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## **Federal Court Finds Malibu Violated Clean Water Act By Discharging to Marine Preserve**

LOS ANGELES (August 4, 2010) – The City of Malibu violated the federal Clean Water Act when it discharged polluted water into Santa Monica Bay beaches in a coastal preserve, according to a decision issued by a Federal District Court.

The court found Malibu liable for illegally discharging polluted water into a marine coastal preserve located in northern Los Angeles County, one of three dozen designated Areas of Special Biological Significance along the California coast. The preserve stretches from Latigo Point in Malibu to Mugu Lagoon in Ventura County. The decision is the result of a lawsuit brought by Santa Monica Baykeeper (Baykeeper) and the Natural Resources Defense Council (NRDC).

“The court’s decision should be celebrated by all who value coastal resources like recreation, natural habitats, and scenic beauty,” said Liz Crosson, Executive Director and Baykeeper of Santa Monica Baykeeper. “The decision is a critical step towards addressing water pollution at some of the region’s most popular and valued beaches.”

The court also determined that Baykeeper and NRDC will proceed to trial on the claims that bacterial contamination creates a condition of nuisance at 17 Malibu beaches and violates bacteria water quality standards at Surfrider Beach and the adjacent Malibu Creek and Lagoon. Monitoring at beaches conducted by the City of Los Angeles consistently demonstrates violations of bacteria water quality standards, but the court determined that more information is necessary to establish Malibu’s liability. A trial date is yet to be scheduled.

“When it comes to cleaning up water pollution results matter,” said David Beckman, Director of NRDC’s national Water Program. “The reason Southern California beaches remain polluted too often is because local government has not been held accountable to cleaning up water and stopping pollution at its source.”

This lawsuit follows a similar case against Los Angeles County, also enforcing California’s prohibition on polluted discharges to designated Areas of Special Biological Significance. Like in the case against the County, Baykeeper and NRDC are asking the court to require Malibu to take steps that include adopting better pollution monitoring, requiring treatment or redirection of polluted runoff, and implementing green infrastructure measures to reduce or eliminate polluted runoff.

In March 2008, Santa Monica Baykeeper and NRDC sued Malibu for violating a 2001 Clean Water Act permit issued by California’s Regional Water Quality Control Board.



The lawsuit sought to hold Malibu accountable to measurably reducing urban runoff, the top source of coastal water pollution in California that sickens thousands of people and fouls coastal ecosystems annually.

Beach water pollution makes swimmers vulnerable to a range of waterborne illnesses including stomach flu, skin rashes, pinkeye, ear, nose and throat problems, dysentery, hepatitis, respiratory ailments, neurological disorders, and other serious health problems. Senior citizens, small children, and people with weak immune systems can be especially vulnerable.

Malibu, stretching 21 miles along the Pacific coastline, boasts world-class surfing, sandy beaches, steep canyons, and California sunshine. Unfortunately, Malibu also has a record of contaminated water, public health advisories, and illnesses from water contact recreation. The court's decision, by addressing contaminated runoff conveyed via Malibu's storm drains, is an important step to cleaning up Malibu's beaches and waterways.

This ruling affirms that Malibu plays a key role in improving water quality and protecting public health and the environment. As a remedy for the violations identified in the court's ruling, Baykeeper and NRDC will seek a court order requiring Malibu to reduce runoff pollution levels to a level that protects public health and the environment.

Read more about water pollution at David Beckman's blog.

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Founded in 1993, the **Santa Monica Baykeeper's mission** is to protect and restore the Santa Monica Bay, San Pedro Bay and adjacent waters through enforcement, fieldwork, and community action. Baykeeper works to achieve this goal through litigation and regulatory programs that ensure water quality protections in waterways through Los Angeles County.

The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.3 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.

Related NRDC Webpages:

4/27/2010 - Federal Court Finds L.A. County Violated Clean Water Act and Polluted Beaches

NRDC: Press Release (March 3, 2008) - Lawsuit Charges L.A. County with Failing Clean Water Standards

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