City Council Meeting
06-27-11
Item
6.A.

Supplemental Council Agenda Report

To: Mayor Sibert and the Honorable Members of the City Council

Prepared by: Jim Thorsen, City Manager

Date prepared: June 22, 2011 Meeting date: June 27, 2011

Subject: Memorandum of Understanding (MOU) Between City of Malibu and Regional Water Quality Control Board, Los Angeles Region, and State Water Resources Control Board Regarding Implementation of Basin Plan Amendment for the Malibu Civic Center Area Prohibition

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RECOMMENDED ACTION: Approve in substantial form the MOU between the City, on the one hand and, on the other hand, the Regional Water Quality Control Board, Los Angeles Region, and the State Water Resources Control Board regarding implementation of the Basin Plan Amendment for the Malibu Civic Center Area Prohibition, and authorize the City Manager to execute the final MOU as approved by the City Attorney to be consistent with the Council's approval.

FISCAL IMPACT: In January 2009, the City Council allocated over $2.6 million for the design and environmental impact report (EIR) for the Civic Center Wastewater Treatment Facility. Estimated final costs for the design and construction of a centralized wastewater treatment facility (CWWTF) and associated infrastructure range from $30-52 million, depending on size, location and other costs. Cost for the design and construction of the CWWTF is anticipated to be paid by the property owners through the formation of an assessment district.

DISCUSSION: On November 5, 2009, the Regional Water Quality Control Board (RWQCB) approved Resolution No. R4-2009-007 to ban the use of septic systems in the Malibu Civic Center area. On September 21, 2010, the State Water Resources Control Board (SWRCB) approved that same resolution, thereby amending the State Basin Plan. The State Basin Plan Amendment went into effect on December 23, 2010. The adopted plan included the following mandates:

- All commercial properties must cease discharge by 2015 (Attachment 1 – shown in gold)
- All residential properties must cease discharge by 2019 (Attachment 1 – shown in green)
- No new discharge is allowed from any property in the prohibition boundary

- Residential "pipeline" projects that the County and the City reported and were read into the record at the RWQCB hearing are allowed to continue and use their new proposed systems until 2019
- Allows an exemption for a publicly-owned facility, community-based discharging system with RWQCB approval and a waste discharge requirement (WDR)

In October 2010, the City entered into a tolling agreement with the SWRCB that was extended and is still currently in effect. The tolling agreement was established to allow time for the respective agencies to resolve differences prior to the potential of filing any litigation. As identified at the SWRCB hearing, the Chair of the SWRCB (Hoppin) requested that both agencies continue to work on a mutually agreeable solution in order to best achieve the shared goal of constructing a CWWTF and improving water quality in the region. The SWRCB Chair has continued to monitor the progress of the discussions.

On November 8, 2010, the City Council directed the City Manager to temporarily cease the full design efforts on a Civic Center CWWTF and continue to negotiate with the Executive Officer of the RWQCB to finalize a phasing and prohibition boundary plan that was acceptable to both agencies. This direction was necessary as the City had to resolve potential fatal flaws with the design and with the overall phasing and boundary issues related to the Prohibition.

On February 28, 2011, the City Council directed the City Manager to re-initiate the necessary engineering work to complete the design of the treatment facility as it was announced that significant progress and agreement had been reached during the negotiations with the RWQCB. The City and the RWQCB began preparing a Memorandum of Understanding that would put forth a phasing and construction strategy that would allow for an orderly and reasonable approach to construct a CWWTF.

MEMORANDUM OF UNDERSTANDING (MOU): Over the last 9 months, the City Manager and the Executive Officer of the RWQCB have continued to meet on a regular basis and have had many discussions on the phasing, boundaries, design criteria and other related issues. In conjunction with those discussions, the State Water Board's Staff Counsel and the City Attorney worked together to memorialize the agreement reached through these discussions. In addition, the Mayor, Chair of the RWQCB, Staff Counsel for the State Water Board, the City Attorney and the President of Heal the Bay have met and discussed details of the proposed agreement. At this time, the City and the RWQCB staff have developed the proposed MOU (Attachment 2) which is being presented to the City Council and the water boards with their respective staffs' recommendation for approval. The MOU now includes a Phasing Options map (MOU Exhibit A), timelines and criteria for 3 distinct phases within the Prohibition. It is noted that the original Prohibition showed only 2 phases.

Phase 1: The attached Phasing Options map (MOU Exhibit A) shows the boundary of Phase 1 in yellow. This is the same boundary area that was previously shown at the February 28, 2011 City Council meeting, and the boundary has not changed. The area is comprised of the commercial area within the Civic Center. This phase requires all properties to be connected to a CWWTF by November 2015. There are several milestones that will need to be adhered with, including completion of a deep injection study, the completion of the final design and EIR, and the approval of an assessment district. In addition, water quality monitoring within the Lagoon will be necessary to establish pre- and post-CWWTF efforts.

Phase 2: This area is shown as coral color on the Phasing Options map (MOU Exhibit A). This area has changed slightly since the Council last viewed the phasing areas. It includes mainly residential areas, including Serra Canyon, the Colony, the condo complexes along Civic Center Way, Adamson House, Surfrider Beach restrooms, the Tennis Club and Webster Elementary School. This phase requires all properties to be connected to a CWWTF by November 2019. As with Phase 1, the second phase project requires similar milestones that need to be achieved, including the formation of an assessment district. This phase will require additional water quality monitoring in the Lagoon and also near Malibu Road homes.

Phase 3: This area is shown as a fuchsia color on the Phasing Options map (MOU Exhibit A) and it includes all remaining areas that are not part of Phases 1 or 2. The properties in this area include Malibu Road, the Knolls, HRL Laboratories, Bluffs Park, Our Lady of Malibu Church and School, Malibu Presbyterian Church and several residential and commercial properties on the east side of Sweetwater Mesa. Phase 3 is dependent on water quality sampling that shows a meaningful decrease in bacteria and nitrogen levels in Malibu Lagoon. If the bacteria and nitrogen levels are reduced, then the City will implement the steps to have the properties in Phase 3 connected to the CWWTF by 2025. If the water quality monitoring does not demonstrate a reduction in bacteria and nitrogen, then the City and the RWQCB will jointly work together to process an amendment to the Basin Plan to eliminate those properties from the Prohibition boundary. It is noted that those properties in Phase 3 are allowed to modify their homes during this time period as long as they upgrade their existing onsite treatment system to include disinfection and filtration.

SUMMARY: This is a long term MOU that provides benefits to both agencies. It requires strict compliance with the timeframes and milestones. It does allow the City to utilize a deep water or groundwater injection process within the Civic Center area. As the Council is aware, the deep injection process was the City's only reasonable and achievable alternative to the dispersal of treated Title 22 effluent. The City is required to conduct significant water quality monitoring within the Prohibition area, which will require

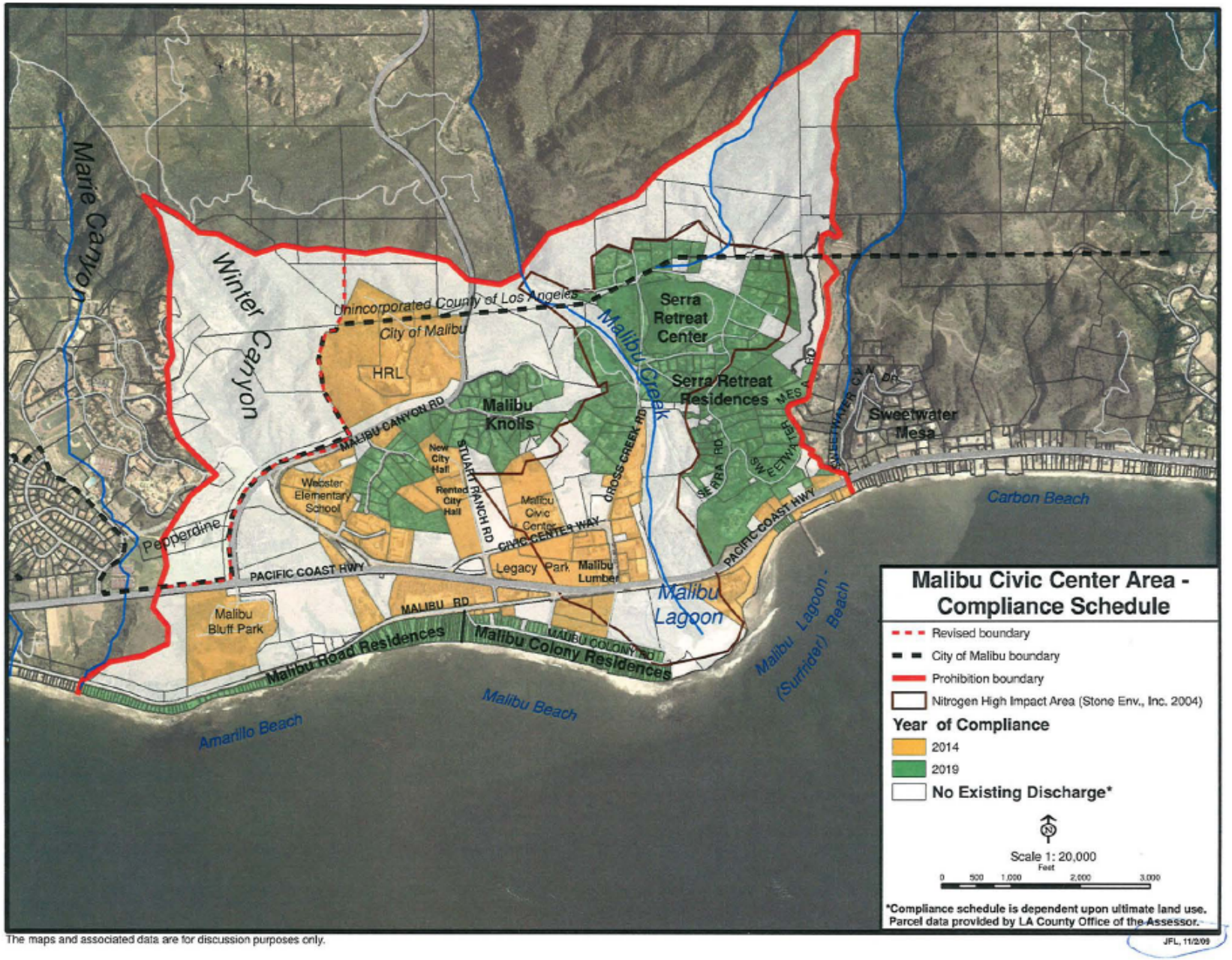
additional funding resources to be allocated. If the City Council approves the MOU, it will be presented to the RWQCB at its July meeting. Staff recommends approval of the MOU and, if approved, the MOU will be sent to the RWQCB for final approval.

ALTERNATIVES:

1) Modify the MOU and send the modified MOU to the RWQCB for review and approval
2) Reject the MOU

ATTACHMENTS:

1) Map of approved Prohibition boundaries and phasing
2) Memorandum of Understanding between the City of Malibu and Regional Water Quality Control Board, Los Angeles Region, and State Water Resources Control Board regarding phased implementation of Basin Plan Amendment for the Malibu Civic Center Area Prohibition (with Exhibit A – Phasing Options map)
3) List of City Water Quality Projects and Programs



The maps and associated data are for discussion purposes only.

ATTACHMENT 1

TENTATIVE

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF MALIBU

AND

REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

AND STATE WATER RESOURCES CONTROL BOARD

REGARDING PHASED IMPLEMENTATION OF BASIN PLAN AMENDMENT

FOR THE MALIBU CIVIC CENTER AREA PROHIBITION

ATTACHMENT 2

MEMORANDUM OF UNDERSTANDING

PHASED IMPLEMENTATION OF BASIN PLAN AMENDMENT

This Memorandum of Understanding (MOU) is made and entered into by and between the CITY OF MALIBU (City) on the one hand and the REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, and the STATE WATER RESOURCES CONTROL BOARD on the other hand (together the Water Boards), collectively referred to herein as the "Parties" or individually as "Party."

WHEREAS, on November 5, 2009, over the City's objections, the Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted Resolution R4-2009-007 approving an amendment to Chapter IV of the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan), to prohibit on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area, as defined in Resolution R4-2009-007, (Basin Plan Amendment).

WHEREAS, on September 21, 2010, over the City's objections, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2010-0045 approving the Basin Plan Amendment.

WHEREAS, on December 23, 2010, the Office of Administrative Law approved the regulatory provisions of the Basin Plan Amendment, the final step for the amendment to take effect.

WHEREAS, the Basin Plan Amendment prohibits all new OWDSs in the Malibu Civic Center Area and prohibits the discharge from existing OWDSs based on a phased schedule to cease discharges from Phase One systems by November 5, 2015 and Phase Two systems by November 5, 2019. The Basin Plan Amendment does not prevent repairs, maintenance, and upgrades to existing OWDSs, provided that they do not expand the capacity of the systems or increase flows of wastewater.

WHEREAS, in October 2010, the City and the Water Boards entered into a tolling agreement by which they agreed to extend the time within which the City must bring an action against the Water Boards challenging their actions to approve the Basin Plan amendments, which agreement was extended and now due to expire October 2011. The purpose for the tolling agreement was to afford the parties an opportunity to reach agreement on a phased implementation, boundaries and other matters related to the substance of Basin Plan Amendment.

WHEREAS, the Parties have provided interested persons with an opportunity to comment on the MOU and have considered those comments prior to execution by the Parties.

WHEREAS, the parties have reached agreement and wish to memorialize the agreement in this MOU.

NOW, THEREFORE, the Parties do hereby agree as follows**:**

ARTICLE I – Purpose and Effect of MOU

A. **Purpose of MOU** – The purpose of this MOU is to further the objectives of the Porter-Cologne Water Quality Control Act and to memorialize the Parties' agreement to coordinate in the implementation of a wastewater treatment plan (as detailed below) in the Malibu Civic Center Area, as defined in the Basin Plan Amendment, that employs both a plan and schedule to construct one or more state-of-the-art centralized wastewater treatment facilities in the Malibu Civic Center Area and a comprehensive regulatory program with respect to OWDSs.

B. **Effect of MOU –** The Parties agree to implement the prohibitions established in the Basin Plan Amendment in the manner set forth in this MOU. As long as the City is in compliance with the schedule set forth in this MOU, the Los Angeles Water Board will not amend the Basin Plan Amendment inconsistent with this MOU. The Parties agree to maintain a tolling agreement as long as this MOU remains in effect.

C. **Authority to Enter into MOU –** The City has authority to enter into this MOU, which is within the scope of its police powers. The Water Boards have authority to enter into this MOU pursuant to California Water Code sections 13165 and 13225.

ARTICLE II– Responsibilities of City

The City shall implement a wastewater treatment plan (Plan) in the Malibu Civic Center Area consisting of the following tasks:

A. **Phase One:** By November 5, 2015, for the wastewater discharge of those properties within the boundaries of the yellow area shown on the map of the Malibu Civic Center Area attached hereto as Exhibit A and incorporated herein by this reference (Boundary Map), the City shall design and construct a central Wastewater Treatment Facility. In order to fund the construction of the wastewater treatment facility, it is necessary that an assessment district be approved and formed in accordance with all applicable laws, including but not limited to Prop 218, that includes the property owners served by Phase One. Once approved, all property owners within the approved assessment district are required to connect to the Wastewater Treatment Facility. The City's Wastewater Treatment Facility may consider the use of deep well or groundwater injections without reverse osmosis as a method of dispersal of effluent from the proposed Wastewater Treatment Facility. The City must obtain Waste Discharge Requirements (WDRs), for the proposed Wastewater Treatment Facility and all water must be treated to meet or exceed the requirements of applicable laws, regulations, and policy, including the Porter-Cologne Water Quality Control Act, the federal Clean Water Act, the Basin Plan, and standards for advanced wastewater treatment set forth in Title 22 California Code of Regulations, Division 4. The City shall work in coordination with the

Los Angeles Water Board and shall comply with the following deadlines to complete Phase One of the Plan:

1. By **September 30, 2011**, submit a schedule and list of public outreach meetings and materials developed to inform the public about the development of a wastewater treatment facility.
2. By **December 31, 2011**, complete and submit to the Los Angeles Water Board a recycle/reuse study which shall identify the potential location and options to maximize the reuse of the Title 22 effluent.
3. By **June 30, 2012**, complete and submit to the Los Angeles Water Board a conceptual groundwater injection plan that is based on field testing and modeling.
4. By **March 31, 2013**, complete and submit the certified Environmental Impact Report for the project in compliance with the California Environmental Quality Act (CEQA).
5. By **June 30, 2013**, complete and submit the design for the Wastewater Treatment Facility, which shall include the facility layout, electrical and pumping requirements, sewer line plans and profiles, disposal well design. Also submit to the Los Angeles Water Board a complete report of waste discharge pursuant to the California Water Code.
6. By **September 30, 2013**, complete the formation of an assessment district for all properties within the Malibu Civic Center Area Phase One and provide that information to the Water Board.
7. By **October 1, 2013**, complete a plan to obtain all funding and property necessary to complete the Phase One project.
8. By **October 30, 2013**, complete and release a Bid Package for construction of the Phase One Wastewater Treatment Facility.
9. By **March 31, 2014**, complete contractor selection and initiate construction of the Phase One Wastewater Treatment Facility.
10. By **November 5, 2015**, complete the Phase One project, including successful startup of the Phase One Wastewater Treatment Facility and the connection of all properties within the Phase One boundaries to the Wastewater Treatment Facility. The City is required to operate the Facility in compliance with the WDRs.

B. Phase Two: By November 5, 2019, within the coral-colored area shown on the attached Boundary Map, the City shall require all those developed properties to be connected to a central Wastewater Treatment Facility. The Facility shall be the same Facility as described in Phase One or an alternatively located central Wastewater Treatment Facility designed to the same standards as Phase One and subject to waste discharge requirements issued by the Los Angeles Water Board. In order to fund the construction of the wastewater treatment facility improvements and connections thereto, it is necessary that an assessment district be approved and formed in accordance with all applicable laws, including but not limited to Prop 218, that includes the property owners served by Phase Two. Once formed, all property owners within the approved assessment district are required to connect to the Wastewater Treatment Facility.

The City shall comply with following deadlines to complete Phase Two of the Plan:

1. By **June 30, 2015,** inform the Los Angeles Water Board whether the City intends to connect properties within the Phase Two boundaries to the City's Phase One Wastewater Treatment Facility or construct an alternative facility.
2. By **December 31, 2016**, complete and submit to the Los Angeles Water Board a conceptual groundwater injection plan for Phase Two, if applicable, that is based on field testing and modeling.
3. By **March 31, 2017**, complete and certify a subsequent or supplement Environmental Impact Report, if required, pursuant to CEQA.
4. By **June 30, 2017**, complete and submit to the Los Angeles Water Board a Design for Phase Two, including any alternative facility, which shall consist of facility layout, electrical and pumping requirements, sewer line plans and profiles, disposal well design. Also submit to the Los Angeles Water Board a complete report of waste discharge, if necessary, pursuant to the California Water Code.
5. By **September 30, 2017**, complete the formation of an assessment district for all properties within the Malibu Civic Center Area Phase Two and provide that information to the Water Board.
6. By **November 1, 2017**, complete and release a Bid Package for construction of the Phase Two Wastewater Treatment Facility.
7. By **March 31, 2018**, complete contractor selection and initiate construction of the Phase Two facility, if necessary.
8. By **November 5, 2019**, complete Phase Two project, including successful startup of the Phase Two Wastewater Treatment Facility and the connection of all properties within the Phase Two boundaries to the Wastewater Treatment Facility. The City is required to operate the Facility in compliance with the WDRs.

C. Phase Three:

1. The City will begin Phase Three (fuchsia-colored area on Boundary Map), if necessary, upon completion of Phases One and Two, and upon completion of a water quality sampling program. The water quality sampling program shall be designed and implemented to determine whether the implementation of Phases One and Two have resulted in a meaningful decrease in Bacteria and Nitrogen in Malibu Lagoon as follows:

    i. <u>Bacteria reduction:</u> Within 1 year after Phase One is complete, there should be a one log reduction in bacteria measured as Most Probable Number (MPN) on a consistent basis (75% of samples), and within 1 year after Phase Two is completed, there should be a further one log reduction in bacteria (as MPN). Sampling should include a minimum of 6 locations within the Lagoon as agreed upon by the City and the Los Angeles Water Board and include 2 dry seasons. Base line sampling data shall be collected for 12 months prior to completion of the treatment system.

ii. Nitrogen reduction: Within 1 year after Phase One is completed, there should be a 50% reduction (in mg/l) in total nitrogen concentration (measured as mg/l) on a consistent basis (75% of samples) and within 1 year after Phase Two is completed, there should be a further 50% reduction in total nitrogen concentration (mg/l). Sampling should include a minimum of 6 locations within the Lagoon as agreed upon by the City and the RWQCB and include 2 dry seasons. Base line sampling data shall be collected for 12 months prior to completion of the treatment system.

2. Should the City and the Los Angeles Water Board determine that the implementation of Phase One and Phase Two have resulted in bacteria and nitrogen reduction as set forth in II.C.1 above, the City shall proceed with implementation of Phase Three excluding any properties that the Los Angeles Water Board concludes and the City has demonstrated to have no contribution to bacteria or nutrient impacts to Malibu Creek and Malibu Lagoon. Phase Three shall be completed and all properties connected to the Wastewater Treatment Facility by November 5, 2025.

3. Between the date of the signing of this MOU and upon the determination that a Phase Three is or is not necessary, the City may authorize property owners within Phase Three areas to modify existing buildings upon installation of a filtration and disinfection system to their existing OWDSs in accordance with City regulations and waste discharge requirements only if the City finds that the modification is consistent with the protection of public health and the Basin Plan Amendment and if the property owner is notified of the provisions of the Basin Plan Amendment and the MOU. On March 31 and September 30 of each year, the City shall send written reports of any modifications approved in Phase III to the Los Angeles Water Board.

D. Certain properties within Phase Three, including HRL Laboratories and other properties, may choose to join an assessment district, connect to the Wastewater Treatment Facility and pay all associated fees. The Los Angeles Water Board may independently require said properties to otherwise implement a disinfection system in accordance with waste discharge requirements or a waiver issued by the Los Angeles Water Board

E. Water Sampling.

1. The City shall conduct water quality monitoring to evaluate the effectiveness of the Wastewater Treatment Facility, as described in paragraph C above, throughout all project phases and shall be concluded no later than November 2021. The City shall submit to the Los Angeles Water Board a water monitoring and reporting program for Executive Officer approval by November 5, 2013, and update as directed by the Executive Officer.

2. The City shall also conduct water quality monitoring to evaluate water quality in the ocean adjacent to the Malibu Road homes for a period of 2 years beginning no later

than July 1, 2014. Included and a part of the same water monitoring and reporting program identified in E.1., the City shall provide an ocean water monitoring and reporting program that identifies 3 locations along Malibu Road for water quality testing. Depending on the results of the monitoring, the Los Angeles Water Board may issue upgraded OWDS requirements to the homes. If a sufficient number of homes along Malibu Road elect to connect during Phase I or II, the property owners will be required to join or form an assessment district and pay applicable fees.

F. Quarterly Reports. The City shall submit, or cause to be submitted, quarterly progress reports to the Los Angeles Water Board on March 31, June 30, September 30 and December 31 of each year until such time that the Los Angeles Water Board determines that compliance with the prohibitions have been achieved.

ARTICLE III – Responsibilities of the Water Boards

A. No Amendments. The Water Boards agree that they will not adopt any amendment to the Basin Plan Amendment, as long as this MOU is in effect. The Parties understand that amendments to the Basin Plan Amendment may be necessary to implement Phase Three and will cooperate to achieve the purposes of this MOU.

B. Failure to Comply/No Third Party Beneficiary. The Water Boards agree that they will not enforce the prohibitions against the property owners set forth in the Basin Plan Amendment so long as the City is in substantial compliance with the Plan set forth in Article II of this MOU and the property owners are in compliance with the Basin Plan Amendment conditions applicable City requirements, and waste discharge requirements or a waiver issued by the Los Angeles Water Board. Notwithstanding the foregoing, this MOU does not create any rights in or obligation to any third party and may only be enforced by the Parties to this MOU.

C. WDR processing. The Los Angeles Water Board agrees to process and issue water discharge requirements in a timely manner so not to delay the City's ability to meet the deadlines set forth in this MOU and the deadlines set forth in this MOU shall be extended by the amount of time beyond six months that the City's request for waste discharge requirements is pending before the Water Boards. The Los Angeles Water Board's decision to issue waste discharge requirements will be based on the administrative record after a public hearing and nothing in this MOU prejudges its decision.

D. The Los Angeles Water Board agrees to assist the City in obtaining funding for the Facility and any associated water quality monitoring.

E. The City will continue to supply the Los Angeles Water Board with any ongoing or new water quality studies and monitoring reports that are completed within or near the Prohibition Area. The Los Angeles Water Board will consider all relevant available information in determining whether to remove any properties within Phase Three from

the Prohibition boundaries; specifically and without limitation, the Parties agree to evaluate whether new reports provide sufficient scientific evidence that inclusion of certain areas within Phase 3 is no longer justified within the Prohibition boundary. The Los Angeles Water Board and the City intend to work cooperatively on any necessary amendment to the Basin Plan Amendment.

ARTICLE IV – Tolling

A. **Tolling Extended**. The Parties agree that the period during which the City must bring an action against the Water Boards challenging any aspect of the Water Board Actions, including but not limited to the procedures the Water Boards followed and its environmental review under the CEQA, is hereby tolled and extended as of the effective date of this MOU for as long as this MOU is in effect, unless the tolling agreement is terminated earlier or extended by the Parties (the "Tolling Period"). The tolling agreement becomes effective on the date this MOU is signed by the City.

B. **No Time-Bar Defenses.** The Parties further agree that there shall be a suspension of any and all applicable statutory limitations and non-statutory periods, including, without limitation, the equitable doctrine of laches, which may otherwise apply to the City's claims, during the Tolling Period.

C. **No Revival of Stale Claims.** Nothing in this Agreement shall revive any claim which, as of the commencement of the Tolling Period, would have been barred by any applicable statute of limitations.

D. **No Admission.** The entry into this Agreement by the Parties shall not be construed to represent any admission by any Party with respect to the subject or sufficiency of any Party's claims or any defenses thereto.

E. **Lawsuits:** The City agrees that while this MOU is in effect, it will not file any litigation regarding the Basin Plan Amendment against the Water Boards, nor will it join in or support any third party lawsuits against the Water Boards that may arise from the implementation of this MOU or the adoption of the Basin Plan Amendment.

ARTICLE V – Term of MOU

1. The term of this MOU shall begin upon its approval by the Parties and shall terminate on completion of Phase Three, unless terminated earlier pursuant to this Article. During the term of this MOU, the Parties agree to negotiate, in good faith, modifications to the MOU that may be reasonably necessary to assure implementation of the Plan, including, but not limited to, the following changed circumstances:

A. There is a material change in the regulatory framework for wastewater management or water quality standards relevant to the implementation of the Plan in the Malibu Civic

Center Area or the Basin Plan Amendment that would require additional time to implement; or

B. There is a material change in the cost or other impediment that warrants the Parties attention in order to assure successful implementation of the Plan in the Malibu Civic Center Area that would require additional time to implement.

2. This MOU may be terminated by the City, the State Water Board or the Los Angeles Water Board by giving 45 days prior written notice in accordance with the notice provisions in Article VI(B) hereof. Said termination shall be effective only upon a duly noticed public meeting conducted by the City, the State Water Board or the Los Angeles Water Board.

ARTICLE VI – General Provisions

1. **Notices** – Any notices or other communication required or permitted by this MOU shall be in writing and shall be delivered to the Representative of the Party at the addresses set forth below. Parties shall promptly notify each other of any change of contact information provided below. Written notice shall include notice delivered via email. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third business day following deposit in the United States mail, postage prepaid to the addresses set forth below:

To the State Water Board:

Tom Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Phone: (916) 341-5611
Fax: (916)
E-mail: thoward@waterboards.ca.gov

and

Michael A.M. Lauffer, Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Phone: (916) 341-5183
Fax: (916) 341-5620
Email: mlauffer@waterboards.ca.gov

To the Los Angeles Water Board:

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6600
Fax: (213) 576-6640
Email: sunger@waterboards.ca.gov

and

Eric Wu, Unit Chief
Los Angeles Regional Water Quality Control Board
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6600
Fax: (213) 576-6640
ewu@waterboards.ca.gov

With a copy to:

Frances McChesney, Staff Counsel IV
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
Phone: (916) 341-5174
Fax: (916) 341-5199
E-mail: fmcchesney@waterboards.ca.gov

To the City:

Jim Thorsen, City Manager
23825 Stuart Ranch Road
Malibu, CA 90265
Phone: (310) 456-2489 x226
Email: jthorsen@malibucity.org

and

Jennifer Voccola Brown
Environmental Programs Coordinator
Email: jbrown@malibucity.org
Phone: (310) 456-2489 x275
Fax: (310) 456-3356

With a copy to:

Christi Hogin, City Attorney
Jenkins & Hogin, LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266
Phone: (310) 643-8448
Fax: (310) 643-8441
E-mail: chogin@localgovlaw.com

2. **Relationship of the Parties** – The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party or otherwise act as an agent of another Party except as expressly provided to the contrary by this MOU.

3. **Cooperation, Further Acts** – Parties shall cooperate fully with one another to attain the purposes of this MOU.

4. **Amendments** – All amendments must be in writing, approved and executed by all Parties.

5. **Reservation of Rights.** Each Party shall be solely responsible and liable in connection with its actions associated with its responsibilities under this MOU. For purposes of this MOU, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations. Nothing in this MOU is intended to limit the legal authority or responsibilities of the Parties, except as agreed to herein. The Los Angeles Water Board intends to terminate the MOU if the City is not in substantial compliance with the Plan set forth herein, in which case, the Water Boards may enforce the Basin Plan Amendment as written against the City and other entities as authorized by the Porter-Cologne Water Quality Control Act or other applicable law.

6. **Third Parties -** Nothing in this MOU is intended to create duties or obligations to or rights in third parties to this agreement or affect the legal liability of the parties to this MOU.

7. **Enforcement:** The Parties agree to cooperate in implementation of the Basin Plan Amendment as set forth in this MOU. The Los Angeles Water Board and the State Water Board have jurisdiction to enforce the Basin Plan Amendment. The City agrees to coordinate in any enforcement action by supplying the Water Boards with property and owner information. The City agrees to require connection to the Wastewater Treatment Facility for every parcel within an approved assessment district. Should any property owner within an assessment district refuse to connect, the Parties agree to coordinate in all necessary action as described above to gain compliance. The City and the Water Boards shall use their respective enforcement authorities to attain compliance with the Basin Plan Amendment**.**

   If an assessment district is not approved by dischargers, the Los Angeles Water Board may enforce all State policies, plans, or regulations to gain compliance, including the requirement to upgrade each OWDS to advance treatment, or other appropriate means by November 5, 2019. Advanced treatment for OWDS is defined as disinfection treatment to a level that meets applicable water quality standards for Fecal Indicator Bacteria and/or

denitrification not to exceed a total nitrogen concentration of 10 mg/l for those properties impacting an impaired water body with a nutrient TMDL. All property owners that are required to upgrade their system will need to obtain City of Malibu building permits and obtain an operating permit in accordance with City ordinances. The City's operating permit program requires that advanced residential OWDS must be inspected every 3 years by a certified OWDS inspector. The Los Angeles Water Board will also require effluent monitoring for these systems that shall be submitted and reviewed by the Los Angeles Water Board on a quarterly basis for Total Suspended Solids, Total Nitrogen, Total Phosphorus, and Fecal Indicator Bacteria as appropriate.

8. **Dispute Resolution:** The Parties agree to attempt to informally resolve any disputes that arise with respect to this MOU prior to terminating the MOU by notifying the other party if a dispute arises and identifying the issues in dispute. Each party reserves its rights if informal dispute is not effective.

9. **Governing Law –** This MOU is governed by, interpreted under and construed and enforced in accordance with the laws of the State of California.

10. **Authorized signatures.** The Parties hereby represent and warrant that their respective signatory of this MOU is duly authorized to execute and bind the agency for which he signs.

11. **Severability**. If any provision of this MOU shall be determined by any court to be invalid, illegal or unenforceable to any extent, the remainder of this MOU shall not be affected and this MOU shall be construed as if the invalid, illegal or unenforceable provision had never been contained in this MOU.

IN WITNESS WHEREOF, the Parties to this MOU have caused this MOU to be executed on their behalf as of the date specified below, respectively, as follows:

FOR THE STATE WATER RESOURCES CONTROL BOARD:

Dated: _____, 2011

Tom Howard
Executive Director
State Water Resources Control Board

_____
Tom Howard

APPROVED AS TO FORM:

Michael A. M. Lauffer
Chief Counsel
State Water Resources Control Board

_____
Michael A. M. Lauffer

FOR THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD:

Dated: _____, 2011

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board

_____
Samuel Unger

APPROVED AS TO FORM:

_____
Frances L. McChesney
Staff Counsel IV
Office of Chief Counsel
State Water Resources Control Board

FOR THE CITY OF MALIBU:

Dated: _____, 2011

Jim Thorsen
City Manager
City of Malibu

_____
Jim Thorsen

ATTEST:

_____
Lisa Pope
City Clerk
(seal)

APPROVED AS TO FORM:

_____
Christi Hogin
City Attorney
City of Malibu

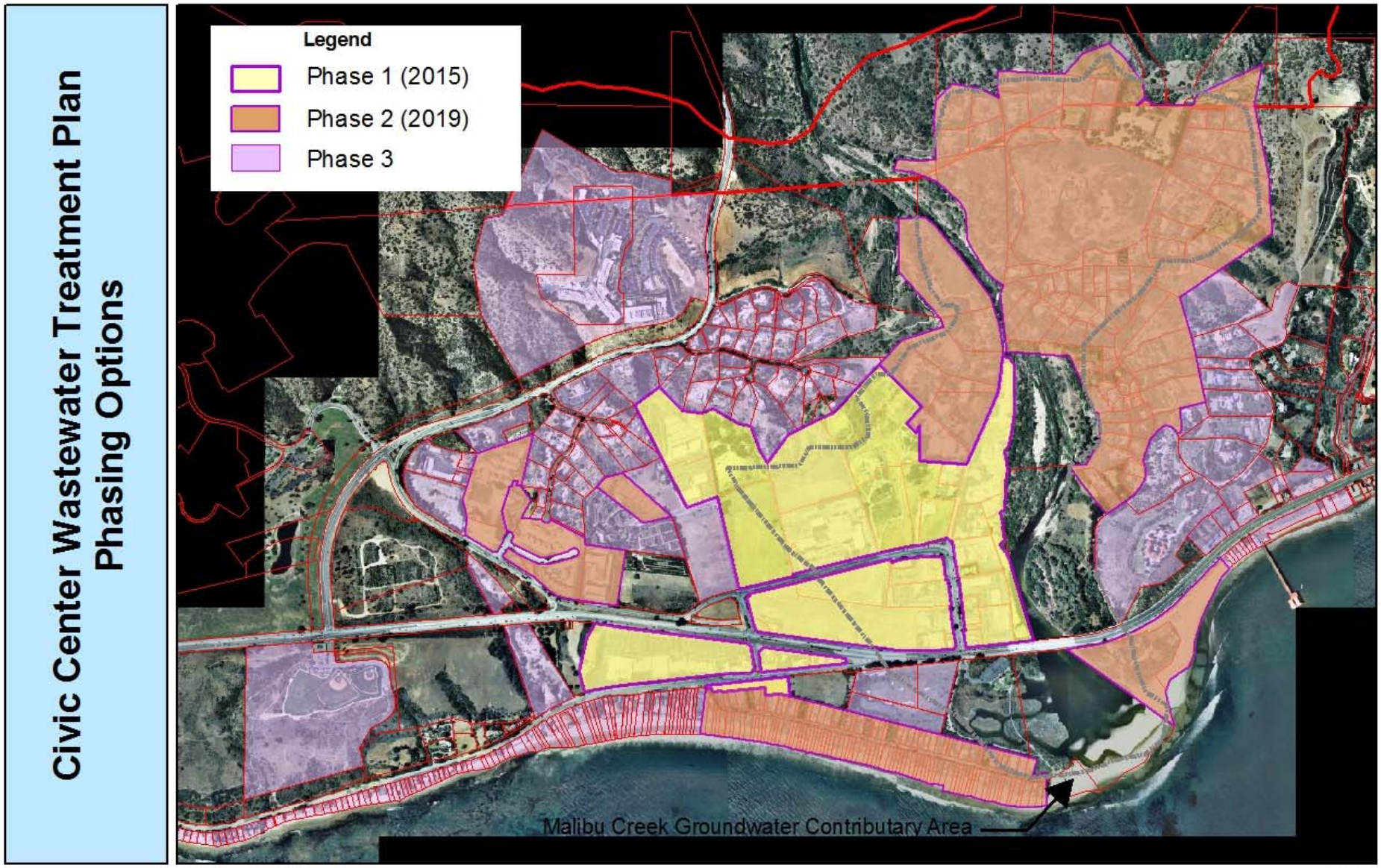

Civic Center Wastewater Treatment Plan
Phasing Options
Legend
Phase 1 (2015)
Phase 2 (2019)
Phase 3
Malibu Creek Groundwater Contributary Area
4/15/11

EXHIBIT A

City Water Quality and Environmental Projects and Programs

Environmental Capital Projects Completed

CIP Project List	***Year***	***Amount***
Purchase Legacy Park	2006	$25.0M
Civic Center Stormwater Treatment Facility	2007	$ 6.0 M
Cross Creek Road Improvements (Pervious sidewalk and parking areas)	2008	$ 2.2 M
Las Flores Creek Bank Stabilization	2008	$ 1.9 M
Solstice Creek Bridge Replacement and Steelhead Trout Project	2008	$ 1.3 M
Paradise Cove Stormwater Treatment Facility	2010	$ 1.0 M
Trancas Park (Utilization of recyclable material)	2010	$ 3.2 M
Civic Center Linear Trail (design w/Legacy Park)	2010	$ 1.0 M
Legacy Park	2010	$ 6.0 M
Subtotal		***$47.6M***
Central Wastewater Treatment Facility (Pending)	*2015*	*$35.0 M*
Total		***$82.6M***

ATTACHMENT 3

Environmental Programs

- City hosted a County-sponsored Smart Gardening Workshop on October 16, 2010 – 35 residents attended this free workshop to learn about backyard composting, worm composting, grass recycling and water-wise gardening. Several compost bins and worm bins were purchased.

- Staff promoted the County's Household Hazardous Waste (HHW) disposal event in Malibu behind the public library on December 4, 2010, and promoted the County HHW event held on June 12, 2011 at the Calabasas landfill.

- City participated in the 3rd Annual Countywide "Day Without a Bag" event to give away reusable bags and reinforce Malibu's Plastic Bag Ban in December 2010. Volunteers distributed bags at three locations, and two local stores (PC Greens and Banana Republic) distributed bags directly to customers.

- Christmas tree recycling program was held December 27, 2010 through January 15, 2011 at two locations – Papa Jack's Skate Park on Civic Center Way and Pacific Coast Highway near Heathercliff Road.

- City partnered with West Basin Municipal Water District (WBMWD) to host an Ocean Friendly Garden workshop March 19, 2011 at City Hall. There were approximately 25 attendees.

- Earth Hour – the City participated in and encouraged others' participation in Earth Hour to bring awareness to sustainability issues on March 26, 2011 by turning off lights at all City facilities for at least an hour starting at 8:30 pm.

- The Used Oil and Paint Roundup continues to be held every third Saturday monthly in Malibu. The most recent Oil and Paint Roundup at City Hall took place April 16, 2011, as part of an overall recycling day that also included a document shred and recycle event and the City's quarterly e-waste collection event.

- Quarterly electronic waste collection event – Participation continues to be generally successful and has increased since its inception.

- Daily Earth Month Tips – Daily "eco tips" were posted on the City's website as part of Earth Month.

- Earth Day – An Earth Day event was held on April 22, 2011 at Legacy Park. This children/family-focused event, organized in partnership with the Parks and Recreation Department, featured environmentally-themed story time and a puppet show. There

was also a performance by Eco Hero Kids, an educational scavenger hunt throughout Legacy Park and environmental education booths. An estimated 100 children and adults attended.

- Clean Bay Restaurant Certification Program – This program was implemented as a part of the National Pollutant Discharge Elimination System (NPDES) inspections, which have begun for this round of certifications and are anticipated to be completed by the end of this month. In 2010, 39 businesses qualified as Clean Bay Certified (65% of total restaurants/food service related businesses).

- Area of Special Biological Significance (ASBS) – The final report from the Bight 08 monitoring program was recently released by Southern California Coastal Water Research Project (SCCWRP). It was a joint project of SCCWRP, the State of California and ASBS dischargers. The report is intended to be used to inform the State about granting a general discharge exception to the City and other dischargers.

- Proposition 84 ASBS grants – The City was awarded grants from the State for the two drainage improvement and infiltration projects at Wildlife Road and Broad Beach Road, with the addition of a two-year, grant funded outreach staff position (Coastal Preservation Specialist).

- Staff continues to work with WBMWD, Los Angeles County Waterworks District 29 and Supervisor Zev Yaroslavsky's office on a water conservation and runoff elimination pilot project and the associated flow monitoring studies in targeted watersheds in Point Dume. An outreach letter was sent inviting residents in the study area to partake of free water use evaluations and "smart" irrigation controllers, as well as announce the next Ocean Friendly Gardens Workshop.

- Brush Clearance and Mulch Event - Completed in May 2011.

Local Ordinances and Regulations Adopted

The following documents are a list of City ordinances and regulations that have been implemented to protect various aspects of the environment and water quality:

1) Malibu Municipal Code (M.M.C.) Chapter 9.08.060. Offenses Against Property
2) City of Malibu Ordinance No. 46. (M.M.C. Chapter 9.20) Water Conservation
3) City of Malibu Ordinance No. 51U. Urgency Amendment to the Excavation Grading Standards of the Building Code, Establishing Stormwater Management Standards, and Amending the M.M.C.
4) City of Malibu Ordinance No. 96. (M.M.C. Chapter 17.44) Water Conservation Landscaping Requirements
5) City of Malibu Ordinance No. 157. Regulating Stormwater and Urban Runoff Pollution
6) City of Malibu Ordinance No. 219. Amending the Stormwater and Urban Runoff Pollution Control Ordinance to Provide Stormwater Pollution Control for Planning and Construction of New Development and Redevelopment Projects
7) City of Malibu Ordinance No. 242. (M.M.C. 15.12) Incorporating the California Plumbing Code to Require Operating Permits for Residential and Commercial Facilities to Use Onsite Wastewater Treatment Systems
8) City of Malibu Ordinance No. 264. (M.M.C. Chapter 13.04) Stormwater and Discharge Control
9) City of Malibu Ordinance No. 265. (M.M.C. Chapter 12.05.035) Prohibiting Smoking on City Beaches
10) City of Malibu Ordinance No. 286. (M.M.C. Chapter 9.24) Ban on Expanded Polystyrene Food Packaging
11) City of Malibu Ordinance No. 321. (M.M.C. Chapter 15.14) Operating Permit Program with a Point of Sale Element for Onsite Wastewater Treatment Systems
12) City of Malibu Ordinance No. 323. (M.M.C. Chapter 9.28) Prohibiting the Use of Plastic Shopping Bags
13) City of Malibu Ordinance 324 (M.M.C. Chapter 1.10) Establishing and Administrative Citation Procedure to Impose Administrative Fines for Violations of the Malibu Municipal Code
14) City of Malibu Ordinance 325 (M.M.C. 5.04.020(A) and 5.20.140) Amending Various Sections of the Malibu Municipal Code to Make Specified Code Violations Subject to the Administrative Penalty Provisions of Chapter 1.10.

Best Management Programs

Title	Malibu Environmental Programs- Best Management Practices and Studies Descriptions
Public Agency Activities- Street Maintenance: Storm Drain/Culvert Facilities Maintenance	Public Agency Activities- Street Maintenance: contract for annual and post-storm inspection and cleaning of storm drain facilities. This service ensures that litter, debris and pollutants are removed to prevent them getting into the local waterways and impacting beneficial uses.
Public Agency Activities- Street Maintenance: Curb and Gutter Cleaning and Repair	Public Agency Activities- Street Maintenance: contract for annual curb and gutter cleaning and repair. This service ensures proper functioning of drainage facilities.
City Ordinance and Municipal Code- Water Conservation	City Ordinance and Municipal Code- Water Conservation Ordinance No. 46, M.M.C. Chapter 9.20. This ordinance recognized the severe drought conditions and enacted an emergency conservation plan so resources would be available to the public for beneficial use and that waste or unreasonable use or unreasonable methods of use of this important resource be prevented. A favorable consequence of this implementation is that incidental residential runoff is reduced. See appendix.
City Ordinance and Municipal Code- Grading And Storm Water Standards	City Ordinance and Municipal Code- Urgency Amendment to the Excavation Grading Standards of the Building Code, Establishing Storm Water Management Standards, and Amending the Malibu Municipal Code (M.M.C.) Ordinance No. 51U. This ordinance prevented the issuance of any building permits for construction without submitting a plan which is found in compliance with the Clean Water Act of 1987 by controlling discharges of construction debris and preventing discharge of materials other than storm water into the storm drain. See appendix.
City Ordinance and Municipal Code- Water Conservation Landscaping Requirements	City Ordinance and Municipal Code- Water Conservation Landscaping Requirements Ordinance No. 96, M.M.C. Chapter 17.44. This section sets forth regulations for designing and installing water efficient landscapes in new projects to conserve water and minimize runoff. See appendix.
City of Malibu General Plan	City of Malibu General Plan- This plan outlines the goals, objectives and implementation measures to protect various natural resources and water quality in coastal streams and ocean. See appendix for information on how to view this document.
City Ordinance and Municipal Code- Regulating Storm Water and Urban Runoff Pollution	City Ordinance and Municipal Code- Regulating Storm Water and Urban Runoff Pollution Ordinance No. 157. The purpose of this ordinance is to ensure the future health, safety and general welfare of the citizens of the city and the water quality of the receiving waters of the Santa Monica Bay. See appendix.
Malibu Parks and Recreation Quarterly Newsletter	Public Information & Participation Programs - Malibu Recreation Guide and Program Quarterly Newsletter is sent to residents and includes articles relating to the Clean Water Program and Solid Waste Program. The City takes the opportunity to give reminders to the community about hove to prevent pollution and reduce waste, as well as local event opportunities.
Solid Waste Management Program	Solid Waste Management Program was formed to comply with AB939 (California Integrated Waste Management Act of 1989) and implement source reduction of solid waste including recycling, composting, environmentally safe transport and land disposal. This includes: City programs for safe disposal of household hazardous waste; used oil collection/recycling events; waste management education; Solid Waste Hauler permitting; Christmas tree recycling; brush clearance/green waste recycling events; bulky item collection; construction and demolition debris recycling; and electronic and universal waste disposal.

Wastewater Management Program	Wastewater Management Program (WMP) was implemented to comply with State and Federal regulations regarding onsite wastewater treatment systems (OWTS). A web-based data management tool was created to provide oversight of 6,000 OWTS. Inspection and maintenance practices were set-up to eliminate any failing systems. It includes ongoing public outreach and education campaigns.
Industrial & Commercial Inspection Program	Industrial & Commercial Inspection Program. While this is a requirement of the NPDES permit, the City has taken a proactive approach and conducts inspections annually instead of twice in a five year permit cycle. Goals of inspections include compliance verification, enforcement as needed, and education regarding storm water and urban runoff issues, recycling, and various City environmental quality ordinances (such as the ban of expanded polystyrene packaging).
Illicit Connection/Illicit Discharge Elimination Program	Illicit Connection/Illicit Discharge Elimination Program. Coordination of multiple City Departments to cease and eliminate pollution by illicit connections and discharges to the storm water system. The City has an active education, response and enforcement program.
City Ordinance and Municipal Code- Storm Water and Urban Runoff Amendment	City Ordinance and Municipal Code- Amending the Storm Water and Urban Runoff Pollution Control Ordinance to Provide Storm Water Pollution Control for Planning and Construction of New Development and Redevelopment Projects Ordinance No. 219, M.M.C. Chapter 13.04.050. This ordinance set forth requirements which were intended to ensure compliance with the storm water mitigation methods prescribed in the Standard Urban Storm Water Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board. See appendix.
Public Agency Activities- Street Maintenance: City Street Sweeping Contract	Public Agency Activities- Street Maintenance: contract for sweeping for public streets in City. Street sweeping is a requirement of the NPDES permit and is intended to remove litter, debris, and pollutants from the roadways thus preventing them from getting into local waterways. It occurs 2-3 times a month depending on the area of the City.
City Ordinance and Municipal Code- Prohibiting Discharges	City Ordinance and Municipal Code- Public Peace and Welfare, Offenses Against Property: Causing or permitting certain substances to flow onto highways or into drainage channels prohibited, M.M.C. Chapter 9.08.060. See appendix.
City of Malibu Clean Water Program and Clean Water Team	Public Information & Participation Programs- The City's Clean Water Program and Team were formed with the ultimate goal of reducing or eliminating dry weather flow to the City's storm drains. It includes education of the businesses, residents and visitors of water quality issues and BMPs and encourages participating in the team. It is the overlying program that manages regulatory compliance (ex. NPDES, TMDLs, etc.), education, training, inspections and incidents response, and public agency activities. Outreach is provided on the City's website, at public speaking events, on local cable station, community events, and distributed materials.
City of Malibu Local Coastal Program	City of Malibu Local Coastal Program, as certified by the California Coastal Commission, includes the Land Use Plan (LUP) and Local Implementation Plan (LIP) that details many environmental quality and protection standards, objectives, and implementation measures for new development and redevelopment projects. See appendix for information on how to view this document.
CA Plumbing Code Amended for Onsite Wastewater Treatment Systems (OWTS)	City Ordinance and Municipal Code- Adoption by Reference LA County Code 28 Incorporating the CA Plumbing Code to Require Operating Permits for Residential and Commercial Facilities to use OWTS Ordinance No. 242, M.M.C. Chapter 15.12. See appendix.
Santa Monica Bay Restoration Commission Septic System Management Plan	Implementation of the Santa Monica Bay Restoration Project (now Commission) Septic System Management Plan. Clean Beaches Initiative (CBI) grant was awarded to the City for the WMP to collect all relevant data for all OWTS in the City of Malibu to be shared with the RWQCB: Integrated Wastewater Management Information System (IWIMS).

City Ordinance and Municipal Code- Smoking at Beaches Ban	City Ordinance and Municipal Code- Prohibiting Smoking on City Beaches Ordinance No. 265, M.M.C. Chapter 12.05.035. See appendix.
City Ordinance and Municipal Code- Storm Water and Discharge Control	City Ordinance and Municipal Code- Storm Water and Discharge Control Ordinance No. 264, M.M.C. Chapter 13.04. See appendix.
RWQCB Onsite Wastewater Treatment System MOU	Regional Water Quality Control Board MOU to implement programs to assure protection of water of the State of California specifically related to the permitting of OWTS. See appendix.
City Ordinance and Municipal Code- Expanded Polystyrene Packaging Ban	City Ordinance and Municipal Code- Public Peace and Welfare Ordinance No. 286, M.M.C. Chapter 9.24 Ban on Expanded Polystyrene Food Packaging. This ordinance was passed to reduce sources of marine debris polluting local waters. See appendix.
Public Agency Activities- Street Maintenance: City Street and Pacific Coast Highway (PCH) Sweeping Contract	Public Agency Activities- Street Maintenance: Contract for sweeping public streets in City amended to include sweeping PCH and public streets in the City. Street sweeping is a requirement of the NPDES permit and is intended to remove litter, debris, and pollutants from the roadways thus preventing them from getting into local waterways. It occurs 2 times a month on Pacific Coast Highway in a cost sharing agreement with Caltrans (initiated by the City) and once a month on City residential streets.
Malibu Life Quarterly Environmental Newsletter	Public Information & Participation Programs - *Malibu Life* (formerly *Malibu Current*) Environmental Quarterly Newsletter is sent to all Malibu residences and businesses and distributed continuously to educate about ongoing environmental concerns and what the community can do to help, and updates City environmental projects and programs.
Public Agency Activities- Street Maintenance: Trash Collection	Public Agency Activities- Street Maintenance: The City performed a needs study and subsequent implementation of placing trash receptacles at bus stops and high use areas along the Pacific Coast Highway and City streets. The refuse is collected regularly to prevent littering and any additional debris from getting into local water ways and drains. 6 new dual trash/recycling containers were placed along Pacific Coast Highway across from Zuma Beach (a high visitation area) in May 2009.
Paradise Cove Storm water Treatment Facility- design	Paradise Cove Storm water Treatment Facility Project - The City was awarded a Clean Beaches Initiative grant to redesign and construct an upgraded treatment system for Ramirez Canyon Creek to eliminate bacteria from the discharge to ocean at Paradise Cove during dry weather and potentially some wet weather. The City will maintain this device in perpetuity.
City Ordinance and Municipal Code- Operating Permit Program with a Point of Sale Element for OWTS	Ordinance No. 321, M.M.C Chapter 15.14 was adopted on March 10, 2008. It establishes an Operating Permit Program with a Point of Sale Section for onsite wastewater treatment systems (OWTS) to ensure effective management of OWTS so that the requisite level of environmental and public health protection for the community is achieved. This ordinance ensures that systems are sited, designed, installed, and properly operated, and provides a mechanism for the continuous oversight of system performance. If compliance with the Operating Permit is not maintained, corrective actions may be taken such as revocation of the permit and code enforcement action to require the repair of the failed OWTS. It offers a means of system inventory, assurance of system functionality as intended, and system sustainability. An inspection of an existing OWTS as a consequence of a real estate transaction will be required when a valid, unexpired Operating Permit is not on file with the City of Malibu.
City Ordinance and Municipal Code- Plastic Bag Ban	Ordinance 323, M.M.C Chapter 9.28 will be heard by Malibu City Council on May 12, 2008. It is an ordinance banning the use of plastic shopping bags by any retailer or vendor including non-profit vendors and at all City owned facilities or City sponsored events within the City of Malibu.
City Ordinance and Municipal Code- Administrative Fines	This ordinance No. provide a more efficient enforcement tool to the City by allowing fines to be issued for violations of the municipal code.

Wildlife and Marine Rescue Services	The City has had a contract with the California Wildlife Center (CWC) since April 1996 to provide wildlife rescue services and was later amended to include marine mammal rescue services. In 2003 the City, in partnership with the CWC, applied for and received a John H. Prescott Marine Mammal Rescue Assistance Grant (Prescott Grant), administered by the National Oceanic and Atmospheric Administration (NOAA). Wild Rescue is a secondary responder. Public outreach and education are also a part of the grant. For more information in the most recent grant progress report, see "Beneficial Uses and Marine Life" Section of this package.
Malibu Chamber of Commerce Wallflower EcoFest	Public Information & Participation Programs- Malibu Chamber of Commerce Environmental Committee in coordination with the City will hold the *WallFlower EcoFest* with displays, speakers, and vendors promoting sustainability including water conservation, recycling, organic food and products, low impact development and green building messages.
Malibu Chamber of Commerce Environmental Committee and Zero Impact Malibu group (ZIM)	Public Information & Participation Programs- the City is an active participant in the Malibu Chamber of Commerce Environmental Committee and Zero Impact Malibu group (ZIM) which aims to provide education and learning opportunities and recognition to local businesses and community through events, awards, workshops, and outreach campaigns.
Greater Los Angeles County Integrated Regional Water Management Group	Greater Los Angeles County Integrated Regional Water Management Plan (IRWMP) Group formed to apply for implementation grants from Proposition 50, Chapter 8 program. The NSMBW Group formed for the planning grant and later merged with 4 other sub-regions into one IRWMP Group. The plan was adopted December 2006.
Living Lightly in Our Watersheds	Public Information & Participation Programs - The City participated with the Resource Conservation District of the Santa Monica Mountains in the development and distribution of the *Living Lightly in Our Watersheds: A Guide for Residents of the Santa Monica Bay Watersheds. This guide* distributed to all Malibu residences and businesses.
Living Lightly in Our Watersheds - revised	Public Information & Participation Programs - The City participated with the Resource Conservation District of the Santa Monica Mountains in the revision and distribution of the *Living Lightly in Our Watersheds: A Guide for Residents of the Santa Monica Bay Watersheds. Guide* distributed to all Malibu residences and businesses - Revised. It can be viewed or downloaded at www.malibuwatershed.org.
North Santa Monica Bay Watersheds Integrated Regional Water Management Group	North Santa Monica Bay Watersheds (NSMBW) Integrated Regional Water Management Group formed to apply for planning and implementation grants in the Proposition 50, Chapter 8 grant program. City of Malibu was the lead but the SMBRC was the applicant for Planning grant for fiscal reasons.
Regional Watershed Implementation Plan	Regional Watershed Implementation Plan (RWIP) - Collaboration of stakeholders to address water quality regulations in North Santa Monica Bay Watersheds.
Source ID Study of Ramirez and Escondido Creek	North Santa Monica Bay Bacteria Source Identification Study of Ramirez and Escondido Creeks. The City is a participant and serves on the Technical Advisory Committee to develop a methodology to track sources of bacteria indicators.
Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit	Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit. Los Angeles County is the Principal Permittee and the City is 1 of 84 additional Permittees. Includes various programs to eliminate sources of pollution to local waters to the best extent practicable by implementing a suite of programs and BMPs including development planning and construction standards and inspections, training, monitoring, public agency activities, industrial/commercial inspections, and public education. Some of these programs and BMPs are detailed further in this spreadsheet. The permit was originally issued in June of 1990 in response to the amendments to the Federal Clean Water Act in 1987.
NPDES Permit Report of Waste Discharge	NPDES Permit Report of Waste Discharge (ROWD)- The renewal application for the Municipal Storm Water NPDES permit was submitted June 2006. It proposes improvements to the permit that include changes to monitoring, reporting and outreach activities. The County has led as principal permittee with representation from the 84 additional permittees.

Santa Monica Bay Beaches Bacteria TMDL	Santa Monica Bay Beaches Bacteria TMDL - Implementation includes an early monitoring program, a Coordinated Shoreline Monitoring Plan with regular monitoring of 9 sites within the City boundaries of the ASBS and 1 in the Unincorporated County (23 sample sites in the City total), and adoption of a Wet Weather Implementation Plan to eliminate exceedances of bacteria above contact recreation standards in local waters, but specifically Santa Monica Bay Beaches.
Water District #29 Tiered Water Rates based on Increased Usage	Los Angeles County Water District 29 has implemented tiered water rates based on increased usage to encourage water conservation and reduce water waste to provide economic incentive to reduce landscape irrigation runoff.
Clean Water Act and Our Backyards Video	Public Information & Participation Programs- The Clean Water Act and Our Backyards Video produced locally and playing on cable, and at local events and trainings. Gives an overview of how routine activities can affect water quality, BMPs to prevent pollution, and an explanation of TMDLs.
Marine Habitat Study of Santa Monica Bay	Collaborate with southern California bight partners to identify key types of marine habitats and develop a master list of species of concern for Santa Monica Bay & the southern California bight that will be revised as needed based on new information.
Marine Habitat Gaps in Santa Monica Bay	Compare existing data with the lists of key habitats and species of concern and identify information gaps and study needs.
Santa Monica Bay Comprehensive Monitoring Program	Santa Monica Bay Comprehensive Monitoring Program. Expansion of existing monitoring programs to include five major habitats: pelagic ecosystem, soft bottom ecosystem, hard bottom ecosystem, rocky and sandy intertidal and wetlands. This program is seeking funding.
Santa Monica Bay Marine Habitats and Living Resources Inventory	The Santa Monica Bay Marine Habitats and Living Resources Inventory (Inventory) will undergo a literature review to identify gaps in existing studies of habitats and species in the region, and the subsequent update. Upon update of the Inventory, data summary reports from the Inventory by site location, habitat type, and taxa will be compiled and generated.
Santa Monica Bay Spatial Database	A spatial database will be developed compatible with existing Department of Fish and Game (DFG) databases (namely the geographic information system (GIS) for the central coast MPAs), and it will be populated with existing information by locating and acquiring data in Santa Monica Bay.
Evaluate Data Collected in Santa Monica Bay	There will be an evaluation of data collected under existing monitoring protocols used throughout Santa Monica Bay to determine their applicability in the Marine Life Protection Act (MLPA) process.
Santa Monica Bay Regulations Review	Review available gap analyses of federal and state resource protection regulations affecting Santa Monica Bay and conduct an analysis of local resource protection regulations to identify gaps (e.g. spatial extent, species, type of limits, etc.)
Assessment of Subtidal Rocky-Reef Resources in Santa Monica Bay	Assessment of Subtidal Rocky-Reef Resources in Santa Monica Bay including Malibu ASBS to Ventura County line: determine current status of algal, invertebrate, and fish communities; provide baseline info on condition of subtidal rocky reef habitat, establish monitoring program to track changes over time the condition of subtidal rocky reef habitat in accordance with the SM Bay Comprehensive Monitoring Program.
Oceanographic Information for Trend Analysis in Santa Monica Bay.	In collaboration with the Southern California Coastal Ocean Observing System (SCCOOS), collect and compile historical physical and biological oceanographic information for trend analysis in Santa Monica Bay.
Ocean Friendly Garden (OFG) Program	Ocean Friendly Garden (OFG) Program is developed and funded by State grants in IRWMP process. It is targeted to residences and businesses in the ASBS to promote water conservation and eliminate non-point source pollution from landscaping: weather-based irrigation controller rebates, workshops and training, and demonstration gardens. See "Alternatives Analysis" section [in ASBS exception application]or http://www.surfrider.org/ofg.asp for more information regarding this program. * See other OFG line items in document for specifics

Marie Canyon Water Quality Improvement Project	Marie Canyon Water Quality Improvement Project- Construction of a 100 gpm stormwater and surface water (including urban runoff) treatment facility to eliminate bacteria from reaching the surf zone during low flows.
Malibu Civic Center Integrated Water Quality Management Plan	Malibu Civic Center Integrated Water Quality Management Plan - Implementation plan to reduce or eliminate bacteria and nutrients from the Malibu Lagoon subwatershed before discharge into Malibu Creek or Malibu Lagoon.
Legacy Park Acquisition	Malibu Legacy Park Project - $25 million purchase of the former Chili Cook-Off property in the Civic Center in order to implement the Integrated Water Quality Management Plan.
Civic Center Stormwater Treatment Facility	Malibu Civic Center Stormwater Treatment Facility - Filtration and disinfection of flows from 3 Civic Center drainage systems up to 1,400 gallons per minute. This facility meets the dry-weather bacteria TMDL. It will need to be paired with the Malibu Legacy Park Project under development to meet the wet weather TMDL regulations.
Integrated TMDL IP for the Malibu Creek Watershed	Integrated Total Maximum Daily Load Implementation Plan for the Malibu Creek Watershed was developed in response to requirements of the Bacteria TMDL for the Malibu Creek Watershed. It includes a comprehensive plan of programmatic and structural projects to implement that will exhibit multiple benefits while addressing multiple pollutants.
Malibu Creek Watershed Bacteria TMDL Coordinated Monitoring Plan and Program	In response to the Bacteria TMDL for the Malibu Creek Watershed, a complinace monitoring plan was developed and sampling commenced in March 2008.
Reference Watershed Study	In response to the Bacteria TMDL for the Malibu Creek Watershed, Southern California Coastal Water Reseach Project (SCCWRP) was contracted to perform a study was and complete a report called *Fecal Indicator Bacteria (FIB) Levels During Dry Weather from Southern California Reference Streams.* The study commenced in spring of 2006 for two years and the report was completed in January of 2008. The Malibu Creek Unimpaired streams were monitored in the local watershed area during dry weather, dry winter weather and wet weather in order to develop a representative numeric target for allowable bacteria exceedance days. The objective of the proposed project is to assess natural bacteria levels in numerous streams throughout southern California in order to provide a regional characterization of background bacteria concentrations.
Malibu Legacy Park Project-Construction	Malibu Legacy Park Project - Construction of stormwater detention basins/intermittent wetlands/subsurface wetlands, restoration of riparian habitat and environmental education to meet the SM Bay Beaches Bacteria TMDL and the Malibu Creek Bacteria and Nutrient TMDL regulations.
Malibu Creek Watershed Monitoring Program - Prop 13	The Malibu Creek Watershed Monitoring Program- The cities of Calabasas, Agoura Hills, Westlake Village, and Malibu, along with Los Angeles County (collectively called the Watershed Management Committee, [WMC]) and the Las Virgenes Municipal Water District (LVMWD) implemented a monitoring program with State Proposition 13 funds to identify which pollutants to identify and the possible sources of pollutants. The WMC and LVMWD will identify problem areas, validate impairments, and assess other environmental/watershed indicators such as fish muscle tissue samples and toxicity testing.
Las Flores Creek Restoration and Park Project	Las Flores Creek Restoration Project to reduce flooding and fine sediment transport, capture stormflows in restored vegetated treatment systems.
Tiered Water Rates	Increase water rates in tiers to improve water conservation and reduce water waste to provide economic incentive to reduce landscape irrigation runoff, therby protecting waterresources and surface water quality.

Ocean Friendly Demonstration Garden- Grant Application	The City of Malibu expressed early interest and applied for a grant from WBMWD to redesign an area landscaped with turf and instead construct a garden project at an existing high visitorship City facility to demonstrate environmentally preferable, sustainable, water conserving, and runoff eliminating techniques in a public space with the intention to inspire other property owners to adopt these techniques and install their own "Ocean Friendly" gardens. The goal of installing drought-tolerant demonstration gardens at public facilities is to provide an accessible place for residents to observe first-hand how landscape choices can greatly influence outdoor water use. The City was notified that it would be receiving funding for this project, pending State Proposition funding and supplemental funding. Los Angels County Waterworks District 29, the local water retailer, has recently expressed interest in partnering n this project.
Groundwater Mounding Study	Completed in 2011
US Geological Survey (USGS) Cooperative Water Resources Program- Study of Malibu Creek Lagoon and Surfrider Beach Areas	This is a study being completed by the USGS to address recurring water-quality issues related to nutrients and fecal indicator bacteria (FIB) in near-shore ocean water and Malibu Lagoon. The City paid $272,525 for the first part of this study. This early work was done concurrently with ongoing epidemiological studies of FIB exposure and human health effects along Malibu beaches being done by the Southern California Coastal Water Research Project (SCCWRP). The findings of this initial program was used to develop a full study proposal, currently under consideration by the City.
Centralized Wastewater Treatment Facility- allocation of funding	City Council of the City of Malibu allocated $2.6 million to the development of an Environmental Impact Report (EIR) and initial design of a centralized wastewater treatment facility in the Civic Center area
Paradise Cove Storm water Treatment Facility- Grant	Paradise Cove Storm water Treatment Facility Project - The City was awarded a Clean Beaches Initiative grant to redesign and construct an upgraded treatment system for Ramirez Canyon Creek to eliminate bacteria from the discharge to ocean at Paradise Cove during dry weather and potentially some wet weather. The City will maintain this device in perpetuity.
Paradise Cove Storm water Treatment Facility- Construction	Paradise Cove Storm water Treatment Facility Project - The City was awarded a Clean Beaches Initiative grant to redesign and construct an upgraded treatment system for Ramirez Canyon Creek to eliminate bacteria from the discharge to ocean at Paradise Cove during dry weather and potentially some wet weather. The City will maintain this device in perpetuity.