

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**ORDER NO. 01-010
WASTE DISCHARGE REQUIREMENTS
FOR
MALIBU CREEK PRESERVATION COMPANY
(Malibu Creek Plaza)
(File No. 00-066)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. Malibu Creek Preservation Company, LLC (hereinafter Discharger) owns the Malibu Creek Plaza, located at 3822-3896 Cross Creek Road and 23357-23361 Pacific Coast Highway (the Site), Malibu, California. The Malibu Creek Plaza (Figure One) is comprised of a mixture of retail and commercial businesses including a multi-screen theater, two full serve restaurants, an ice cream parlor, a dry cleaner, a bank, a pet store where pets are also groomed, and various other retail businesses.
2. The facility is located in an unsewered area of the City of Malibu (City). No public sewers have been scheduled for construction in the vicinity of the site. The City currently does not provide wastewater collection and treatment utilities; rather, the City primarily relies upon subsurface disposal system for disposal of domestic, commercial, and industrial wastewater.
3. On December 10, 1999, Malibu Creek Preservation Company, LLC, filed a report of waste discharge pursuant to a directive from this Regional Board. The Discharger estimates that it discharges an average of 24,000 gallons per day (gpd) of primary treated septic system¹ effluent to multiple leaching/disposal fields. No meters are installed to measure the actual amount of sewage discharged however. According to the Discharger, the existing septic system and disposal system is designed for a maximum daily flow of up to 42,000 gpd.
4. The Discharger installed the existing septic system and leachfield disposal system during the construction of Malibu Creek Plaza as approved by the County of Los Angeles and the City of Malibu. Beneath the parking lot of Malibu Creek Plaza, the Discharger has installed twelve septic tanks, eleven leachfields, and two grease traps. The Malibu Creek Plaza disposes of all domestic and commercial wastewater through the septic tank/leachfield disposal system. The commercial strength effluent is a result of elevated BOD and oil and grease loads in part from restaurant wastes. Wastewater from the restaurants and the theater enter grease interceptors and receive pretreatment prior to

¹ The term septic system is used in this document to reflect that currently, the wastewater receives only primary treatment through a series of grease interceptors and septic tanks, prior to disposal into leachfields. The Discharger shall install a treatment system that will produce a disinfected and secondary treated effluent.

January 11, 2001

entering the septic tanks. The grease interceptors are equipped with a commercially sized passive filter device. The primary components of the treatment system at Malibu Creek Plaza consist of one 1,500 gallon septic tank, two 2,000 gallon septic tanks, four 3,000 gallon septic tanks, one 3,500 gallon septic tank, three 7,500 gallon septic tanks, two 1,500 gallon grease interceptors and one 7,500 gallon main dosing tank for discharge to the eleven leach fields.

5. During 1999, the Regional Board and City of Malibu conducted field work together, sampling groundwater and surface water on and nearby the Discharger's property. The Regional Board concludes that sewage discharged beneath the Discharger's property causes groundwater pollution, and is also released to Malibu Creek when the creek level is lowered, typically by the Malibu Lagoon breaching. Groundwater monitoring of wells located at the southern end of the shopping center and north of Pacific Coast Highway document that the groundwater contains bacteria such as total and fecal coliform, enterococcus, and E. Coli. The groundwater also contains nutrients, primarily in the form of ammonia. The presence of ammonia and not nitrate shows that the groundwater is depleted in oxygen in part due to the high volume loading of primary treated sewage into the groundwater. In addition, there are other shopping centers upgradient of Malibu Creek Preservation Company's property that discharge similar quantities and qualities of wastewater to the groundwater, and add nutrients and bacteria to the groundwater. Malibu Creek Preservation Company is the discharger closest to Malibu Creek in this area.
6. On February 18, 2000, Regional Board staff sampled three of Malibu Creek Preservation Company's septic tanks to characterize wastewater discharges from septic tanks to leachfields. Volatile organic compounds (VOCs) were detected in the Malibu Creek Preservation Company, LLC's discharge. The following table shows the maximum concentrations of the volatile organic compounds detected in septic tank discharges:

<u>Chemical</u>	<u>Concentrations</u>
Chloroform	9 µg/L
Tetrachloroethene (PCE)	17 µg/L
Trichloroethene (TCE)	70 µg/L
Toluene	44 µg/L

7. On April 10, 2000, the Regional Board Executive Officer issued a Notice of Violation (NOV) to Malibu Creek Preservation Company, LLC. for discharging domestic wastewater containing volatile organic compounds to the disposal fields in violation of Los Angeles Regional Water Quality Control Board Basin Plan groundwater quality objectives and in excess of State and federal Maximum Contaminant Levels (MCL). The

NOV required the Discharger to cease discharging volatile organic compounds to its disposal fields. Malibu Creek Preservation Company, LLC proposed to implement a source control investigation and pollution prevention program with the purpose of positively identifying and eliminating the sources of toxic chemicals being discharged to the septic system.

8. The wastewater receives only primary treatment in the septic system before being discharged to the disposal fields. The effluent quality and quantity discharged from the septic tank system is not measured, as a result, the effluent quality and quantity from the septic tank systems is not well documented. On February 18, 2000, Regional Board staff did sample some of the Discharger's septic tanks, however. The existing septic system is not capable of disinfecting wastewater or removing nutrients that are discharged to the leachfields.
9. Discharges from the existing septic tank system infiltrate groundwater through the multiple leaching/disposal fields. The wastewater disposal fields are close to Malibu Creek and Malibu Lagoon. Groundwater at the Malibu Creek Plaza site is in hydraulic connection to Malibu Creek, Lagoon, and the Pacific Ocean. The Malibu Creek and Malibu Lagoon are recognized as impaired by both nutrients and bacteria, as detailed in the State of California's 303d listing. Groundwater monitoring is being required since groundwater impacts have been documented at the site, and the groundwater is eventually discharged to Malibu Creek, Malibu Lagoon and the Pacific Ocean. The Discharger must upgrade the existing septic system and install disinfection and nutrient removal equipment in order to meet the proposed effluent discharge limits prescribed in this Order.
10. The Regional Board encourages the Discharger to consider upgrades that would enable the treatment system to meet water reclamation standards and provide greater flexibility for disposal/reuse of the treated wastewater from the treatment system.
11. The facility is located in Section 31, Township 1S, Range 17W (San Bernardino Base & Meridian), and is at a latitude 34° 02' 05" N and a longitude of 118° 41' 00" W. Some of the hydrologic features near the facility include:
 - Malibu Creek, which is approximately 200 feet from the nearest leachfield at the site;
 - Malibu Lagoon, which is approximately 200 feet south of the site (and begins south of Pacific Coast Highway).
 - The Pacific Ocean, which is approximately 1400 feet to the south of the site.

12. The Discharger does not currently monitor groundwater in order to evaluate any impacts from its discharge of wastewater, however, the Regional Board is now requiring the Discharger to do so. Additionally, other nearby dischargers are monitoring groundwater.
13. The septic tanks and disposal fields for the Malibu Colony Plaza are located in the Malibu Creek Hydrologic Subarea and overlie the Malibu Valley Groundwater Basin.
14. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region on June 13, 1994. The Water Quality Control Plan contains beneficial uses and water quality objectives for groundwater within the Malibu Valley Groundwater Basin.
15. Discharges from the leachfields infiltrate groundwater. Existing beneficial uses designated for groundwater include agricultural supply and potential municipal, domestic and industrial supply. With regard to the use of groundwater for municipal and domestic supply, the Discharger has stated that there are no public water wells downgradient of the leachfields. Potable water consumers in the area receive water from the Los Angeles County Waterworks District No. 29, a water retailer that receives water from the Metropolitan Water District of Southern California via the West Basin Municipal Water District, since 1961.
16. Groundwater underlying the leachfields is in hydraulic connection with Malibu Creek, Malibu Lagoon, and the Pacific Ocean. Beneficial uses designated for these surface waters include, among others: contact and non-contact water recreation; marine habitat; shellfish harvesting (potential); wildlife habitat; and spawning (potential). A Water Quality Assessment, adopted by this Regional Board on May 18, 1998, identified beaches along the Santa Monica Bay (including the Malibu area) as impaired by pathogens for contact water recreation.
17. The requirements in this Order are in conformance with the goals and objectives of the Water Quality Control Plan. The Discharger must upgrade the existing treatment system to disinfect and remove nutrients from the wastewater.
18. The Discharger is not able to quantify potential impacts resulting from the discharge to groundwater and nearby surface waters since there is no current groundwater or surface water monitoring conducted. Other potential impacts include the discharge of nutrients and bacteria to surface water, the corresponding "water imbalance" whereby the high volume of wastewater discharged to groundwater, can cause an increased discharge of groundwater to surface water. The Discharger must upgrade the existing septic system to meet the proposed limits in this Order for total and fecal coliform and enterococcus and nutrients. The Discharger will be required to monitor for total coliform, fecal coliform and enterococcus bacteria in accordance with Monitoring and Reporting Program No. CI 8226.

In addition, the Discharger shall monitor for nutrients (nitrate, nitrite, ammonia and organic nitrogen, phosphorus) and surfactants in accordance with Monitoring and Reporting Program No. CI 8226.

19. A groundwater monitoring program and a surface water monitoring program are necessary to evaluate any impacts from the discharge of waste to groundwater. The monitoring is necessary to help determine the rate and volume of sewage movement to nearby surface and ocean water. A groundwater and a surface water monitoring program shall be established, so that groundwater and surface water may be sampled and analyzed to determine the degree that discharges from the septic systems impact water quality.
20. This project involves an existing facility and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 et seq.), in accordance with California Code of Regulations, Title 14, Chapter 3, Section 15301.
21. The Discharger has indicated that it can not immediately comply with the requirements contained in these Waste Discharge Requirements because the treatment system needs to be upgraded. In order for the Discharger not to be in immediate violation of requirements in the Waste Discharge Requirements, the Regional Board has included a Time Schedule Order (TSO) that will allow the Discharger to complete all needed upgrades within a timeframe specified in the TSO.

The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations for the requirements.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the requirements.

IT IS HEREBY ORDERED that Malibu Creek Preservation Company (Discharger) shall comply with the following:

A. INFLUENT LIMITATIONS

1. Waste discharged shall be limited to certain commercial discharges from a mixture of retail and commercial businesses at the shopping center including a multi-screen theater, two full serve restaurants, an ice cream parlor, a dry cleaner, a bank, a pet store where pets are also groomed, and various other retail businesses. No water softener regeneration brines or industrial waste waters shall be discharged to sewers that flow to the septic system.

2. The maximum daily flow of influent to the collection system shall not exceed the design capacity of 42,000 gpd. This flow limitation also applies to effluent discharged to the leachfields.
3. No volatile organic compounds are to be discharged into the wastewater disposal system.

B. EFFLUENT LIMITATIONS

1. The pH of wastes discharged shall at all times be between 6.5 to 8.5 pH units.
2. The wastewater discharged into the leachfields shall not contain constituents in excess of the following limits:

<u>Monthly Constituent</u>	<u>Units</u>	<u>Average</u>	<u>Maximum</u>
BOD ₅	mg/L	30	45
Suspended solids	mg/L	30	45
Turbidity	NTU	10	15
Oil and grease	mg/L	--	15
TDS	mg/L	--	2,000
Sulfate	mg/L	--	500
Chloride	mg/L	--	500
Total Nitrogen	mg/L	--	10 ^{8.0}
Fecal coliform ^(a)	MPN/100mL	--	200 ^{1.1}
Enterococcus ^(b)	MPN/100mL	24	104 ^{1.1}

- a) The limits for coliform shall apply, prior to discharge of the effluent into the leachfields
- b) The Enterococcus limit is based on geometric mean of at least 5 equally spaced samples in any 30-day period.

3. The wastewater discharged to the leachfields shall not contain salts, heavy metals, or organic pollutants at levels that would impact groundwater, or groundwater that may be in hydraulic connection with surface waters designated for marine aquatic life or body contact recreation.
4. Any wastes that do not meet the foregoing requirements shall be held in impervious containers, and discharged at a legal point of disposal.

C. PROHIBITIONS

1. There shall be no sanitary sewer overflows or discharge of wastes to waters of the State (including storm drains) at any time.
2. No part of the leachfield disposal system shall be closer than 150 feet to any water well. No part of the leachfield disposal system shall be closer than 100 feet to any stream, channel or other watercourse.
3. No part of the septic system and the leachfields shall extend to a depth where wastes may deleteriously affect an aquifer that is usable for domestic purposes. In no case may the septic system and the leachfields extend to within 5 feet of the zone of historic or anticipated high ground water level. The Discharger must submit certification that the leachfields meet this requirement.
4. Wastes shall not be disposed of in geologically unstable areas or so as to cause earth movement.
5. Wastes discharged shall not impart tastes, odors, color, foaming or other objectionable characteristics to the receiving water.
6. Adequate facilities shall be provided to divert surface and storm water away from the septic tanks, leachfields and from areas where any potential pollutants are stored.
7. The septic tanks, sewer collection system and the leachfields, shall be protected from damage by storm flows or runoff generated by a 100-year storm.
8. There shall be no onsite disposal of sludge. Any offsite disposal of sewage or sludge shall be made only to a legal point of disposal. For purposes of this Order, a legal disposal site is one for which requirements have been established by a California Regional Water Quality Control Board, and which is in full compliance therewith. Any sewage or sludge handling shall be in such a manner as to prevent its reaching surface waters or watercourses.
9. The septic system, including the sewers that are a part of the septic system and the leachfields, shall be maintained in such a manner that at no time will sewage be permitted to surface or overflow at any location.
10. Sewage odors shall not be detectable.

11. Wastes discharged shall at no time contain any substance in concentrations toxic to human, animal, plant, or aquatic life.
12. The discharge of waste shall not create a condition of pollution, contamination, or nuisance.
13. The direct or indirect discharge of any wastewater to surface waters or surface water drainage courses is prohibited.

D. PROVISIONS

1. The Discharger shall file with the Regional Board technical reports on self-monitoring work performed according to the detailed specifications contained in Monitoring and Reporting Program No. CI 8226, as directed by the Executive Officer. The results of any monitoring done more frequently than required at the location and/or times specified in the Monitoring and Reporting Program shall be reported to the Regional Board. Monitoring and Reporting Program No. CI 8226 contains requirements, among others, specifying the following:
 - a) The Discharger shall ensure that the capacity of the disposal system is adequate for the discharge and that adequate steps are taken to accommodate system failures or to deal with loss of assimilative capacity of the soils.
 - b) The Discharger shall calculate an annual water balance to determine: the assimilative capacity of the soils and groundwater at the site to adequately attenuate the sewage discharged, the quantity of groundwater (affected by the onsite sewage disposal) that enters Malibu Creek, the rate of groundwater movement at the Site to Malibu Creek, and how the discharge affects the rate.
 - c) A monitoring program for groundwater shall be established so that the groundwater upgradient and downgradient can be measured, sampled, and analyzed to determine if discharges from the leachfield disposal system have impacted, or are impacting, water quality. In addition, the Discharger must complete a study to determine the degree of the hydraulic connection between surface water and the leachfields. Submittal of a plan for monitoring groundwater, which is subject to the approval of the Executive Officer, is due by March 30, 2001.
 - d) A surface water monitoring program shall be established so that surface water, if present, in Malibu Creek can be measured, sampled, and analyzed

to determine if discharges from the site have impacted or are impacting water quality. Submittal of a plan for monitoring surface water, which is subject to the approval of the Executive Officer, is due by March 30, 2001.

2. The Discharger shall provide a report regarding water conservation and water reuse by February 28, 2001.
3. The Discharger shall upgrade the septic system to include disinfection and nutrient removal to meet the limits contained in B.2 above prior to discharge into the leachfield disposal system, in accordance with Time Schedule Order No. 01-011. Currently, the Total Maximum Daily Loading for nutrients into the Malibu Creek Watershed is being studied. When the study is completed, nutrient loading rates will be assigned to dischargers. The Discharger shall comply with waste load allocations developed and approved pursuant to the process for the designation of Total Maximum Daily Loads for the Malibu Creek Watershed. The Regional Board may require that the Discharger meet nutrient discharge limits stricter than those imposed in this Order No. 01-010.
4. The Discharge shall cause the treatment system to be inspected no less than twice (once every 2 years) during the life of the permit by an inspector to be retained and suggested by the Discharger but subject to the approval of the Executive Officer.
5. The Discharger shall comply with all applicable requirements with respect to Assembly Bill No. 885.
6. The Discharger shall notify this Regional Board by telephone within 24 hours of any adverse condition as a result from the discharge of wastewater from this facility; written confirmation shall follow within one week. This information shall be confirmed in the next monitoring report. In addition, the report shall also include the reasons for the violations or adverse conditions, the steps being taken to correct the problem (including dates thereof), and the steps being taken to prevent a recurrence.
7. The Discharger shall notify the Regional Board within 24 hours, by telephone, of any bypassing or surfacing of wastes. Written confirmation shall follow within one week and shall include information relative to the location(s), estimated volume, date and time, duration, cause, and measures taken to effect cleanup and measures taken to prevent any recurrence.

8. This Order does not alleviate the responsibility of the Discharger to obtain other necessary local, state, and federal permits to construct facilities necessary for compliance with this Order; nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
9. Any discharge of wastewater from the sewage disposal system (including the wastewater collection system) at any point other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
10. After notice and opportunity for a hearing, this Order may be terminated or modified for causes including, but not limited, to:
 - a) Violation of any term or condition contained in this Order;
 - b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; and
 - c) A change in any condition, or the discovery of any information, that requires a temporary or permanent increase, reduction or elimination of the authorized discharge.
11. The Discharger shall furnish, within a reasonable time, any information the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
12. The Discharger shall file a written report with this Regional Board at such time as the daily waste flow has reached or exceeded 31,500 gpd (75% of the maximum design flow of 42,000 gallons per day). The report shall detail provisions to cope with excess flows, provided, however, that the foregoing shall not be construed to allow flow in excess of 42,000 gpd.
13. Existing groundwater monitoring data indicates that the Discharger's activity is causing groundwater pollution as defined by Section 13050 of the California Water Code. The Discharger shall submit, within 90 days, plans for measures that will be taken, or have been taken, to mitigate any long-term effects that result from the subsurface disposal of wastes. Any water quality impact to surface and groundwater such as, but not limited to, risks to human health from pathogens, and accelerated eutrophication of surface waters from nutrients in waste waters shall be reported.

14. This Order includes "Standard Provisions Applicable to Waste Discharge Requirements (November 7, 1990)." If there is any conflict between provisions stated herein and the "Standard Provisions," those provisions stated herein will prevail.
15. The Discharger shall submit to the Regional Board, within 180 days of the adoption of this Order, procedures that will be, or have been, taken to ensure that no discharge or recycling of any untreated or partially treated sewage, will result from the treatment facility, in the event of equipment failure.
16. These waste discharge requirements contained in this Order will remain in effect for a period of (5) years after issuance to a Discharger by the Regional Board Executive Officer. Should the Discharger wish to continue discharging to groundwater under the terms and conditions contained in this Order for a period of time in excess of five years, the Discharger must file an updated Report of Waste Discharge with the Regional Board, no later than 180 days in advance of the expiration date of the Order, for consideration of issuance of new or revised waste discharge requirements. Any discharge of waste five years after the date of issuance, without obtaining new Waste Discharge Requirements from the Regional Board is a violation of the California Water Code, Section 13264. The Regional Board is authorized to take appropriate enforcement action for any noncompliance with this provision including assessment of penalties.
17. In accordance with Water Code Section 13263(g), these requirements shall not create a vested right to continue to discharge. All discharges of waste into the waters of the State are privileges, not rights, and are subject to rescission or modification.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on January 11, 2001.



Dennis A. Dickerson
Executive Officer