



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

**TO:** John Laird  
Secretary of Natural Resources  
Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, California 95814

**FROM:** Samuel Unger, P.E.  
EXECUTIVE OFFICER

**DATE:** January 18, 2010

**SUBJECT: TRANSMITTAL OF NOTICE OF DECISION FOR A BASIN PLAN AMENDMENT TO INCORPORATE THE PROHIBITION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA**

An amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) for prohibition of on-site wastewater disposal systems in the Malibu Civic Center Area has been adopted by the Water Quality Control Board Los Angeles Region (Los Angeles Regional Board), and approved by the State Water Resources Control Board, and the State Office of Administrative Law.

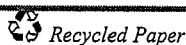
The Regional Board's planning process is a "certified regulatory program" and the environmental information developed for and included with the amendment is considered substitute environmental documents to an Environmental Impact Report under the California Environmental Quality Act (CEQA). Completion of the CEQA review process for the substitute environmental documents prepared for Basin Plan amendments involves filing of a "Notice of Decision" rather than a "Notice of Determination" and a "CEQA Filing Fee No Effect Determination Form" issued by the California Department of Fish and Game.

Enclosed is the Notice of Decision with attachments for the Basin Plan amendment adopted by the Los Angeles Regional Board on November 5, 2009 under Resolution No. R4-2009-007.

cc: Nicholas Martorano, Planning, Standards and Implementation Unit  
State Water Resources Control Board  
1001 "I" Street  
Sacramento, CA

Enclosure

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# California Regional Water Quality Control Board Los Angeles Region

320 West Fourth Street, Suite 200, Los Angeles, California 90013  
(213) 576-6600 • FAX (213) 576-6640  
<http://www.waterboards.ca.gov/losangeles>



Edmund G. Brown Jr.  
Governor

## NOTICE OF DECISION

**To:** John Laird  
Secretary of Natural Resources  
Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, California 95814

**From:** California Regional Water Quality Control Board, Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

**Date:** January 18, 2011

**Subject:** Filing of Notice of Decision in compliance with section 21080.5 of the Public Resource Code

**Project Title:** Amendment to the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan)* to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area

**Location:** Los Angeles Region (coastal watersheds of Los Angeles and Ventura Counties) – Malibu Civic Center Area (see attached map).

**Description:** Prohibition of discharges from on-site wastewater disposal systems (OWDSs). The prohibition is immediate for all new discharges as of November 5, 2009, except temporarily exempted properties in development as specifically designated in Resolution R4-2009-007. The prohibition on existing discharges takes effect on November 5, 2015 for commercial properties and November 5, 2019 for residential properties (see attached map).

**Contact:** Rebecca Chou, Ph.D., P.E. – (213) 576-6618 – [rzhou@waterboards.ca.gov](mailto:rzhou@waterboards.ca.gov)

This Notice of Decision is to advise you that, on November 5, 2009, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted the above-referenced project along with the substitute environmental documents (SEDs). Based on the review of the SEDs, the Regional Board made the following determinations regarding the

*California Environmental Protection Agency*

project:

1. The project may have a significant effect on the environment depending upon the manner of compliance selected by responsible parties.
2. Substitute environmental documents were prepared for this project pursuant to the provisions of California Environmental Quality Act (CEQA). The substitute documents include the Resolution, the *Basin Plan* Amendment, the Technical and Environmental Staff Reports, the CEQA Checklist, and the Response to Comments.
3. Mitigation measures were analyzed in compliance with Public Resources Code section 21159.
4. Findings were made pursuant to the provisions of CEQA.
5. A statement of overriding considerations was adopted for this project.

Attachments include a (1) figure showing the area of the Project, and (2) approval from the California Office of Administrative Law, and (3) the Department of Fish and Game's No Effect Determination.

This is to certify that the final substitute environmental documents, with a record of project approval, is available to the general public at the California Regional Water Quality Control Board, Los Angeles Region's office, 320 West Fourth Street, Suite 200, Los Angeles, California 90013, or via Regional Board website:

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/basin\\_plan/](http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/)

*Samuel Unger*

Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region

Date received for filing: \_\_\_\_\_

Attachments:

- (1) Figure 4-yy of Project Area
- (2) California Office of Administrative Law Approval
- (3) Department of Fish and Game, CEQA Filing Fee No Effect Determination Form

Figure 4-yy

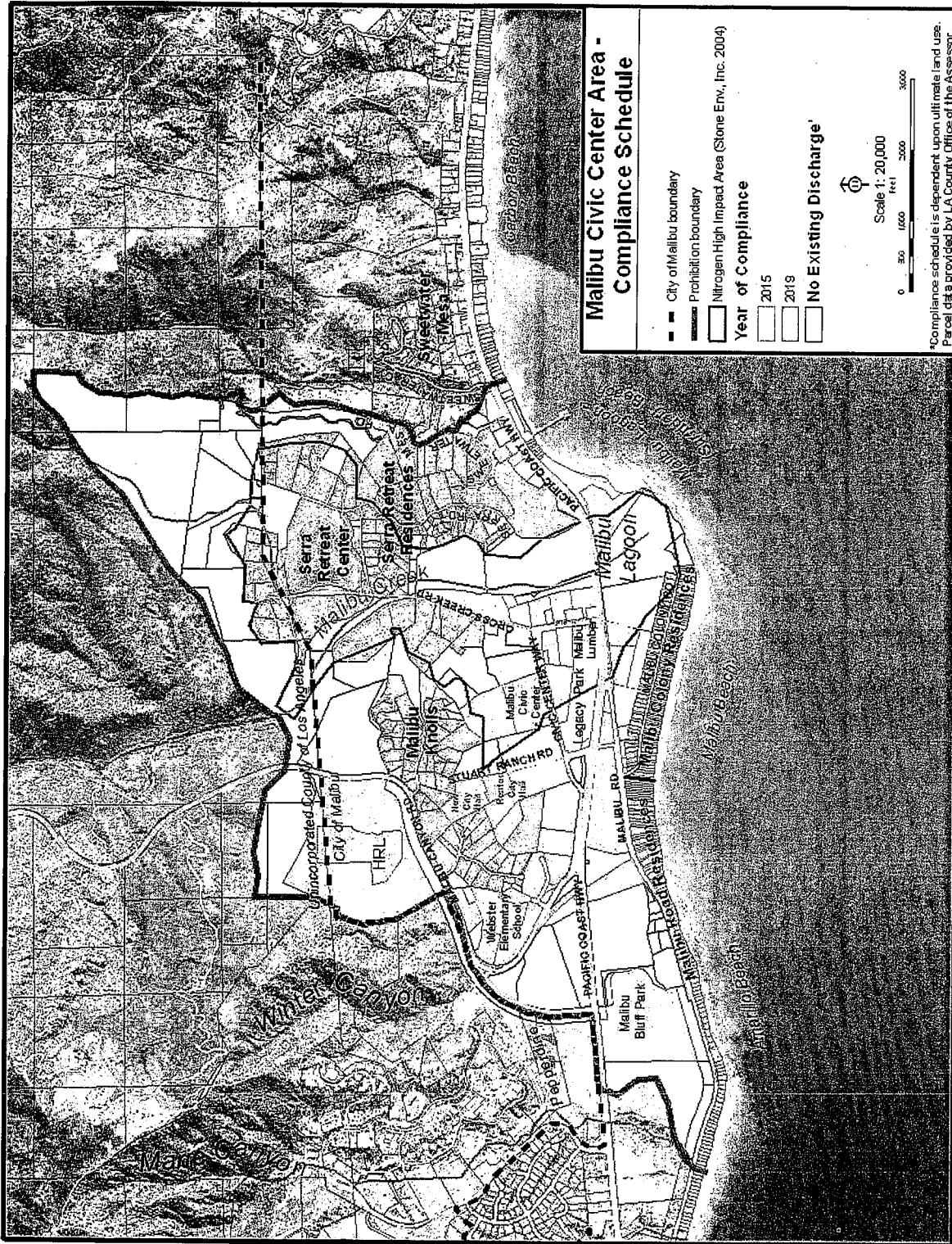


Exhibit 1

JFL 101238

**OFFICE OF ADMINISTRATIVE LAW**

300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6225 FAX (916) 323-6826



SUSAN LAPSLEY  
Director

**MEMORANDUM**

TO: Nick Martorano  
FROM: OAL Front Desk  
DATE: 12/30/2010  
RE: Return of Approved Rulemaking Materials  
OAL File No. 2010-1117-03S

OAL hereby returns this file your agency submitted for our review (OAL File No. 2010-1117-03S regarding Prohibition of On-site Wastewater Disposal Systems in the Malibu Area).

If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved file is specified on the Form 400 (see item B.5). (Please Note: The 30<sup>th</sup> Day after filing with the Secretary of State is calculated from the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State.)

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

RECEIVED

DEC 28 2010

State of California  
Office of Administrative Law

DIVISION OF WATER QUALITY

In re:  
State Water Resources Control Board

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Regulatory Action:

Government Code Section 11353

Title 23, California Code of Regulations

OAL File No. 2010-1117-03 S

Adopt sections: 3939.37

Amend sections:

Repeal sections:

This filing is a Basin Plan Amendment submitted to OAL by the State Water Resources Control Board (SWRCB) and subject to OAL review under Government Code section 11353. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a Basin Plan Amendment for the Los Angeles Region Water Quality Control Plan establishing a phased waste discharge prohibition on the use of on-site wastewater disposal systems in the Malibu Civic Center area. After adoption, the Los Angeles Water Board submitted the Basin Plan Amendment to the SWRCB which then approved the amendment and submitted it to OAL.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: 12/23/2010



Eric Partington  
Staff Counsel

For: SUSAN LAPSLEY  
Director

Original: Thomas Howard  
Copy: Nick Martorano



State of California – The Natural Resources Agency  
 DEPARTMENT OF FISH AND GAME  
 Environmental Review and Permitting  
 1416 Ninth Street, Suite 1260  
 Sacramento, CA 95814  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

ARNOLD SCHWARZENEGGER, Governor  
 JOHN MCCAMMAN, Director



## CEQA Filing Fee No Effect Determination Form

**Applicant Name:** California Regional Water Quality Control Board, Los Angeles Region  
**Date Submitted:** October 13, 2010  
**Applicant Address:** 320 West 4<sup>th</sup> Street, Suite 200, Los Angeles, CA 90013

**Project Name:** Amendment to the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area

**CEQA Lead Agency:** California Regional Water Quality Control Board, Los Angeles Region  
**CEQA Document Type:** (ND, MND, EIR) Substitute Environmental Document  
**SCH Number and/or local agency ID number:** 68-0281986

**Project Location:** Los Angeles and Ventura Counties

**Brief Project Description:** The proposed amendment will incorporate into the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan)* a Prohibition of On-site Wastewater Disposal Systems (OWDSs) in the Malibu Civic Center Area to restore beneficial uses designated for groundwater, Malibu Creek, Malibu Lagoon, and nearby beaches. The proposed prohibition would affect existing and future OWDSs in the Malibu Civic Center area, including Malibu Valley, Winter Canyon, and the adjacent coastal strips of land and beaches. Types of subsurface disposal systems, or OWDSs, that would be prohibited range from passive systems with conventional septic tanks to active that more aggressively remove pollutant loads from sewage before subsurface disposal.

**Determination:** Based on a review of the Project as proposed, the Department of Fish and Game has determined that for purposes of the assessment of CEQA filing fees [F&G Code 711.4(c)] the project has no potential effect on fish, wildlife and habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records; you are required to file a copy of this determination with the County Clerk after your project is approved and at the time of filing of the CEQA lead agency's Notice of Determination (NOD). If you do not file a copy of this determination with the County Clerk at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid No Effect Determination Form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to Fish and Game Code Section 711.4(c)(3).

DFG Approval By: Lester Newton-Reed Lester Newton-Reed Date: 11-3-2010

Title: Environmental Scientist

CALIFORNIA DEPT. OF FISH AND GAME  
 SOUTH COAST REGION *Conserving California's Wildlife Since 1870*  
 4949 VIEWRIDGE AVENUE  
 SAN DIEGO, CA 92123-1662