

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions of  
the Monte Nido Valley Property  
Owners Association for Review  
of Orders Nos. 76-64 and 76-126,  
California Regional Water Quality  
Control Board, Los Angeles Region.  
Our Files Nos. A-139 and A-152.

Order No. WQ 79-6

BY THE BOARD:

These petitions concern waste discharge requirements for the Tapia Water Reclamation Facility (plant) operated by the Las Virgenes Municipal Water District (discharger). The plant is situated near Malibu Creek in Los Angeles County and, currently, discharges treated wastewater to the Creek pursuant to Order No. WQ 78-4 (NPDES Permit No. CA0056014) adopted by the State Water Resources Control Board (State Board) on March 2, 1978. The discharger is also authorized to dispose of treated wastewater on lands adjacent to Malibu Creek in accordance with waste discharge requirements set forth in Order No. 74-381 of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board).

Prior to the adoption of State Board Order No. WQ 78-4, the discharger was only permitted a seasonal (wintertime) discharge to Malibu Creek pursuant to Regional Board Order No. 76-27, a National Pollutant Discharge Elimination System (NPDES) permit, (now superseded by State Board Order No. WQ 78-4) and was having difficulty disposing of all of its wastewater on land during periods of the year when the discharge to the Creek was not authorized. In order to give it more capability for land disposal,

the discharger constructed a series of percolation ponds adjacent to Malibu Creek. Because this method of land disposal was not anticipated when the Regional Board's original requirements for land disposal (Order No. 74-381) were adopted, and inasmuch as data was not available to evaluate the long term use of the ponds, Order No. 76-64 was adopted by the Regional Board on April 26, 1976, amending Order No. 74-381. The amendments provided specific requirements for wastewater discharged to the ponds and prohibited the use of the ponds after September 15, 1976. On May 27, 1976, the Monte Nido Valley Property Owners Association (petitioner) petitioned the State Board for review of Order No. 76-64 (File No. A-139). On August 23, 1976, the Regional Board adopted Order No. 76-126 further amending Order No. 74-381 by extending the use of the ponds until November 15, 1976. On September 24, 1976, the petitioner also asked the State Board to review this action of the Regional Board (File No. A-152).

The essence of both petitions is the contention that the percolation ponds are so situated that the discharge to the ponds is in reality a direct discharge to Malibu Creek in violation of Order No. 76-27 which only permitted wintertime discharges to Malibu Creek.

#### I. DISCUSSION

These petitions are not moot because the Regional Board again amended Order No. 74-381, with the adoption of Order No. 77-54, by deleting the provision precluding use of the ponds after November 15, 1976. Further, State Board

Order No. WQ 78-4 required the discharger to "...maintain the existing non-stream disposal facilities used, currently, for existing flows." Finally, the question of whether the petitioner will be permitted permanently to discharge 4.5 million (or any greater amount) gallons per day of wastewater to Malibu Creek cannot be answered at this time.

The discharger is now authorized to conduct a trial year-round discharge to Malibu Creek pursuant to State Board Order No. WQ 78-4. Should a response to the petitioner's contention be attempted now, we would have to assume, for the sake of analysis and discussion, that the year-round trial discharge will be unsuccessful and that the discharge to Malibu Creek would have to be terminated because of such failure. State Board Order No. WQ 78-4 indicated our expectation that the year-round discharge to Malibu Creek will prove successful. In the event our expectation is born out, the discharger may abandon, entirely, all use of the ponds.

## II. CONCLUSIONS

After consideration of this matter, we conclude that these petitions should be dismissed without prejudice. We have drawn this conclusion because these petitions do not appear to pose a real issue under the altered circumstances discussed above. In the event that subsequent developments prove us in error the petitioner may refile these petitions or an amended petition without prejudice to its cause.

III. ORDER

IT IS HEREBY ORDERED that these petitions are dismissed without prejudice and that the petitioner may refile these petitions or an amended petition in the event that the discharger is required to cease discharging to Malibu Creek for all or part of the year and commences the use of the ponds during such times as the discharge of wastewater to the Creek is prohibited.

Dated: JAN 25 1979

ABSENT

John E. Bryson, Chairman

W. Don Maughan  
W. Don Maughan, Vice Chairman

William J. Miller  
William J. Miller, Member

L. L. Mitchell  
L. L. Mitchell, Member