

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQO 2002 – 0010

In the Matter of the Petition of
TRANCAS PROPERTY OWNERS ASSOCIATION

For Review of Waste Discharge Requirements Order No. 01-135

For Trancas-PCH, LLC, Tentative Tract 32415, Malibu
Issued by the
California Regional Water Quality Control Board,
Los Angeles Region

SWRCB/OCC FILE A-1420

BY THE BOARD:

Trancas-PCH, LLC, is the developer of a tract of homes in Malibu. The project has been proposed in somewhat different forms for well over 20 years. Waste discharge requirements were issued in 1979 by the Los Angeles Regional Water Quality Control Board. The tract that was the subject of those waste discharge requirements was subsequently divided into two parts. Trancas now proposes to proceed with one of those two parts and the Regional Board has required them to apply for revised requirements for that portion. Those waste discharge requirements were approved by the Regional Board at its September 19, 2001 meeting.

The Trancas Property Owners Association is a group of neighboring landowners who object to the proposed project. They filed a timely petition for review of the approval of the waste discharge requirements on October 19, 2001. The petition raises various issues regarding compliance with the California Environmental Quality Act.

BACKGROUND

In 1979, a draft environmental impact report was prepared for tentative tract #29273¹ in Malibu by the Los Angeles Department of Regional Planning. The draft EIR was apparently circulated and reviewed and a final EIR was prepared on December 3, 1979. However, there is no evidence in the record that the EIR was ever approved by the County. After the property was split into two tentative tracts in 1985, the County conducted an initial study on the portion now called tentative tract #32415 and determined that a negative declaration was the appropriate environmental document for the project. A negative declaration was prepared by the County but was not provided to the Regional Board during its review of the waste discharge requirements. A copy of the negative declaration and other related documents has recently been provided to the Regional Board.

FINDING

In light of the fact that the Regional Board did not have available to it the necessary CEQA documentation when it adopted this waste discharge requirements and in light of the fact that those documents have now been made available, the Regional Board should be given an opportunity to reconsider its decision after having reviewed them. Accordingly, a remand of this matter to the Regional Board is the appropriate remedy.

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¹ Tentative tract #32415 was split off from tentative tract #29273 in 1985.

ORDER

IT IS HEREBY ORDERED that this matter is remanded to the Los Angeles Regional Water Quality Control Board to reconsider its approval of the waste discharge requirements for Tancas PCH, LLC in light of the CEQA documentation recently submitted and any other relevant information.

CERTIFICATION

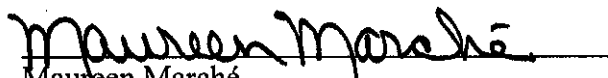
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 18, 2002.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Clerk to the Board