by April 2022.</p> <p><b><u>Livestock Sources</u></b></p> <p>The nutrient LAs for livestock in the 2003 and the 2013 TMDLs, including horse facilities and grazing, will be regulated by WDRs, conditional waivers of WDRs, or other regulatory mechanisms in accordance with the Nonpoint Source Implementation and Enforcement Policy. The Regional Water Board will determine which horse/livestock facilities and grazing operations shall be subject to the WDRs, waivers of WDRs or other regulatory mechanisms during the development of these regulatory mechanisms based on factors that may include, but are not limited to, type of operation, density of animals, and risk to water quality. As part of the regulatory mechanism, horse/livestock facilities and grazing operations shall be required to develop management plans for Executive Officer approval and implement management measures identified in management plans to attain nutrient LAs.</p> <p>Horse/livestock facilities and grazing operations shall achieve compliance with the nutrient LAs in the 2003 and 2013 TMDLs within 5 years of the effective date of this Implementation Plan.</p> <p>The estimated costs for practices to control agricultural discharges such as filter strips, mulching, improved irrigation efficiency, nutrient management, manure management, and grazing management are approximately \$1031 per acre, \$808 per acre, \$1784 per acre, \$55 per</p>

Elements	Key Findings and Regulatory Provisions						
	<p>acre-year, \$4,500 (average cost of manure bunker), and \$1,356 (average cost of a typical watering facility), respectively. Potential sources of financing for these implementation alternatives, such as Clean Water Act section 319(h) grant funding, are discussed in Chapter 4. As discussed in Chapter 4, the U.S. Department of Agriculture Soil Conservation Service and the Resource Conservation Districts provide information on, and assistance in, implementing BMPs.</p> <p><b><u>Lakes</u></b></p> <p>The nutrient LAs in the 2013 TMDL for lake overflow from Malibou Lake, Lindero Lake, Westlake Lake, and Sherwood Lake will be implemented through WDRs, conditional waivers of WDRs, or other regulatory mechanisms in accordance with the Nonpoint Source Implementation and Enforcement Policy. The nutrient LAs will apply at the outlet of the lake or dam and are shared among the cities, counties, state, and federal lands in the subwatersheds draining to each lake, and the owners/operators of each lake. Cooperative parties for the lake nutrient LAs are identified, not as responsible parties or as dischargers, but as landowners and lake operators who have an interest in source identification of nutrient pollutants entering and exiting the lakes within Malibu Creek Watershed.</p> <table border="1" data-bbox="490 1037 1430 1873"> <thead> <tr> <th data-bbox="490 1037 764 1094">Lakes</th> <th data-bbox="764 1037 1430 1094">Cooperative Parties</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 1094 764 1528">Malibou Lake</td> <td data-bbox="764 1094 1430 1528">           Los Angeles County            Los Angeles County Flood Control District            Ventura County            City of Agoura Hills            City of Westlake Village            U.S. National Park Service            California Department Parks and Recreation            City of Simi Valley            Owner/Operator:                Malibou Lake Mountain Club, Ltd.         </td> </tr> <tr> <td data-bbox="490 1528 764 1873">Lake Lindero</td> <td data-bbox="764 1528 1430 1873">           Los Angeles County Flood Control District            Ventura County            City of Thousand Oaks            City of Agoura Hills            City of Westlake Village            City of Simi Valley            Owner/Operator:                Lake Lindero Homeowners Association         </td> </tr> </tbody> </table>	Lakes	Cooperative Parties	Malibou Lake	Los Angeles County Los Angeles County Flood Control District Ventura County City of Agoura Hills City of Westlake Village U.S. National Park Service California Department Parks and Recreation City of Simi Valley Owner/Operator: Malibou Lake Mountain Club, Ltd.	Lake Lindero	Los Angeles County Flood Control District Ventura County City of Thousand Oaks City of Agoura Hills City of Westlake Village City of Simi Valley Owner/Operator: Lake Lindero Homeowners Association
Lakes	Cooperative Parties						
Malibou Lake	Los Angeles County Los Angeles County Flood Control District Ventura County City of Agoura Hills City of Westlake Village U.S. National Park Service California Department Parks and Recreation City of Simi Valley Owner/Operator: Malibou Lake Mountain Club, Ltd.						
Lake Lindero	Los Angeles County Flood Control District Ventura County City of Thousand Oaks City of Agoura Hills City of Westlake Village City of Simi Valley Owner/Operator: Lake Lindero Homeowners Association						

Elements	Key Findings and Regulatory Provisions	
	Westlake Lake	Los Angeles County Los Angeles County Flood Control District Ventura County Ventura County Watershed Protection District City of Thousand Oaks City of Westlake Village Owners: Windward Shores Homeowners Association Westshore Homeowners Association Westlake Bay Homeowners Association Southshore Homeowners Association Lakeshore Homeowners Association Westlake Island Homeowners Association Northshore Homeowners Association The Landing Operator: The Westlake Management Association
	Sherwood Lake	Ventura County U.S. National Park Service Owner/Operator: Sherwood Valley Homeowners Association
<b>2013 TMDL Sedimentation</b>	<p>The nutrient LAs will be implemented in stages. First, the Regional Water Board will issue investigative orders to the cooperative parties for each lake that will require them to submit a monitoring plan to the Regional Water Board within one year of receipt of an investigative order. The monitoring plan shall be designed to determine the impact of lake overflows on nutrient loading downstream. The monitoring plan shall include sufficient samples to characterize overflows from the lake during both dry- and wet-weather conditions. Then, if monitoring results show an impact on nutrient loading downstream, the Regional Water Board will revise this Implementation Plan within five years of its effective date. The revised Implementation Plan will include implementation methods to reduce the external loading to the lakes and/or internal loading within the lakes and a schedule to meet the nutrient LAs. Cooperative parties may propose their own approaches for the revised Implementation Plan that the Regional Water Board may consider.</p> <p>The sedimentation WLAs and LAs in the 2013 TMDL apply to the eastern portion of the watershed, below Malibou Lake and above gage</p>	



Elements	Key Findings and Regulatory Provisions
<i>Implementation</i>	<p>F-130. Compliance with the sedimentation WLAs and LAs in the 2013 TMDL can be achieved through an individual compliance alternative or as part of a watershed-wide implementation alternative.</p> <p>I. Individual Compliance Alternative</p> <p><b><u>Los Angeles County MS4 and Caltrans MS4 Permits</u></b></p> <p>The sedimentation WLAs shall be incorporated into the Los Angeles County and Caltrans MS4 permits as receiving water limits. To determine compliance, the annual sediment load at the F-130 gage shall be multiplied by the allocation fractions (17.4% for Los Angeles County MS4 permittees subject to the WLA and 0.8% for Caltrans) and compared to the respective WLAs (1,012 tons/year for Los Angeles County and 44 tons/year for Caltrans). Due to the annual variability of sediment transport, which is linked to wet-weather events, compliance shall be averaged over a three-year period.</p> <p>The Los Angeles County MS4 permittees shall provide an implementation plan to the Regional Water Board outlining how they intend to achieve the sedimentation WLAs. The plan shall include implementation methods, proposed interim milestones, and proposed receiving water monitoring to determine compliance. A Regional Water Board approved WMP or EWMP developed in accordance with a MS4 permit that explicitly addresses the sedimentation WLAs will satisfy the requirements of an implementation plan.</p> <p>Caltrans shall implement Order No. 2012-0011-DWQ as discussed in the Nutrients Implementation section in order to meet the sedimentation WLAs. In order to reflect this Implementation Plan, additional TMDL specific monitoring requirements shall be added to Attachment IV of Order No. 2012-0011-DWQ when it is reopened consistent with provision E.11.b. of the Order.</p> <p>The Los Angeles County MS4 permittees and the Caltrans MS4 below Malibou Lake and above F-130 shall attain the sedimentation WLAs by December 2025.</p> <p><b><u>Protected Land Below Malibou Lake</u></b></p> <p>The sedimentation LA in the 2013 TMDL for the protected land below Malibou Lake will be implemented through WDRs, conditional waivers of WDRs, or other regulatory mechanisms assigned to State Parks and</p>

Elements	Key Findings and Regulatory Provisions
	<p>National Park Service lands in accordance with the Nonpoint Source Implementation and Enforcement Policy.</p> <p>The sedimentation LAs may be incorporated into the regulatory mechanisms as water quality benchmarks or receiving water limits. To determine compliance, the annual sediment load at the F-130 gage will be multiplied by the allocation fraction of 13.7% and compared to the LA of 796 tons/year. Due to the annual variability of sediment transport, which is linked to wet-weather events, compliance will be averaged over a three-year period. If the sedimentation LAs are not being achieved, the responsible entities will be required to submit a plan(s) for riparian/stream bank restoration and/or improved operation and management of impervious areas, including roads.</p> <p>The sedimentation LA for protected land below Malibou Lake and above gage F-130 shall be attained by December 2025.</p> <p><b><u>Combined Area Upstream Malibou Lake</u></b></p> <p>The parties responsible for implementing the sedimentation LA in the 2013 TMDL for the area above Malibou Lake are the same as the cooperative parties identified for the nutrient LA in the 2013 TMDL for lake overflow. The sedimentation LA applies at a point below Malibou Lake. Within one year of the effective date of the Implementation Plan, the Regional Water Board intends to issue an investigative order to the cooperative parties to install a new gage below Malibou Lake to collect TSS and flow data to determine the annual sediment load from the area above Malibou Lake. If monitoring results show that the sediment discharged is greater than the sedimentation LA of 3,950 tons/year, the Regional Water Board will revise this Implementation Plan within five years of its effective date to identify applicable sedimentation WLAs and LAs for specific jurisdictions upstream of Malibou Lake.</p> <p><b><u>Unincorporated Area along Las Virgenes Creek</u></b></p> <p>To meet the sedimentation LA in the 2013 TMDL for the unincorporated area along Las Virgenes Creek, within one year of receipt of an investigative order, Ventura County shall submit a monitoring plan to collect sediment data at the county line or at an appropriate downstream site in order to determine the annual sediment load for the unincorporated area along Las Virgenes Creek. If monitoring results show sediment has discharged is greater than the sedimentation LA of 16 tons/year, the Regional Water Board will revise this Implementation Plan within five years of its effective date to identify potential sedimentation WLAs and/or LAs for specific jurisdictions in the unincorporated area along Las</p>

Elements	Key Findings and Regulatory Provisions
	<p>Virgenes Creek.</p> <p>II. Watershed-wide approach</p> <p>The responsible entities in the Malibu Creek Watershed may work collaboratively to develop a comprehensive implementation approach to reduce sediment transport capacity watershed-wide. This compliance alternative is a hybrid of the implementation options described above and would ensure long-term compliance with the 2013 TMDL and attainment of the required 38% reduction in sediment transport capacity at gage F-130. This approach would include a combination of (1) projects to reduce work on the stream caused by elevated flows in the upper urbanized portion of the watershed above gage F-130 and (2) stream restoration projects on eroding stream channels in the upper and lower watershed (above and below gage F-130) caused by the elevated work on the stream.</p> <p>A watershed-based approach implemented collectively by the responsible parties should focus on reducing effective work because effective work is what controls sediment transport capacity. Effective work is based on excess shear stress and stream velocity. Compliance will be assessed by demonstrating a reduction in the 2-year and 10-year peak flows to achieve a 38 percent reduction in effective work at gage F-130. The 2013 TMDL report identifies the required peak flows at gage F-130 for the two storm sizes (1,180 cfs for the 2-year interval and 5,370 cfs for the 10-year interval) and calculation of change in effective work.</p> <p>Compliance monitoring for this alternative shall include monitoring at gage F-130 and additional monitoring throughout the impaired reaches and areas downstream of LID projects, regional BMP facilities, and channel restoration projects. These data should be collected to ensure accurate calculation of effective work and 2-year and 10-year peak flows at gage F-130.</p> <p>Compliance with the watershed-wide approach would be required within 15 years from the effective date of this Implementation Plan. If this watershed-wide compliance strategy is chosen, responsible entities will work collaboratively, but their responsibilities and requirements will be included in their individual regulatory mechanisms.</p>
<i>Monitoring</i>	<p>The TMDL monitoring program shall consist of two components: (1) TMDL effectiveness monitoring in the receiving water to assess implementation progress and attainment of numeric targets, and (2) compliance monitoring of discharges to determine compliance with the WLAs and LAs. Monitoring requirements shall be included in</p>

subsequent permits or other orders.

**TMDL Effectiveness Monitoring**

Responsible entities are responsible for developing and implementing a comprehensive TMDL Effectiveness monitoring plan within two years of the effective date of this Implementation Plan to assess numeric target attainment and to determine the effectiveness of implementation actions on receiving water quality. Monitoring shall commence within six months of approval of the TMDL effectiveness monitoring plan.

1. Nutrient TMDL Effectiveness Monitoring

Responsible entities include the Las Virgenes-Triunfo JPA, the Ventura County Watershed Protection District, the County of Ventura, the County of Los Angeles, the County of Los Angeles Flood Control District, Caltrans, the City of Thousand Oaks, the City of Westlake Village, the City of Agoura Hills, the City of Calabasas, the City of Hidden Hills, the City of Malibu, the California Department of Parks and Recreation, and the National Park Service. Responsible entities shall outline a nutrient monitoring program for total nitrogen (organic-N + inorganic-N), total phosphorus, dissolved oxygen, pH, temperature, ammonia and chlorophyll a. Monitoring shall also include field observations for percent algae cover, the presence of scum/foam, the presence of odors, and whether Malibu Lagoon is open or closed to the ocean.

The sampling frequency and locations must be adequate to assess beneficial use conditions and attainment of nutrient related water quality objectives. Monitoring locations should be located at the upstream and downstream ends of nutrient impaired 303(d) listed streams and at downstream ends of hydrologically-connected segments directly above their confluence with listed streams. At a minimum, nutrient monitoring shall be conducted monthly in Malibu Lagoon, the Malibu Lagoon inlet, Malibu Creek, Las Virgenes Creek, Medea Creek Reach 1 and Reach 2, and Lindero Creek Reach 1 and Reach 2. In addition, nutrient monitoring shall be conducted quarterly in Hidden Valley Creek, Potrero Valley Creek, Triunfo Creek Reach 1 and Reach 2, Palo Comado Creek, Chesebooro Canyon Creek, Stokes Creek, and Cold Creek. To account for the critical condition for dissolved oxygen, dissolved oxygen shall be monitored at pre-dawn. Responsible entities may request a reduction in the frequency of nutrient sampling after four years of sampling has been conducted if justified based on a demonstration of no variability between sample events or

consistent improvements in water quality.

## 2. Benthic TMDL Effectiveness Monitoring

Responsible entities include the Las Virgenes-Triunfo JPA, the County of Los Angeles, the County of Los Angeles Flood Control District, Caltrans, the City of Agoura Hills, the City of Calabasas, the City of Hidden Hills, the City of Malibu, the California Department of Parks and Recreation, and the National Park Service. Responsible entities shall include a benthic monitoring program to collect invertebrate and physical habitat data for benthic community evaluations and stream health assessments using the SC-IBI bioscore and the CSCI, pMMI, and CA-O/E scores.

The sampling frequency and locations must be adequate to assess the beneficial use condition and attainment of benthic-related water quality objectives. Monitoring locations should be located at the upstream and downstream ends of benthic impaired 303(d) listed streams. At a minimum, benthic monitoring shall be conducted annually in Las Virgenes Creek, Middle Malibu Creek, the Malibu Lagoon inlet, and Malibu Lagoon. Attainment of the benthic community diversity numeric targets will be calculated as an annual average. Attainment of the SC-IBI, CSCI, pMMI, CA-O/E numeric targets will be calculated as a median of four years of data to account for year-to-year variability.

Responsible entities may build upon existing monitoring programs in the Malibu Creek Watershed when developing the TMDL effectiveness monitoring plans. TMDL effectiveness monitoring requirements shall be incorporated into the regulatory mechanisms for each responsible entity upon issuance, renewal, or modification or through separate investigatory orders. Monitoring procedures, analysis, and quality assurance shall be SWAMP comparable and shall continue beyond the final implementation date of the TMDL unless the Executive Officer approves a reduction or elimination of such monitoring. Exceedances of the biological response numeric targets (percent algae cover, benthic community diversity, or biological scores) at the Malibu Lagoon inlet at frequencies greater than the averaging periods specified in the numeric targets section will trigger additional TMDL effectiveness monitoring and additional preventative activities to reduce nutrient and sediment loads to Malibu Lagoon through existing adaptive management processes in Regional Board orders such as the Los Angeles County MS4 permit and/or a reconsideration of this Implementation Plan.

### **Compliance Monitoring**

To assess attainment of the nutrient and sedimentation WLAs and LAs, compliance monitoring shall include monitoring for total nitrogen (as defined by the 2003 TMDL or the 2013 TMDL), total phosphorus, TSS, and flow. The monitoring frequencies to comply with the WLAs and LAs are as follows:

- To demonstrate compliance with the nutrient WLAs for the Tapia WRF, nutrient monitoring shall be conducted monthly at the Tapia WRF discharge points, when discharging.
- To demonstrate compliance with the nutrient LAs for the Tapia WRF nonpoint source discharges, quarterly groundwater monitoring shall be incorporated into the WDRs for the Rancho Las Virgenes Farm spray fields to evaluate the quantity and quality of reclaimed water that re-enters the system through groundwater.
- To demonstrate compliance with the nutrient LAs for agriculture, dischargers shall monitor according to the requirements of Order No. R4-2016-0143 or other appropriate Regional Water Board order.
- To demonstrate compliance with the nutrient LAs for horse/livestock facilities, grazing operations, and golf courses, monitoring may consist of documentation of BMP implementation, and may include water quality monitoring as needed to determine the effectiveness of the BMPs in reducing nutrient loadings.
- To demonstrate compliance with the nutrient LAs for OWTS, monitoring will be conducted in accordance with the local agencies' LAMPs.
- To demonstrate compliance with the nutrient LAs for lake overflow, cooperative parties shall conduct monitoring as described in the nutrient implementation section.
- To demonstrate compliance with the nutrient WLAs for MS4 discharges, monitoring will be conducted three times within the year during storm events and four times during non-storm events, with a minimum of two non-stormwater samples within the summer season. Stormwater monitoring will target the first significant rain event of the storm year. During dry weather, sampling shall occur a minimum of 72 hours after a storm event. MS4 permittees shall address the TMDL compliance monitoring requirements through their Monitoring Reporting Programs (MRPs). The Regional Board will modify the MRPs, or approve coordinated integrated monitoring program (CIMP) modifications

	<p>proposed by permittees, to incorporate additional monitoring requirements to determine compliance with nutrient WLAs. Compliance monitoring will require MS4 permittees to include representative outfall and receiving water monitoring locations within their jurisdiction within the Malibu Creek watershed.</p> <ul style="list-style-type: none"><li>○ To demonstrate compliance with the sedimentation WLAs for Los Angeles County MS4 discharges, monitoring shall include flow and TSS during dry and wet weather to calculate the annual sediment load moving past gage F-130 if the individual compliance option is chosen. Dischargers shall modify their CIMPs to include sufficient sampling to accurately calculate the sediment load. Additional parameters that are more cost-effective or continuous may be useful to collect, such as turbidity. With a robust dataset, these can be used to develop statistical relationships and expand the extent of data. Upon approval by the Executive Officer, alternative parameters (based on statistical analyses) could be used to document compliance with the sedimentation WLAs. In addition, existing monitoring at gage F-130 conducted under other programs can be leveraged to assist in meeting these monitoring requirements.</li><li>○ To demonstrate compliance with the nutrient and sediment WLAs for Caltrans MS4 discharges, Caltrans will monitor according to the requirements of State Water Board Order No. 2012-0011-DWQ.</li><li>○ To demonstrate compliance with the sedimentation LA for the area above Malibou Lake, if the individual compliance option is chosen, responsible entities shall conduct monitoring as described in the sedimentation implementation section.</li><li>○ To demonstrate compliance with the sedimentation LA for the discharges from the unincorporated area along Las Virgenes Creek, if the individual compliance option is chosen, Ventura County shall conduct monitoring as described in the sedimentation implementation section.</li><li>○ To demonstrate compliance with the sedimentation LA for the discharges from the protected land below Malibou Lake and above F-130, if the individual compliance option is chosen, State Parks, and National Parks Service shall conduct monitoring as described in the sediment implementation section.</li><li>○ To demonstrate compliance with the sedimentation LAs and WLAs if the watershed-wide compliance option is chosen,</li></ul>
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	<p>responsible entities shall conduct monitoring as described in the sedimentation implementation section.</p> <p>Compliance monitoring shall be required through the regulatory mechanisms used to implement the sedimentation and nutrient WLAs and LAs. The monitoring procedures/methods, analysis, and quality assurance shall be SWAMP comparable where appropriate.</p>
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Table 7-41.2. Malibu Creek Nutrients TMDL and Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments: Implementation Schedule

<b>Task</b>	<b>Date*</b>
The Regional Water Board will reconsider this Implementation Plan within five years of its effective date	5 years from the effective date of this Implementation Plan
<b>Tapia WRF</b>	
Tapia WRF shall attain nutrient LAs for indirect discharges	Upon the effective date of this Implementation Plan
Las Virgenes-Triunfo JPA shall submit a TMDL effectiveness monitoring plan for nutrients and benthic community evaluations individually or in collaboration with other responsible entities	Two years from the effective date of this Implementation Plan
Tapia WRF shall attain interim 2013 TMDL nutrient winter WLAs and final 2013 TMDL nutrient summer WLAs	Five years from the effective date of this Implementation Plan
Tapia WRF shall attain final 2013 TMDL nutrient winter WLAs	13.5 years from the effective date of this Implementation Plan
<b>Los Angeles County MS4-whole Malibu Creek Watershed</b>	
Los Angeles County MS4 permittees within the whole Malibu Creek Watershed shall submit a nutrient implementation plan or modify existing WMP or EWMP	By the next adaptive management process cycle after WLAs are incorporated into MS4 permit
Los Angeles County MS4 permittees within the whole MCW shall submit a TMDL effectiveness monitoring plan for nutrients and benthic community evaluations individually or in collaboration with other responsible entities	Two years from the effective date of this Implementation Plan
<b>Los Angeles County MS4-above Malibou Lake</b>	
Los Angeles County MS4 permittees above Malibou Lake shall attain their current permit limits for nutrients (as set forth in Order No. R4-2012-0175)	December 28, 2017
Los Angeles County MS4 permittees above Malibou Lake shall attain newly interpreted 2003 nutrient WLAs	December 28, 2021

<b>Task</b>	<b>Date*</b>
<b>Los Angeles County MS4-below Malibou Lake</b>	
Los Angeles County MS4 permittees below Malibou Lake shall attain their current permit limits for nutrients (as set forth in Order No. R4-2012-0175)	December 28, 2017
Los Angeles County MS4 permittees below Malibou Lake shall attain 2013 nutrient WLAs	December 28, 2023
Los Angeles County MS4 permittees below Malibou Lake shall submit a sedimentation implementation plan	By the next adaptive management process cycle after WLAs are incorporated into MS4 permit
Los Angeles County MS4 permittees below Malibou Lake shall attain 2013 sedimentation WLAs (if watershed-wide approach is not chosen)	December 28, 2025
<b>Ventura County</b>	
Ventura County shall submit a monitoring plan for the area along Los Virgenes Creek to determine the annual sediment load	One year from receipt of an investigative order
<b>Ventura County MS4</b>	
Ventura County MS4 permittees shall attain 2003 TMDL nutrient winter WLAs for MS4 discharges	Upon the effective date of this Implementation Plan
Ventura County MS4 permittees shall submit a MS4 nutrient implementation plan or WMP or EWMP	One year from the effective date of this Implementation Plan or as per the schedule for the WMP/EWMP under the MS4 permit if appropriate
Ventura County MS4 permittees shall submit a TMDL effectiveness monitoring plan for nutrients individually or in collaboration with other responsible entities	Two years from the effective date of this Implementation Plan

<b>Task</b>	<b>Date*</b>
Ventura County MS4 permittees shall attain newly interpreted 2003 TMDL nutrient summer WLAs	5 years from the effective date of the Ventura County MS4 Permit adoption, renewal, or modification, but no later than 10 years from the effective date of this Implementation Plan
<b>Caltrans-entire Malibu Creek Watershed</b>	
Additional reaches subject to the 2003 and 2013 TMDLs shall be added to Attachment IV of Order No. 2012-0011-DWQ	Upon reopener of Order No. 2012-0011-DWQ consistent with provision E.11.b. of the Order
Caltrans shall submit a revised TMDL Reach Prioritization to include the 2013 TMDL impaired reaches that were omitted from the prioritization and to add the 2003 TMDL impaired reaches	Within a year of reopener of Order No. 2012-0011-DWQ
Caltrans shall submit a TMDL effectiveness monitoring plan for nutrients and benthic community evaluations individually or in collaboration with other responsible entities	Two years from the effective date of this Implementation Plan
<b>Caltrans-above Malibu Creek Watershed</b>	
Caltrans above Malibou Lake shall attain newly interpreted 2003 nutrient WLAs	According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032
<b>Caltrans-below Malibu Creek Watershed</b>	
Caltrans below Malibou Lake shall attain final 2013 nutrient WLAs	According to the schedule in the revised TMDL Reach Prioritization, but no later than 2032
The area of the Caltrans MS4 below Malibou Lake shall attain 2013 sedimentation WLAs (if watershed-wide approach is not chosen)	December 28, 2025
<b>Onsite Wastewater Treatment Systems</b>	
Local agencies (city and county health departments and/or building departments) may submit a work plan for a study to determine which existing OWTS are contributing to the nutrient loading to any waterbody within the Malibu Creek Watershed for approval by the Executive Officer.	Three years from the effective date of the Implementation Plan

<b>Task</b>	<b>Date*</b>
Local agencies (city and county health departments and/or building departments) may complete the OWTS study and submit a final report to the Regional Water Board.	Five years from the effective date of the Implementation Plan
Owners of OWTS shall attain 2003 or 2013 nutrient LAs, depending on OWTS location	Ten years from the effective date of the Implementation Plan
<b>Golf Courses</b>	
Owners of golf courses shall attain 2003 or 2013 nutrient LAs	Five years from the effective date of the Implementation Plan
<b>Agriculture</b>	
Owners and/or operators of irrigated agricultural land shall attain 2003 and 2013 nutrient LAs	October 14, 2022
<b>Horse/Livestock and Grazing</b>	
Owners and/or operators of horse/livestock facilities and grazing operations shall attain 2003 and 2013 nutrient LAs	Five years from the effective date of the Implementation Plan
<b>Lakes</b>	
Cooperative parties for each lake shall submit a monitoring plan to determine the impact of lake overflows on nutrient loading downstream	One year from the receipt of an investigative order
Cooperative parties for the combined area upstream of Malibou Lake shall submit a monitoring plan to determine the annual sediment load from Malibou Lake	One year from receipt of an investigative order.
<b>Protected Land below Malibou Lake</b>	
State Parks and National Park Service shall attain 2013 sedimentation LAs (if watershed-wide approach is not chosen)	December 2025
<b>2013 Sedimentation TMDL - All Responsible Parties</b>	
If a watershed-wide approach is chosen all responsible parties for the sedimentation TMDL shall submit an implementation plan and a monitoring plan for a comprehensive approach to reduce sediment transport capacity by 38% watershed-wide	Two years from the effective date of this Implementation Plan

Task	Date*
<p>If a watershed-wide approach is chosen all responsible parties for the sedimentation TMDL shall attain a 38% reduction in sediment transport capacity at gage F-130 and implement stream restoration projects on eroding stream channels in the upper and lower watershed (above and below gage F-130) caused by the elevated work on the stream</p>	<p>15 years from the effective date of this Implementation Plan</p>

## State Water Resources Control Board

### NOTICE OF OPPORTUNITY TO COMMENT

#### PROPOSED APPROVAL OF AN AMENDMENT THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO ESTABLISH AN IMPLEMENTATION PLAN FOR THE MALIBU CREEK NUTRIENTS TMDL AND THE MALIBU CREEK AND LAGOON TMDL FOR SEDIMENTATION AND NUTRIENTS TO ADDRESS BENTHIC COMMUNITY IMPAIRMENTS

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) that would establish an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments. The Basin Plan amendment was adopted by the Los Angeles Water Board on December 8, 2016 (Resolution No. R16-009), and is available for review at:

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/tmdl/tmdl\\_list.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml).

A copy of the Basin Plan amendment can also be received by mail by contacting Jessica Pearson at (213) 576-6786.

**REQUEST NOTICE OF STATE BOARD MEETINGS.** The State Water Board will separately publish an agenda for the meeting at which it will consider adopting a resolution approving the Basin Plan amendment. Oral comments at the State Water Board meeting generally will be limited to a summary of the written comments submitted during the written comment period. Persons interested (including those who submit oral or written comments to the Los Angeles Water Board and State Water Board) in receiving notice of the meeting at which the State Water Board will consider approving the Basin Plan amendment must subscribe to:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg4\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.shtml) (Click on "TMDL – Malibu Creek Watershed"). The State Water Board encourages use of its electronic mailing list. Persons who require notice by regular mail must submit such request to the Los Angeles Water Board contact identified below.

**SUBMISSION OF WRITTEN COMMENTS.** Persons interested in the Basin Plan amendment are encouraged to submit comments electronically. Comment letters must be received by **12:00 noon on January 26, 2017**. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise. Send comments to Jeanine Townsend, Clerk to the State Water Board, by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (must be no more than 15 megabytes); fax at (916) 341-5620; or mail or hand delivery at:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)  
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

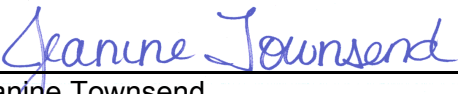
Please also indicate in the subject line, "**Comment Letter—Implementation Plan for U.S. EPA Malibu Nutrient and Sedimentation TMDLs.**"

**REQUIREMENTS FOR SUBMITTING COMMENTS** (Cal. Code Regs., tit. 23, § 3779, subd. (f)).  
Comments submitted to the State Water Board must satisfy all of the following requirements:

1. Comments must specifically address the final version of the Basin Plan amendment adopted by the Los Angeles Water Board.
2. If the Los Angeles Water Board previously responded to the comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the Los Angeles Water Board to each comment was inadequate.
3. The commenter must include either a statement that each of the comments was timely raised before the Los Angeles Water Board, or an explanation of why the commenter was unable to raise the specific comment before the Los Angeles Water Board.

Please direct any questions about this notice to Jessica Pearson, Environmental Scientist at the Los Angeles Water Board, at (213) 576-6786 or [Jessica.Pearson@waterboards.ca.gov](mailto:Jessica.Pearson@waterboards.ca.gov); or Frances McChesney, Attorney IV, at (916) 341-5174 or [Frances.McChesney@waterboards.ca.gov](mailto:Frances.McChesney@waterboards.ca.gov).

December 16, 2016  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

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**INFORMATION ONLY**

January 3, 2017 JPA Board Meeting

TO: JPA Board of Directors

FROM: General Manager

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**Subject : Nominees for Administrator of the Environmental Protection Agency and Secretary of the Interior**

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**SUMMARY:**

Over the last month, President-Elect Donald Trump has announcing several cabinet nominees who may be of interest to the JPA. His nominee for Administrator of the Environmental Protection Agency is Oklahoma Attorney General Scott Pruitt, and his nominee for Secretary of the Interior is Montana Congressman Ryan Zinke.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**DISCUSSION:**

Nominee for Administrator of the Environmental Protection Agency – Scott Pruitt:

On December 7, 2016, President-Elect Trump announced his selection of Oklahoma Attorney General Scott Pruitt for Administrator of the Environmental Project Agency. If confirmed by the U.S. Senate, Mr. Pruitt would replace Administrator Gina McCarthy. Mr. Pruitt is a Republican politician and lawyer from Oklahoma. He currently serves as the 17th Attorney General of Oklahoma, elected in to the office in 2010. From 1998 to 2006, Mr. Pruitt serves a State Senator.

After election to Attorney General, Mr. Pruitt established a “Federalism Unit” in the Attorney General’s office. According to agency’s website, the Federalism Unit is dedicated to representing the interests of the state and challenging the federal government when it has overreached its authority and encroached on the state’s ability to craft its own solutions as provided under law. Mr. Pruitt has sued the Environmental Protection Agency on several matters, including actions to block its Clean Power Plan and Waters of the U.S. Rule. He calls

himself “a leading advocate against EPA’s activist agenda.”

Nominee for Secretary of the Interior – Ryan Zinke:

President-Elect Trump announced his intent to nominate Montana Congressman Ryan Zinke on December 15, 2016. Mr. Zinke is a former Navy Seal who retired in 2005 at the rank of Commander with 19 years of service. If confirmed by the U.S. Senate, he would replace Interior Secretary Sally Jewell. Mr. Zinke served as a State Senator from 2009 to 2011. He has two advanced degrees with a Bachelor’s Degree in geology. Mr. Zinke was elected as a representative from Montana to the U.S. House of Representatives in 2015.

Mr. Zinke’s Congressional campaign was founded on establishing energy independence for North America. He has voted in favor of coal extraction and oil and gas drilling, but cited the importance of responsible energy development, recognizing the importance of clean air and clean water. Mr. Zinke strongly supports public access to federal lands but has generally opposed efforts to transfer federal lands to states, instead favoring improved federal management of the lands.

Prepared by: David W. Pedersen, Administering Agent/General Manager