

**LAS VIRGENES – MALIBU COUNCIL OF GOVERNMENTS
GOVERNING BOARD MEETING**

Tuesday, February 19, 2019, 8:30 a.m.

CALABASAS LIBRARY

Founders Hall Multipurpose Room
200 Civic Center Way, Calabasas, CA 91302

AGENDA

1. CALL TO ORDER

Governing Board Members:

Alicia Weintraub, President
Denis Weber, Vice President
Ned Davis
Karen Farrer
Stuart Siegel

2. APPROVAL OF THE AGENDA

3. PUBLIC COMMENT PERIOD

Members of the public may address the Governing Board on any subject on or off the agenda by raising their hand and being recognized by the President of the Governing Board. Speakers shall limit their comments to three minutes.

Pursuant to California Government Code Section 54954.2, the Governing Board is prohibited from discussing or taking immediate action on any item not on the agenda unless it can be demonstrated that the item is of an emergency nature, or the need to take action arose subsequent to the posting of the agenda.

4. CONSENT CALENDAR

Consent Calendar items will be approved in one motion unless removed for separate discussion or action.

- A. Approval of January 15, 2019 Draft Meeting Notes – Attachment
- B. February 2019 Executive Director's Report – Attachment
- C. February 2019 Financial Statement – Attachment
- D. Measure R Adjustments – Attachment
- E. Nomination to Regional Oversight Committee – Attachment

Recommended Action: Approve Consent Calendar

5. INFORMATION ITEMS

A. Regional Municipal Separate Storm Sewer System – The Governing Board will discuss the Los Angeles Regional Water Quality Control Board’s pending issuance of a regional municipal separate storm sewer system (MS4) permit for permittees in Los Angeles and Ventura counties. Topics to be discussed include permit implementation costs, timelines and the Safe, Clean Water Program (Measure W); the schedule for regional permit issuance; potential studies on natural sources of pollutants; and related matters thereto. Two members of the Los Angeles Water Board and staff will be in attendance to participate in the meeting.

Recommended Action: No action is needed as this is an information item.

6. LEGISLATIVE UPDATE

- A. League of Cities
- B. Updates from Area Legislators

7. COMMENTS AND REQUEST FOR FUTURE AGENDA ITEMS

8. FUTURE MEETING DATES

Technical Advisory Committee: March 6, 2019, 8:30 a.m., if necessary
Governing Board: March 19, 2019, 8:30 a.m.

9. ADJOURNMENT

**Draft Meeting Notes
Governing Board Meeting
January 15, 2019**

Item 1 – Call to Order: The meeting was called to order by President Weintraub at 8:34 a.m. The meeting was held at Calabasas Library, Founders Hall Multipurpose Room.

Roll Call of Governing Board members present:

Alicia Weintraub, President
Denis Weber, Vice President
Ned Davis
Karen Farrer
Stuart Siegel

Item 2 – Approval of Agenda: There was a motion and second to approve the agenda. Motion carried unanimously.

Item 3 – Public Comment Period: None

Item 4 – Consent Calendar: 4.A Meeting Notes from January 15, 2019; 4.B January 2019 Executive Director’s Report; and 4.C January 2019 Financial Statement. Terry Dipple highlighted his Executive Director’s Report. Following his report, there was a motion and second to approve the items on the consent calendar. Motion carried unanimously.

Item 5.A – Woolsey Fire Discussion: The Governing Board and former Governing Board member Mark Rutherford provided additional comments, as follows: Sheriff personnel did not have latest directives and gave conflicting information to the public. Enforcement of evacuation order was not uniform. Deputies were providing conflicting information. The Incident Command Center or Emergency Operations Center should have a website that all of the cities should be linked into in order to provide the most current information. That way you would not have conflicting information on various websites. Sheriff’s Department should have sufficient personnel on the street to enforce an evacuation order. Elected officials should not be able to influence public safety personnel at the EOC and instead let Sheriff and Fire Department do their job.

Item 5.B – AQMD Proposed Sales Tax: Continued to March 2019 meeting.

Item 5.C – Homeless Resources Update: Continued to March 2019 meeting.

Item 5.D – North Santa Monica Bay Watershed Area Steering Committee: Kirk Allen, LA County DPW was present to make a presentation on the nomination process for cities related to representation on the NSMB Watershed Area Steering Committee. He explained that Agoura Hills, Malibu and Westlake Village had seats on the WASC but there will be a meeting on February 11, 2019 at LA County DPW, in Alhambra, to determine if Calabasas and Hidden Hills would be

elected to the WASC. Following discussion, President Weintraub thanked Mr. Allen for his presentation.

Item 6.A – Update Measure M 5-Year Project List: Terry Dipple presented the revised Measure M 5-Year Project List and explained why Metro had determined some of the projects that were originally submitted were not eligible. He further explained that the funding for projects that were not eligible will remain in each city’s allocation and be allocated for other project(s) that may be determined by Metro to be eligible. There was a motion and second to approve the revised Measure M 5-Year Project List as presented. Motion carried unanimously.

Item 7.A – League of Cities: Jeff Kiernan provided an update from the League of Cities.

Item 7.B – Updates from Area Legislators: Aurelia Friedman from Congressman Lieu’s office, Jeremy Wolf from Senator Stern’s office and Tim Pershing from Assemblymember Bloom’s office provided updates.

Item 8 – Comments and Request for Future Agenda Items: None

Item 9 – Future Meeting Dates: President Weintraub noted the meeting dates.

Item 9 – Adjournment: President Weintraub adjourned the meeting at 10:13 a.m.

Respectfully submitted,

Terry Dipple
Executive Director

Also in attendance at the January 15, 2019 Governing Board meeting:

Dr. Gary Lysik, City Manager, Calabasas
Kerry Kallman, City Manager, Hidden Hills
Dan Jordan, Interim City Manager, Westlake Village
Terry Dipple, Executive Director
Mayor Linda Northrup, Agoura Hills
Mark Rutherford, former Governing Board member
Dave Pedersen, Las Virgenes Municipal Water District
Karen Swift, Metro
Jeff Kiernan, League of Cities
Jeremy Wolf, Senator Stern
Aurelia Friedman, Congressman Lieu
Mary Strenn, ICMA
Tessa Charnofsky, Supervisor Kuehl
Tim Pershing, Assemblymember Bloom

Memorandum

DATE: February 15, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Executive Director's Report

OVERVIEW

The purpose of this memorandum is to update the Governing Board on the status of COG projects and other items of interest.

Measure W/Stormwater – On February 11, 2019, I attended the Municipal Members self-selection meeting for North Santa Monica Bay Watershed Area Steering Committee (NSMB WASC). As I previously reported, the COG's goal all along was to make sure all of the cities were at the table to make decisions on regional stormwater projects that will benefit the watershed. Agoura Hills, Malibu and Westlake Village each have a designated seat. Calabasas and Hidden Hills were elected to the remaining two seats ensuring all of the COG cities are represented on the WASC. Los Angeles County has two seats on the WASC. The Flood Control District has corresponded with the primary municipal representatives that attended the self-selection meeting to request the name, title, phone number, email address, and resume for the primary and alternate for each seat.

The estimated timeframe for upcoming needs are, as follows:

- Solidify WASC memberships, including all Board appointments – Spring 2019
- Commence WASC Meetings – Spring 2019
- Request for Projects – Spring 2019
- Begin scoring projects & Feasibility Studies to begin programming – May 2019
- Prepare Stormwater Investment Plans – Summer 2019

Estimated Annual Municipal Program Funds (Tax collection begins July 1, 2019)

- Agoura Hills \$370,000
- Calabasas \$480,000
- Hidden Hills \$100,000
- Malibu \$450,000
- Westlake Village \$250,000

NSMB WASC Estimated Annual Regional Program Funds: \$2.2 million

I would also recommend that the COG nominate a representative to the Regional Oversight Committee (ROC). The ROC is an independent body that reviews all Regional Program Stormwater Investment Plans to ensure Regional Program goals are met. David Pedersen, General

Manager, Las Virgenes Municipal Water District contacted me about serving on the ROC. I subsequently met with him to discuss his interest. He stressed that he would be a representative for the entire COG region. The ROC will consist of nine subject-matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other pertinent subject matter. The Board of Supervisors will confirm the final members of the ROC to ensure a diverse representation of subject-matter experts. I recommend that the COG nominate David Pedersen to the Regional Oversight Committee.

Hazard Mitigation Plan – In early January, the COG’s consultant responded to Cal OES and FEMA’s comments on the HMP. Subsequently, the COG received a letter from FEMA dated January 23, 2019 stating FEMA had reviewed the revisions to the HMP and determined the plan is eligible for final approval by FEMA pending its adoption by the COG and member cities. I will work with the COG’s HMP Working Group to schedule the HMP with the cities and then the COG Governing Board. On January 8th I attended a training seminar that was put on by Cal OES, in Orange County. The training was geared toward grant applications, invoicing and general information.

Metro Congestion Pricing Proposal – In January 2018, the Metro Board of Directors approved the Twenty-Eight by ’28 Initiative, which includes 28 major transportation projects to be completed by the 2028 Summer Olympics and Paralympics. In September 2018, Metro staff developed the “The Re-Imagining of LA County: Mobility, Equity, and the Environment (Re-Imagining LA County)” initiative, which proposes various funding and financing mechanisms to develop the Twenty-Eight by ’28 projects (refer to Attachment 1). On January 24, 2019, Metro presented recommended financing strategies for the initiative, which included a congestion pricing pilot (refer to Attachment 2). On February 5, 2019, the Metro Policy Advisory Council (PAC) convened a special meeting to discuss Metro’s recommended financing strategies and approved a list of recommendations to the Metro Board, which includes the following:

1. Decouple 28x28 from Re-Imagining LA County and its recommendations, particularly any study of congestion pricing
2. Consider congestion pricing in light of expansion goals
3. Clarify the relationship of 28x28 priorities to the Long Range Transportation Plan (LRTP) Vision 2028 Strategic Plan and other major plans
4. Keep promises for local return, Multi-Year Subregional Programs, and other Measure M local programs
5. Address transit comprehensively
6. Consider equity in all dimensions

Measure M Project List – I attended the Metro Board meeting on January 24, 2019. The COG’s revised Measure M 5-Year Project List was approved January 24, 2019 by the Metro Board. I reported at the January 2019 COG meeting that I would be working with the COG cities to identify projects that may be eligible for Measure M funding and then add those projects to the COG’s 5-Year Project List. In addition, the COG will receive \$12.5 million in our 6th year of Measure M: \$2.4 million for Active Transportation and \$10.07 million for Highways.

Metro NextGen Bus System Study – I worked with Metro and Supervisor Kuehl’s district director, Tessa Charnofsky, to schedule a NextGen Bus Study community meeting on Wednesday, March 6, 2019, 4:00-7:00 pm, at Supervisor Kuehl’s district office. Metro staff will also make a presentation to the Governing Board at the COG meeting on March 19, 2019.

Statement of Economic Interest (Form 700) Annual Filing Period – The following members of the WSCCOG are required to file their annual statements to the WSCCOG no later than April 2, 2010. WSCCOG staff will be notifying the board members and staff to ensure that their annual statements are filed by the deadline.

Homeless Initiative – LA Family Housing and Meredith Berkson, LA County Homeless Initiative Team will attend the March 2019 COG meeting to discuss resources available to the COG cities and answer any questions.

Metro Open Streets Grant Program Workshop – Metro is providing grant funding for Open Streets events in communities throughout the county. Open streets events temporarily close streets to automobiles and open them up to people to reimagine and experience their streets while walking, biking, rollerblading or pushing a stroller in a car-free environment. Metro will be holding an Open Streets Grant Program FY2020 Mini-cycle Applicant Workshop at 10:00 am, Thursday, February 21, 2019. The workshop will begin at 10:00 am at Metro Headquarters in the Huntington Conference Room on the 3rd Floor.

Memorandum

DATE: February 15, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: February 2019 COG Financial Summary

SUMMARY

All of the revenue and expenditures are in accordance with the COG's 18/19 adopted budget.

18/19 Expected Revenue

Dues	100,000
FEMA Grant	52,500
Metro (admin & planning)	57,250
Metro (for consultant)	<u>95,663</u>
Total	305,413

18/19 Expenditures to Date

Liability Insurance 18/19	-3,605.45
Terry Dipple – 7/18 Ex. Dir.	-10,833.33
Maureen Micheline 7/18 Metro	-7,732.80
Terry Dipple – 7/18 retro	-833.34
Terry Dipple – 8/18 Ex. Dir.	-11,666.67
Maureen Micheline 8/18 Metro	-7,732.80
Terry Dipple – 9/18 Ex. Dir.	-11,666.67
Maureen Micheline 9/18 Metro	-7,732.80
Terry Dipple – 10/18 Ex. Dir.	-11,666.67
Maureen Micheline 10/18 Metro	-7,732.80
Terry Dipple – 11/18 Ex. Dir.	-11,666.67
Maureen Micheline 11/18 Metro	-7,732.80
Terry Dipple – 12/18 Ex. Dir.	-11,666.67
Maureen Micheline 12/18 Metro	-7,732.80
Terry Dipple – 1/19 Ex. Dir.	-11,666.67
Maureen Micheline 1/19 Metro	<u>-8,042.11</u>
Total	-139,711.05

Memorandum

DATE: February 19, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Measure R Adjustments

OVERVIEW

The purpose of this memorandum is to provide the Governing Board with information regarding the COG's Measure R Adjustments.

RECOMMENDATION

Approve Malibu's request for Measure R Adjustment for Pacific Coast Highway at Big Rock Drive Intersection Improvements and at La Costa Area Pedestrian Improvements project and advise Metro of this Measure R Adjustment.

BACKGROUND

The City of Malibu is requesting a Measure R Adjustment for the City's existing project PCH and Big Rock Dr. Intersection and at La Costa Area Pedestrian Improvements MR311.32.

Malibu is requesting to extend the project funding until the end of Fiscal Year 2019-20. The project is currently in the construction phase. The construction contract was awarded in March 2018. During construction, utility conflicts were discovered necessitating design changes need to be made in coordination with the utility companies including Los Angeles County Waterworks District 29. Malibu's efforts to coordinate with the utilities and secure permits has been delayed due to the Woolsey Fire. As a result, the project may not be fully completed in Fiscal Year 2018-19. Currently \$400,000 is programmed for Fiscal Year 2014-2015 and subject to lapse in June 2019. Therefore, Malibu would like extend the funding to June 2020 to allow additional time to complete and close out the project.

This Measure R Adjustment is revenue neutral in that no new funds are requested.

Memorandum

DATE: February 15, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: Nomination to Safe Clean Water Program Regional Oversight Committee

OVERVIEW

The purpose of this memorandum is to provide information to the Governing Board on the proposed nomination of David Pedersen, General Manager, Las Virgenes Municipal Water District, to the Safe Clean Water Program Regional Oversight Committee.

RECOMMENDATION

I recommend that the COG nominate David Pedersen, General Manager, Las Virgenes Municipal Water District, to the Regional Oversight Committee.

BACKGROUND

Last November, Los Angeles County voters approved Measure W, the Safe Clean Water Program (SCW Program). The SCW Program is a multi-benefit Stormwater and/or Urban Runoff capture Program intended to improve water quality in a manner that achieves additional benefits such as increasing water supply and investing in the health and well-being of Los Angeles County communities. The SCW Program will help put Los Angeles County on a path to water resiliency and economic security through strategies, projects, and policies that increase drought preparedness, improve the water quality of rivers, lakes, and streams, and ensure investment in improved quality of life, especially for communities most exposed to pollution and vulnerable to climate change.

The Regional Oversight Committee (ROC) is an independent body that reviews all Regional Program Stormwater Investment Plans to ensure SCW Program Regional Program goals are met. The ROC will consist of nine (9) subject matter experts, with knowledge in Water Quality Benefits, Water Supply Benefits, Nature-Based Solutions and Community Investment Benefits, public health, sustainability, and/or other pertinent subject matter. The Board of Supervisors will confirm the final members of the ROC to ensure a diverse representation of subject-matter experts. The ROC members shall not have any direct personal or financial connection to Projects implemented through the SCW Program.

David Pedersen, General Manager, Las Virgenes Municipal Water District contacted me about serving on the ROC. I was not contacted by any other individuals from the COG region about

interest in serving on the ROC. I subsequently met with David Pedersen to discuss his interest. He stressed that he would be a representative for the entire COG region and provided the attached letter requesting his nomination to the ROC.

ATTACHMENT: Letter from David Pedersen



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Glen D. Peterson
MWD Representative

February 8, 2019

The Honorable Alicia Weintraub, President
Las Virgenes-Malibu Council of Governments
c/o City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Attention: Terry Dipple, Executive Director

RE: Nomination to Measure W Regional Oversight Committee

Dear President Weintraub:

I would like to request that the Las Virgenes-Malibu Council of Governments consider nominating me to serve on the Measure W Regional Oversight Committee on behalf of the North Santa Monica Bay.

On November 6, 2018, Los Angeles County voters approved Measure W, establishing the Safe, Clean Water Program with a special parcel tax of 2.5 cents per square foot of impermeable surface. The program is estimated to raise \$300 million annually for three sub-programs: the Regional Program (50%), the Municipal Program (40%) and the District Program (10%). Implementation of the Regional Program calls for establishing a governance structure as illustrated on the attached figure.

To ensure that the needs of our region are addressed, it will be important for us to actively participate in the various committees that will govern the Regional Program. Among those committees is the Regional Oversight Committee that will consist of nine subject matter experts appointed by the Los Angeles County Board of Supervisors. The Regional Oversight Committee will be charged with reviewing Stormwater Investment Plans prepared by nine Watershed Area Steering Committees and providing recommendations to the Board of Supervisors.

I am interested in serving on the Regional Oversight Committee and believe my expertise in the areas of water supply, water quality and public health would be of value to the committee. During development of Safe, Clean Water Program, I participated as a member of the Stakeholder Advisory Committee and provided recommendations to ensure the program's flexibility, recognizing that opportunities to capture and infiltrate stormwater in our region are limited due to the geology.

The Honorable Alicia Weintraub, President
February 8, 2019
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If selected, I would do my best to ensure that the Regional Program is implemented effectively and equitably, while representing the interests of the North Santa Monica Bay. Nominations for candidates to serve on the Regional Oversight Committee should be sent to Supervisor Sheila Kuehl with copy to Mark Pestrella, Director of Los Angeles County Department of Public Works. Thank you for your consideration.

Sincerely,

David W. Pedersen, P.E.
General Manager

Memorandum

DATE: February 19, 2019
TO: Governing Board
FROM: Terry Dipple, Executive Director
SUBJECT: MS4 Permit Discussion with Regional Water Quality Control Board

OVERVIEW

At the February 19, 2019 COG meeting, the Governing Board will discuss pending issuance of a regional municipal separate storm sewer system (MS4) permit for permittees in Los Angeles and Ventura counties with Los Angeles Regional Water Quality Control Board (two members) and staff. Topics to be discussed include permit implementation costs, timelines and the Safe, Clean Water Program (Measure W); the schedule for regional permit issuance; potential studies on natural sources of pollutants; and related matters thereto.

Permit Renewal

The 2012 Municipal National Pollutant Discharge Elimination Systems Permit (Permit) expired December 2017. Currently the Regional Board is developing the new Permit, which will encompass both LA and Ventura Counties. We would like to understand the current timeline for release of a draft permit and the subsequent anticipated permit adoption date. Permittees have not yet received a confirmed date for the next Permit workshop. Permittees would like to provide input during permit development, especially on areas of concern such as the economic feasibility of the permit and EWMP implementation. Additionally, they would like an updated schedule that includes anticipated workshops for the coming year, a draft permit release date/comment period, and an anticipated permit adoption date. In the interim, to address the many concerns of local governments in LA County, we would like the opportunity to provide suggested permit language regarding matters such as the high cost of Permit implementation despite Measure W's success, alternative pathways to compliance, extended schedule deadlines, and recognition of the Malibu Creek Watershed (MCW) and North Santa Monica Bay Coastal Watersheds (NSMBCW) EWMP group partners continued efforts to achieve compliance despite financial obstacles.

Question: What is the current permit renewal schedule? If there is more time for suggestions during this interim period, may permittees suggest more EWMP flexibility and consideration of costs?

Financial Concerns

In the 2012 Permit, each municipality was given the choice to comply with many of provisions in the Permit, and the incorporated Total Maximum Daily Loads (TMDLs), through the development of an EWMP and a coordinated integrated monitoring program (CIMP). An EWMP consist of a recipe for compliance, through a thoughtful combination of regional water quality projects, including low impact development and green streets, minimum control measures, and implementation schedules in line with compliance deadlines. This pathway of compliance resulted in the formation of two EWMP groups in the North Santa Monica Bay area, the Malibu Creek Watershed EWMP Group and the North Santa Monica Bay Coastal Watersheds EWMP Group. The MCW EWMP Group consists of Los Angeles County, Los Angeles County Flood Control District (LACFCD), and the cities of Westlake Village, Agoura Hills, Calabasas, and Hidden Hills. The NSMBCW EWMP Group consists of Los Angeles County, LACFCD, and the City of Malibu.

Through the development of the Malibu Creek Watershed and North Santa Monica Bay Coastal Watersheds EWMPs we now have a comprehensive understanding of the water quality impairments in the North Santa Monica Bay watersheds, a list of projects to address these impairments, when these projects need to be built, and the financial demand the water quality regulations place on municipalities. The passage of Measure W, the Safe, Clean Water Program, is a much-needed source of revenue that will help fund water quality improvements, however it does not guarantee full funding of projects or completion of projects by the TMDL driven EWMP compliance milestones.

The cost of compliance was confirmed with the approval of the MCW and NSMB EWMPs in April 2016. The MCW EWMP Group’s first compliance deadline was set on December 28, 2017, just 20 months after the EWMP was approved, with a \$23.5 million list of projects that needed to be completed without a revenue source. The MCW EWMP Group has subsequent compliance deadlines in 2021 and 2032. The capital cost estimate for implementing the MCW EWMP is \$198.1 million by the final compliance deadline in 2032. The capital cost estimate for the NSMB EWMP is \$41.6 million by the final compliance deadline in July 2021. As described in the EWMPs, the cost of regional projects, green streets, LID, O&M, and corresponding compliance deadlines do not coincide with available municipal funds. Assuming Measure W funds are distributed starting in 2020, the revenue through the year 2032 for the entirety of the MCW and NSMBCW EWMP Group areas, collectively the NSMB Watershed Area per Measure W, is \$46.2 million. Figure 1 illustrates the gap between the cumulative cost to implement the MCW and NSMB EWMPs and Measure W revenue through 2032.

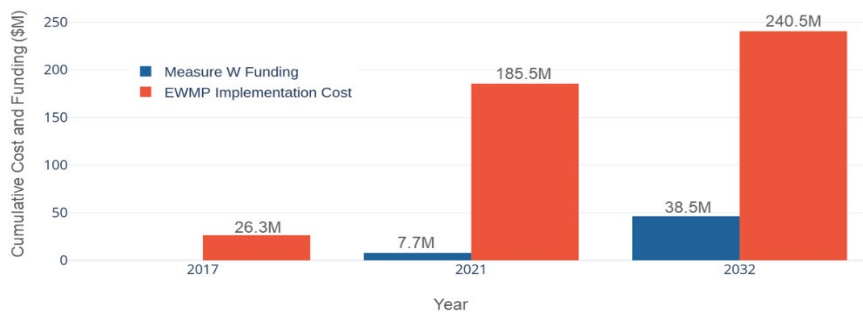


Figure 1. MCW and NSMB cumulative capital cost to implement EWMPs compared to Measure W revenue through 2032.

Measure W is a steady long-term revenue stream. As illustrated in the above figure, Measure W will not cover the cost of compliance by the TMDL-driven deadlines. The County, LACFCD and municipalities care about water quality and are making strides to achieve compliance. Additional funding options are necessary and could include grants and the State Revolving Fund. However, these sources of funding can be highly competitive and require staff time and resources that may be scarce. The municipalities have applied for grants. Notable successes include the \$3.3 Million from a Prop 1 Grant for the Gates Canyon Stormwater Improvements Project, which is currently under construction. The municipalities have also received funding through IRWMP grant opportunities. Several other grant opportunities have been sought after without success due to competition and limited available grant funds. The Groups have challenges they are facing but continue to work through them to the best of their ability and aligning them with available financial resources. In collaboration with the Regional Board, the Groups would like to bridge the gap between the short-term cost of compliance and the long-term Measure W revenue stream.

Question: We see the passage of Measure W as a huge accomplishment. We now have a long-term revenue stream specifically for water quality improvement projects and special studies. However, Measure W will not entirely cover the high cost of EWMP compliance within the established deadlines. Going forward, would the Regional Board recognize the good faith and efforts of permittees, and help us match the financial expectation and deadlines as described in the EWMP with the availability of Measure W funding?

Natural Sources of Pollutants in the Watershed

USEPA adopted nutrient-related TMDLs in the Malibu Creek watershed in 2003 and 2013. These TMDLs established water quality targets, wasteload allocations (WLAs) and load allocations (LAs) to address water quality impairments related to algal growth, dissolved oxygen, benthic community impacts and sedimentation. The Regional Board incorporated the 2003 TMDL WLAs into the current MS4 Permit and adopted an Implementation Plan for the 2013 TMDL into the Basin Plan. It is expected that the 2013 TMDL will be incorporated into a reissued MS4 Permit. Neither of the TMDLs or supporting information directly assessed the attainability of TMDL targets or whether attainment of TMDL endpoints would resolve the impairments that were the basis for requiring a TMDL. We are concerned that the permit requires a large effort to address human nutrients even though the TMDL does not fully resolve that addressing human AND natural sources of nutrients will result in attainment of the uses. The performance of studies to address these attainability issues are appropriate and important.

Question: Is the Regional Board willing to commit to working with us on studies to figure out how natural sources may impact beneficial uses, if the uses are attainable given those natural sources, and, if not, modify regulations to ensure limited public resources are spent controlling pollutants that will result in attainment of uses?