



# City of Malibu

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March 31, 2011

Mr. Sam Unger, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

RE: Quarterly Progress Report No. 4 (Resolution No. R4-2009-007) and Milestone Update

Dear Sam:

Below please find the City of Malibu's Quarterly Progress Report No. 4. At this time, the City is submitting this quarterly report to become fully compliant with the above mentioned resolution and to update your records for the last 3 months. It should be noted that nothing in this report or its transmittal waives any rights the City has to challenge the legality or appropriateness of the proposed ban and the City expressly reserves all its rights in that regard.

## Quarterly Progress Report No. 4

### Discussion:

The City Manager and the Executive Officer of the RWQCB continue to meet several times a month or as needed. In addition, we have exchanged telephone calls and email messages in order to keep apprised on developing issues. The purpose of the meetings is to provide continual communication updates on the prohibition plans and ensure that all opportunities are discussed and mutual resolutions to the wastewater issues are reached.

On November 8, of 2010, Malibu City Council directed the City staff to temporarily discontinue the spending of funds on a centralized wastewater treatment facility plan until such time that the City can reach a full understanding and agreement with the RWQCB on how to proceed with the Prohibition phasing. On February 28, 2011, Malibu City Council directed the City staff to re-initiate design efforts based upon the positive discussions that were being conducted between the agencies. At the same meeting, City staff reported on-going negotiations were productive and that a verbal agreement was reached between the RWQCB on two important issues. (1) There is apparent agreement between the RWQCB and the City on the properties to be included in Phase 1 of the prohibition plan. (2) The RWQCB is receptive to a design that includes Deep Well Injection as part of the dispersal plan for the project. As mentioned in the last update, the City believes that approval of the Deep Well Injection is critical in order to proceed with a workable design.

The City and the RWQCB staff are now attempting to resolve the phasing for the remaining portions of the prohibition. A potential overall phasing plan and associated implementation strategy has been drafted and will continue to be vetted between the agencies. The RWQCB is also looking to establish additional milestones to ensure that timeframes are being met.

As a result of the design re-initiation, the City's consultant (RMC Water and Environment) is now working on survey data collection and a sewer collection/dispersal plan that will include pump locations. The City consultant is also preparing a Scope of Work necessary to complete the hydro-geologic exploration to support the deep well injection plan. This will entail providing new inputs to the groundwater model that was recently completed by Stone Environmental, Inc.

As requested by the RWQCB, in January of 2011, the City submitted to the RWQCB the "preliminary conceptual design report" that included a detailed spreadsheet of all the anticipated flows for the project. The spreadsheet also included a comparison of the estimated RWQCB flows to show and explain the discrepancies.

The City has notified the RWQCB that we would also like to work cooperatively on a Salt and Nutrient grant that would benefit the project and region.

The City has been working with USGS on finalizing the comprehensive groundwater and surface water research that was conducted in 2009 and 2010. The City has requested the RWQCB to apply and find a State approved peer reviewer(s) in order that the study can be validated by other experts.

The City continues to have monthly stakeholders meetings with involved citizenry to garner support for the project. Property owners have announced they are willing to help fund continuous well monitoring over the next year to ensure that data gaps on water levels are eliminated.

Finally, the tolling agreement between the City and the State must be extended in order for the two agencies to complete their negotiations.

I trust this Progress Report No. 4 is fully sufficient in accordance with the resolution and demonstrates that the City of Malibu continues to be in compliance with Resolution No. R4-2009-007.

Sincerely,



Jim Thorsen  
City Manager

cc: Mayor Sibert and Honorable Members of the Malibu City Council  
Christi Hogin, City Attorney  
Bob Brager, Public Works Director  
Vic Peterson, Environmental and Community Development Director