



Las Virgenes – Triunfo Joint Powers Authority
4232 Las Virgenes Road, Calabasas, CA 91302
818.251.2100



For Immediate Release

For More Information: Jeff Reinhardt
(818) 251-2150

**JPA Opposes EPA Proposal for Malibu Creek;
Filing Cites Faulty Scientific Foundations**

Calabasas, CA – February 5, 2013 – The Las Virgenes – Triunfo Joint Powers Authority (JPA), comprised of Las Virgenes Municipal Water District (LVMWD) and Triunfo Sanitation District (TSD) is voicing strong opposition to the U.S. Environmental Protection Agency (EPA) proposal of new water quality standards for Malibu Creek. The JPA has filed a 75-page document with the EPA citing serious flaws in methodology, concerns about potential high costs to meet standards which are unwarranted, given the natural background conditions found in the watershed and the time frame for public review was very brief. The document and additional information on this issue, including comment letters, is posted at www.LVMWD.com and www.TriunfoSanitation.com.

Rising from a consent decree reached among the EPA, Heal the Bay, Santa Monica Baykeeper and other parties, EPA is obligated to establish new water quality standards for several California waterbodies by March 24, 2013. The JPA and communities in the Malibu Creek watershed were not parties to the litigation nor the consent decree settlement, yet all of the financial impacts would fall on the ratepayers, homeowners and businesses served by the JPA.

--more--

Michael McReynolds
Chair, Las Virgenes-Triunfo
Joint Powers Authority
Chair, Triunfo Sanitation District
Board of Directors

Charles Caspary
Vice Chair, Las Virgenes-Triunfo
Joint Powers Authority
President, Las Virgenes Municipal Water District
Board of Directors

JPA studies done in 2005 projected new facilities costing \$160 million would be needed to meet the more stringent standards, with no guarantee those measures would produce the desired result, specifically, the reduction or elimination of algae in Malibu Creek.

“EPA’s draft document was seemingly put together in a hurry in order to meet the consent decree deadline and please the litigants, rather than function as a scientific blueprint to improve conditions in Malibu Creek,” said Charles Caspary, President of the LVMWD Board of Directors and a board member of the JPA. “If this document is adopted, compliance will come at a very high cost with no guarantees for results. In my opinion, that kind of disregard for the impacts to the region’s residents and businesses is unconscionable.”

“Since 2005 we have invested over \$10 million in infrastructure, processes and monitoring to meet new requirements. Every day we treat some 8 million gallons of sewage from the region to very stringent standards and for seven months each year, we make no discharge to the creek. Much of the effluent is used as recycled water for irrigation, which is currently its highest and best use, but at certain times between November and April, demand falls and we must discharge,” he said.

Michael McReynolds, Chairman of both TSD and the JPA Boards also questioned the findings and methods of the EPA proposal. “EPA promised a draft document in the summer of 2012, well in advance of the deadline for comments. Instead, the 196-page document was released in mid-December, with a final comment deadline of January 23,

which was later extended to January 25. It is a very technical document, with severe financial implications for our ratepayers. As such, it warrants more time and scientific rigor.”

Seeing the potential impacts to the region, the JPA alerted community leaders to the potential impacts of the proposed standards. Every city in the service area, a school district and many homeowner associations expressed support for the JPA’s position in letters to the EPA. “It’s a testament to the engagement our region has on environmental issues,” Mr. Caspary said. “They understand the importance of protecting the environment, but they will not stand for their money being wasted trying to meet goals that cannot be attained.”

The EPA determines the health of a creek by counting the presence of *benthic macroinvertebrates*, or small spineless aquatic insects that live in the creek bed. In its letter, the JPA points out that the EPA is using a standard for freshwater streams with permanent flow; Malibu Creek is neither. The creek contains salty water due to the influence of the *Monterey Formation*, a petroleum-source rock present in the watershed which is high in natural salts and nutrients, the latter of which promote algae growth. Stretches of the creek go dry in most summers, impacting waterborne insect populations. The EPA’s document is dismissive of those factors.

As a result of nutrient mandate compliance measures adopted in 2005 intended to reduce or eliminate algae, wastewater rates for LVMWD’s sewer customer doubled to \$108 bimonthly, among the highest in the region.

--more--

Mr. Caspary added, "We did everything that was mandated by the Los Angeles Regional Water Quality Control Board, which implements EPA's policies. Now they seem to be saying, 'our 2003 standards did not work, so we'll try something else.' No one seems to be taking up the part of the ratepayers, who ultimately bear the costs for these failed experiments. It may be entirely possible that the presence of algae is a natural and irreversible condition in Malibu Creek."

The JPA provides wastewater treatment, recycled water and biosolids composting services to some 100,000 residents of Agoura Hills, Calabasas, Hidden Hills, Oak Park, Westlake Village and portions of Thousand Oaks, in addition to unincorporated surrounding areas of Los Angeles and Ventura Counties.

#

Editor: See attachments

- FAQs on benthic macroinvertebrates
- Copy of JPA letter to US EPA