



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Los Angeles Region

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Gray Davis  
Governor

December 19, 2002

Mr. Micheal Koss and Gregory Kozak  
Malibu Country Mart Ltd.  
12410 Santa Monica Boulevard  
Santa Monica, CA 90025

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7002 0860 0001 0650 9866

**WASTE DISCHARGE REQUIREMENTS (WDRs) AND TIME SCHEDULE ORDER (TSO) FOR MALIBU COUNTRY MART III, WDR ORDER NO. R4-2002-0153 AND TSO ORDER NO. R4-2002-0197, 3900 CROSS CREEK ROAD, MALIBU, CA 90265 (CI 8512, File No. 00-74)**

Our letter of November 20, 2002 transmitted the tentative Waste Discharge Requirements (WDRs) including the Monitoring and Reporting Program (MRP) and an accompanying Time Schedule Order (TSO) for the waste discharge at Malibu Country Mart III.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public meeting held on December 12, 2002, reviewed the tentative WDRs and TSO, including the Change Sheets dated December 4, 2002, and December 12, 2002, considered all factors in the case, and adopted WDR Order No. R4-2002-0196 and TSO Order No. R4-2002-0197 relative to this discharge. The Change Sheets for the WDRs, MRP and TSO have been incorporated, and Standard Provisions, which are a part of the WDRs, are also enclosed.

You are required to implement the MRP No. CI 8512 on the effective date of Order No. R4-2002-0196. Your first monitoring report under these requirements is due January 15, 2003. Even if there is no discharge, you are required to report quarterly. All monitoring reports should be sent to the Regional Board, Attn: Information Technology Unit, and please reference all monitoring reports to our Compliance File No. CI-8512.

If you have any questions or need additional information, please call Dr. Kwangil Lee at (213) 620-2269 at Toni Callaway at (213) 620-2271.

Sincerely,

Paula Rasmussen, Section Chief  
Enforcement and Groundwater Permitting

Enclosures:

1. Change Sheets dated December 4, 2002 and December 12, 2002
2. Board WDR Order No. R4-2002-0196
3. MRP No. CI-8512
4. Board TSO Order No. R4-2002-0197
5. Standard Provisions applicable to WDR (addressee only)

cc: See mailing list

*California Environmental Protection Agency*



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

**Mailing List**

Mr. Gordon Innes, Division of Water Quality, State Water Resources Control Board  
Mr. Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board  
Mr. Robert Sams, Office of Chief Counsel, State Water Resources Control Board  
Mr. Carl W. Sjoberg, County of Los Angeles, Department of Public Works,  
Environmental Programs Division  
Mr. Steven Braband, Biosolutions, Inc.  
Mr. Victor Peterson, City of Malibu  
Mr. Steve Fleischli, Santa Monica BayKeepers  
Dr. Mark Gold, Heal the Bay



**Items No. 14.1 and 14.2**

**WASTEWATER DISCHARGE REQUIREMENTS  
FOR  
MALIBU COUNTRY MART LTD.  
(MALIBU COUNTRY MART III)  
(File No. 00-74)**

**CHANGE SHEET**

(Deletions are stricken out, changes/additions are bolded)

**Change No. 1:** Agenda Page 14-16 (Order Page 9 of 13) – Delete “Residual Chlorine” in the table of B.4, as follows:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
BOD <sub>5</sub>	mg/L	30
Total suspended solids	mg/L	30
<del>Residual Chlorine</del>	<del>mg/L</del>	<del>0.1</del>
Enterococcus	MPN/ 100 mL	24
Fecal Coliform **	MPN/ 100 mL	200

\* mg/L: milligrams per liter.

\*\* Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 mL (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of the total samples during any monthly period exceed 400/100 mL. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.

**Change No. 2:** Agenda Page 14-16 (Order Page 9 of 13) - Add a language for “disinfectant chemicals”, as Item No. B.5:

- Wastewater discharged to the leachfield system shall not contain additives or residual chlorine levels such that biomat layer or the hydraulic capacity of the leachfield system is irreparably damaged.**

**Change No. 3:** Agenda Page 14-38 (Page 3 of 5, Time Schedule Order Item No. 8) – Delete “Residual Chlorine” in the table of Item No. 8, as follows:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
BOD <sub>5</sub>	mg/L	30
Total suspended solids	mg/L	30
<del>Residual Chlorine</del>	<del>mg/L</del>	<del>0.1</del>
Fecal Coliform **	MPN/ 100 mL	200
Enterococcus	MPN/ 100 mL	24

\* mg/L: milligrams per liter.

\*\* Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 mL (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of the total samples during any monthly period exceed 400/100 mL. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.

Change Sheet  
Items No. 14.1 and 14.2 Malibu Country Mart Ltd  
Malibu Country Mart III

**Change No. 4:** Agenda Page 14-39, (Page 4 of 5, Time Schedule Order Order No. 2)  
Change Order No. 2 to read as follows:

2. The Discharger shall submit by February 14, 2003, a spill response plan with 24- hour availability phone numbers for complaints. The Discharger shall, by February 28, 2003, inform all tenants of ~~MCM-1~~ **Malibu Country Mart III** of the 24-hour phone number and shall acknowledge to the Executive Officer that the tenants have been duly informed.

**Items No. 14.1 and 14.2**

**WASTEWATER DISCHARGE REQUIREMENTS  
FOR  
MALIBU COUNTRY MART LTD.  
(MALIBU COUNTRY MART III)  
(File No. 00-74)**

**SUPPLEMENTAL CHANGE SHEET**

(Deletions are stricken out, changes/additions are bold)

**Change No. 1:** Agenda Page 14-9 (Order Page 2 of 13) – Delete “Ideally” and add minimum standard in Finding #7, as follows:

7. Discharges from the existing septic tank system infiltrate groundwater through the leachfield disposal system. ~~Ideally, the~~ **The minimum standard** for vertical separation between the bottom of the leachfield and the high water table should be at least 10 feet. Data (Report of Malibu Civic Center Groundwater Elevation, prepared by Bing Yen & Associates, dated January 5, 2001) on the groundwater table in the area near the Property indicate to the Regional Board that the Property may not have the minimum required 10-foot vertical separation. In addition, the leachfield disposal system discharges in close proximity to Malibu Creek, the Malibu Lagoon, and the Pacific Ocean (approximately 350 feet, .25 and .5 miles respectively). Monitoring wells located on adjacent property have shown about a 6 inch fluid level fluctuation corresponding with tidal changes, demonstrating that groundwater at the disposal site has some hydraulic connection with the Pacific Ocean. In addition to demonstrated tidal fluctuations, the ocean and lagoon connection with the groundwater underlying the Cross Creek area has been confirmed through geochemical plots.

**Change No. 2:** Agenda Page 14-16 (WDR Order Page 9 of 13) – Add effluent limitations for Oil and Grease and Total Nitrogen as follows:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
BOD <sub>5</sub>	mg/L	30
Total suspended solids	mg/L	30
<b>Oil and Grease</b>	<b>mg/L</b>	<b>15</b>
<b>Total Nitrogen</b> <sup>(a)</sup>	<b>mg/L</b>	<b>10</b>
Enterococcus	MPN/ 100 mL	24
Fecal Coliform **	MPN/ 100 mL	200

\* mg/L: milligrams per liter.

\*\* Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 mL (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of the total samples during any monthly period exceed 400/100 mL. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.

**(a) Total nitrogen to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen.**

**Change No. 3:** Agenda Page 14-16 (WDR Order Page 9 of 13) – Delete Total Nitrogen from the receiving water limitations in Section C as follows:

**C. RECEIVING WATER LIMITATIONS**

1. The wastewater discharged shall not exceed or cause the receiving groundwater to contain constituents in excess of the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
Total Dissolved Solids**	mg/L	2000	--
Total Nitrogen (a)**	mg/L	10	--
Sulfate**	mg/L	500	--
Chloride**	mg/L	500	--
Boron**	mg/L	2	--

\* MPN/100mL: Most Probable Number per 100 milliliter, mg/L: milligrams per liter.

(a) Total nitrogen to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen.

\*\* For the above parameters, the Discharger may choose, independently for each parameter, the compliance point to be either the wastewater treatment system "end of pipe" or at the downgradient groundwater monitoring well.

**Change No. 4:** Agenda Page 14-34 ( MRP CI- XXXX, Section V, Page T-5) – Add language about filing annual operations and maintenance record as follows:

**This operations and maintenance record shall be kept current and filed with the annual summary due by January 30<sup>th</sup> .**

**Change No. 5:** Agenda Page 14-38 ( TSO Order Page 3) – Add Oil and Grease and Total Nitrogen to the table of effluent limitations in Item No. 8 as follows:

<u>Constituent</u>	<u>Units*</u>	<u>Average</u>
BOD <sub>5</sub>	mg/L	30
Total suspended solids	mg/L	30
Residual Chlorine	mg/L	0.1
<b>Oil and Grease</b>	<b>mg/L</b>	<b>15</b>
<b>Total Nitrogen (a)</b>	<b>mg/L</b>	<b>10</b>
Fecal coliform**	MPN/100 mL	200
Enterococcus	MPN/100 mL	24

\* mg/L: milligrams per liter.

\*\* Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 ml (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of total samples during any monthly period exceed 400/100 ml. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.

(a) Total nitrogen (as nitrogen) to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen.

**Change No. 6:** Agenda Page 14-38 (TSO Order Page 3, Item 9) – Delete Item 9 and change remaining Item numbers:

Change Sheet  
Items No. 14.1 and 14.2 Malibu Country Mart Ltd  
Malibu Country Mart III

9. ~~Order No. R4-02-XXX also contains discharge requirements regulating impacts of discharge of waste to groundwater. These requirements provide the following receiving water limitation with an allowance for meeting at end of pipe:~~

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average**</u>
<u>Total Nitrogen (a)</u>	<u>mg/L</u>	<u>10</u>

~~(a) Total nitrogen (as nitrogen) to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen.~~

~~\*\* For the above parameters, the Discharger may choose the compliance point for each parameter to be the wastewater treatment system end of pipe or the downgradient groundwater monitoring well.~~

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

ORDER NO. R4-2002-0196  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MALIBU COUNTRY MART, LTD.  
(Malibu Country Mart III)  
(File No. 00-74)

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

**PURPOSE OF ORDER**

1. The Malibu Country Mart, Ltd. (hereinafter, Discharger) owns and operates the Malibu Country Mart III, a shopping center located at 3900 Cross Creek Road, Malibu, California (Figure 1). The Malibu Country Mart III is comprised of a mixture of retail and commercial businesses including several boutiques, a Starbucks, and Mary's Kitchen, a gourmet deli/restaurant.
2. On February 4, 2000, the Discharger filed a report of waste discharge (RoWD) pursuant to a directive to the Discharger from the Regional Board. The Discharger has never had Waste Discharge Requirements (WDRs) from this Regional Board.

**FACILITY AND TREATMENT PROCESS**

3. The site is in an unsewered area in the City of Malibu (City). The City does not provide centralized wastewater collection and treatment utilities; rather, it relies upon subsurface disposal systems for domestic and commercial wastewater.
4. The Malibu Country Mart III property (Property) was developed in 1990 by Fred Segal. The drawings submitted for the existing septic system for the Property are dated January 13, 1990. The existing septic system has a maximum capacity of approximately 5000 gallons per day (gpd), and consists of several components, which form an interconnected septic disposal system. However, there are no flow meters to measure the actual amount of sewage discharged to the disposal system. The components of the septic disposal system which are all located under the parking lot consist of the following (Figure 2):
  - a) Two leachfields, one is 1000 square feet, and the other is 1600 square feet, having a total capacity of 2600 square feet.
  - b) The existing septic tanks have capacities of 3000 gallons and 1250 gallons, and there is a 750 gallon grease trap.
5. The Discharger disposes of all domestic and commercial wastewater through the septic tank and leachfield system. The discharge from this complex is representative of a commercial wastewater waste stream and several of the constituents differ from that of a residential

November 25, 2002  
Revised: December 12, 2002



wastewater. The commercial strength effluent has elevated Biological Oxygen Demand (BOD) and oil and grease loading from the restaurant in this shopping center. Wastewater from the restaurant enters grease interceptors and receives pretreatment prior to entering the main gravity line leading to the septic tank. Pretreatment consists of oil/water separation and passive filtration through a commercially sized passive filter device.

- The wastewater receives only primary treatment in the septic system before being discharged to the leachfield. The effluent quality from the septic system is not currently monitored on a regular basis, and as a result the effluent quality from the septic tanks was not known. On June 8, 2000, Regional Board staff sampled effluent from the septic system. The results are shown below:

Constituent	Analysis
Ammonia	52.0 mg/L
Organic Nitrogen	25.9 mg/L
BOD	403 mg/L
Total Suspended Solids	183 mg/L
Oil & Grease	73 mg/L
Total Coliform	≥ 1600 MPN/100 mL
Fecal Coliform	≥ 1600 MPN/100 mL
Enterococcus	≥ 1600 MPN/100 mL

MPN/100mL: Most Probable Number per 100 milliliter, mg/L: milligrams per liter

The existing septic system is not capable of disinfecting wastewater or removing the above nutrients prior to discharge to the leachfields.

- Discharges from the existing septic tank system infiltrate groundwater through the leachfield disposal system. The minimum standard for vertical separation between the bottom of the leachfield and the high water table should be at least 10 feet. Data (Report of Malibu Civic Center Groundwater Elevation, prepared by Bing Yen & Associates, dated January 5, 2001) on the groundwater table in the area near the Property indicate to the Regional Board that the Property may not have the minimum required 10-foot vertical separation. In addition, the leachfield disposal system discharges in close proximity to Malibu Creek, the Malibu Lagoon, and the Pacific Ocean (approximately 350 feet, .25 and .5 miles respectively). Monitoring wells located on adjacent property have shown about a 6 inch fluid level fluctuation corresponding with tidal changes, demonstrating that groundwater at the disposal site has some hydraulic connection with the Pacific Ocean. In addition to demonstrated tidal fluctuations, the ocean and lagoon connection with the groundwater underlying the Cross Creek area has been confirmed through geochemical plots.
- During 1999, Regional Board staff conducted a joint field investigation with City of Malibu staff, including groundwater sampling near the Property. Based on the analytical water

data collected from monitoring wells, Regional Board staff concluded that the groundwater contains high concentrations of septic system derived pollutants such as coliform and ammonia. In addition, on July 12, 2002, groundwater data collected near the Property had the following results:

Constituent	Well No. 2* (20 feet away from the Property)	Well No. 5* (130 feet away from the Property)
Total coliform(MPN/100mL)	≥ 1600	900
Fecal coliform(MPN/100mL)	80	23
Enterococcus(MPN/100mL)	≥ 2419	≥ 2419
Total N (mg/L)	2.0	12

\* Data collected at Malibu Creek Plaza located 3822-3896 Cross Creek Road, Malibu, on July 12, 2002.

The above results indicate that groundwater downgradient of the Property has been impacted with bacteria and nitrogen. Regional Board staff are concerned that the existing septic disposal system may need additional treatment such as disinfection and nitrogen removal to protect groundwater quality.

9. The Discharger may not have sufficient land area reserved for possible future 100 percent replacement of the subsurface disposal area. The Discharger will be required to have a contingency plan to deal with the event of disposal system failure or the loss of soil assimilative capacity.
10. 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.
11. Septic tanks provide primary treatment for wastewater prior to discharge to the leachfield. The effluent would still contain suspended solids, dissolved organic materials, high biochemical oxygen demand, and high levels of total nitrogen and pathogens. Though leachfields do provide supplemental treatment. Small package treatment plants using secondary treatment processes achieve substantial reductions in suspended solids, biochemical oxygen demand, and total nitrogen.
12. Package treatment plants can produce an effluent similar in quality to that produced by secondary treatment processes as required by the U.S. Environmental Protection Agency for publicly owned treatment works (POTWs) treating municipal wastewater. Regulations specified in Part 133.102 of 40 Code of Federal Regulations require the following minimum effluent levels for treatment for POTWs :

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>	<u>7- Day Average</u>
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BOD <sub>5</sub>	mg/L	30	45
Total suspended solids	mg/L	30	45

\* mg/L: milligrams per liter.

Because such levels can be achieved by small package plants that can be utilized by dischargers in the Malibu Valley area, and because such performance would substantially reduce total nitrogen levels, these standards have been established as effluent limits herein for any supplementary treatment technology that must be utilized. This Regional Board has utilized these standards previously that are established in 40 CFR 125.3 which mandates secondary treatment as a technology based standard for POTWs. Because package plants may not denitrify the nitrates in wastewater, a receiving water limit, with option for end of pipe limitation, is also being imposed for nitrates.

13. The City has relied upon a wastewater management strategy that relies primarily on on-site septic tank disposal systems with the City of Malibu issuing construction permits for commercial or multifamily septic tank disposal systems. On October 28, 2002, the City of Malibu adopted Ordinance No. 242 that requires tertiary sewage effluent treatment for any new or repairs permits for commercial buildings and multiple family dwellings. Ordinance No. 242 became effective November 1, 2002. Ordinance No. 242 defines tertiary treatment as, " The processing of sewage effluent by means of a treatment device which renders a sewage effluent of 30 mg/L biological oxygen demand or less, 30 mg/L total suspended solids or less, 15 mg/L oil and grease or less, 200 MPN/ 100 ml fecal coliform or less, and 104 MPN/ 100ml enterococcus or less."
14. With regard to the use of groundwater for municipal and domestic supply, the Discharger has stated there are no public water wells downgradient of the seepage pits. Potable water consumers in the area receive only imported water from the Los Angeles County Waterworks District No. 29. The Los Angeles County Waterworks District No. 29 has received water from the Metropolitan Water District of Southern California via the West Basin Municipal Water District since 1961.
15. The Property is located in Section 15, Township 1S, Range 18W (San Bernardino Base & Meridian). The Property's approximate latitude is 34° 02' 07" and a longitude of 118° 41' 15".

#### **APPLICABLE LAWS, PLANS, POLICIES AND REGULATIONS**

16. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) which was amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface waters and groundwater, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Water Resources Control Board (State Board)

Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates by reference applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

17. On November 16, 2000, the State Board adopted a revised *Water Quality Control Plan for the Ocean Waters of California* (Ocean Plan). The State of California Office of Administrative Law and the USEPA approved the revised plan on July 9, 2001 and December 3, 2001, respectively. The revised plan contains water quality objectives for coastal waters of California. This Order includes receiving water limitations, prohibitions, and provisions that implement the objectives of the Ocean Plan.
18. The Basin Plan designated beneficial uses and water quality objectives for groundwater within the Malibu Valley Groundwater Basin are as follows:

Groundwater (Malibu Valley):

Existing: agricultural supply.

Potential: municipal and domestic water supply, industrial service supply.

19. The Basin Plan designates beneficial uses for the nearby surface waters such as Malibu Creek, Malibu Lagoon and the Pacific Ocean. These include contact and non-contact water recreation; marine habitat; wildlife habitat; estuarine habitat; wetland habitat, migration of aquatic organisms and on Malibu Beach shellfish harvesting.
20. Due to the contribution of nutrient and pathogen pollutants from septic systems in the Civic Center area of Malibu, Malibu Creek and Malibu Lagoon have been formally designated by the Regional Board as "impaired waterbodies", pursuant to a section 303(d) listing of the federal Clean Water Act. Such listing is pending adoption by the State Water Resources Control Board.
21. A Water Quality Assessment, adopted by the Regional Board on May 18, 1998, identified beaches along the Santa Monica Bay (including the Malibu area) as impaired by pathogens and nutrients. Pacific Ocean beaches along the Malibu coast also are designated as impaired under section 303(d) of the Clean Water act due to the presence of harmful bacteria that pose a health hazard to humans engaged in waterborne recreation.
22. Septic disposal system failures and overstressing a groundwater basin with excessive effluent discharges results in the introduction of pathogenic bacteria and other organisms into the groundwater and eventually nearby surface waters. Because of the existing contamination problems in the Malibu Valley Watershed for both pathogens and nitrates, Board staff believe

that the existing on-site septic systems do not offer adequate protection to groundwater and surface waters from pathogen and nitrate contamination. Subsequently, secondary treatment and disinfection are considered necessary measures for solving the current contamination problems.

23. Malibu Creek just north of the bridge on Pacific Coast Highway has high levels of bacteria and nutrients. Analyses of a surface water sample collected July 12, 2002 from Malibu Creek behind Cross Creek Plaza and approximately 250 feet north of the bridge revealed the following:

Constituent Sampled	Analytical Results
Total Coliform	≥ 1600 MPN/100 mL
Fecal Coliform	500 MPN/100 mL
Enterococcus	1986.3 MPN/100 mL
BOD <sub>5</sub>	8.0 mg/L
Nitrate-N	< 0.02 mg/L
Nitrite-N	1.41 mg/L
Ammonia-N	1.32 mg/L
Organic Nitrogen	1.19 mg/L
Total Nitrogen	3.92 mg/L

24. The requirements contained in this Order are based on the Basin Plan, Ocean Plan, other state plans, policies, and guidelines, and best professional judgment.
25. The Discharger is not able to fully quantify potential impacts that may result from this Property's discharge to groundwater since there is no current groundwater monitoring conducted. Regional Board staff is concerned about the commercial strength effluent effects on the existing conventional septic disposal system. Regional Board staff believe that the effluent from the existing septic system will not meet the proposed limits in this Order for nitrogen, total and fecal coliform and enterococcus. The Discharger will be required to upgrade the existing septic system to a wastewater treatment system that will produce a disinfected treated wastewater. The Discharger will be required to monitor for total coliform, fecal coliform, enterococcus bacteria and nitrogen compounds (nitrate, nitrite, ammonia and organic nitrogen) in accordance with Monitoring and Reporting Program No. CI 8512.
26. The commercial area of the City of Malibu which is bisected by Cross Creek Road, bounded to the north by Civic Center Way, and bounded to the south by Pacific Coast Highway, is densely developed. There are several dischargers located in this relatively small area. It is not known whether this portion of groundwater basin has adequate assimilative capacity. The Cross Creek Road area was formally an estuary like, marshy floodplain. The subsurface sediments consist of alternating layers and lenses of gravel, sand, silt and clay. Many of the sedimentary layers are discontinuous, and there are buried channels. The complex

hydrogeology and the discharge density in the Cross Creek area bring elements of uncertainty to the assumption that the down gradient groundwater compliance point is representative of any one dischargers representative water quality. Subsequently, the Regional Board has had a generic approach to insure compliance with Basin Plan groundwater limitations by setting the compliance point at the "end of pipe". This approach assures that the discharge to land and eventually groundwater will not degrade the receiving water, or be the cause of receiving water limitation exceedances.

27. The Basin Plan lists the groundwater in the Malibu Valley Basin as having a potential municipal and domestic water supply (MUN). The Malibu Valley Basin encroaches upon the Malibu Lagoon and Malibu Beach areas that are coastal features without MUN designation. The Discharger discharges waste to the shallow unconfined aquifer in the Cross Creek area of Malibu that has not been used as MUN. Setting the MUN limitation "at end of pipe" does not acknowledge the additional treatment that is provided to subsurface wastewater discharges by soil matrix filtration and soil bacteria action. It is not seen to be practical for those dischargers who must install onsite wastewater treatment systems to employ technology to consistently meet less than 1.1 MPN/100 mL for coliform at the end of pipe. Both U.S. EPA and Board staff acknowledge that adequate soil matrix treatment of wastewater (more than three feet vertical separation) can result in removal of more than 99 % of bacteria. Since additional pathogen removal occurs in the subsurface, Board staff have determined that setting the water contact recreation limitation (200 MPN/100 mL for fecal coliform) at the end of pipe is sufficiently protective of water quality in the area.
28. Enterococcus bacteria is hardier in a saline environment than many coliform bacteria. Since human health and safety can be compromised during contact recreational activities in waters with high enterococcus levels, the enterococcus limitation is set based on the Ocean Plan standard (geometric mean density of 24 organisms per 100 ml for any 30-day period). High enterococcus levels have been found in groundwaters both up and down gradient of this Property.
29. The Discharger has indicated that it cannot immediately comply with the upgraded requirements. In order for the Discharger not to be in immediate violation of requirements in the Waste Discharge Requirements, the Regional Board is including a Time Schedule Order (TSO) R4-2002-XXXX that will allow the Discharger to complete all needed upgrades within a time frame specified in the TSO.

#### **CEQA and NOTIFICATION**

30. This project involves an existing facility and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15301.

31. The Regional Board has notified the Discharger and interested agencies and persons of the intent to issue Waste Discharge Requirements for this discharge, and has provided them with an opportunity to submit their views and recommendations for the requirements.
32. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
33. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be received by the State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order.

IT IS HEREBY ORDERED that Malibu Country Mart, Ltd. shall comply with the following requirements in all operations at the Property:

A. INFLUENT LIMITATIONS

1. Waste discharged shall be limited to commercial wastewater only.
2. The daily flow to the on-site septic/wastewater treatment system shall not exceed the maximum design flow for the wastewater treatment system. This flow limitation also applies to treated effluent discharged to leachfield disposal system.
3. No volatile organic compounds are to be discharged into the disposal system.

B. EFFLUENT LIMITATIONS

1. These limitations are effective after the wastewater treatment system is installed and applicable only to effluent from a secondary/tertiary wastewater treatment system with disinfection.
2. The pH in the discharged effluent shall at all times be between 6 to 9 pH units.
3. Any wastes that do not meet the foregoing requirements shall be held in impervious containers, and discharged at a legal point of disposal.
4. Wastewater discharged from the secondary/tertiary wastewater treatment system with disinfection to the leachfield system shall not contain constituents in excess of the following limits:
5. Wastewater discharged to the leachfield system shall not contain additives or residual chlorine levels such that the biomat layer or the hydraulic capacity of the leachfield system is irreparably damaged.

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
BOD <sub>5</sub>	mg/L	30
Total suspended solids	mg/L	30
Oil and Grease	mg/L	15
Total Nitrogen <sup>(a)</sup>	mg/L	10
Enterococcus	MPN/ 100 mL	24
Fecal Coliform **	MPN/ 100 mL	200

\* mg/L: milligrams per liter.

\*\* Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 mL (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of the total samples during any monthly period exceed 400/100 mL. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.

(a) Total nitrogen to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen.

C. RECEIVING WATER LIMITATIONS

1. The wastewater discharged shall not exceed or cause the receiving groundwater to contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
Total Dissolved Solids**	mg/L	2000	--
Sulfate**	mg/L	500	--
Chloride**	mg/L	500	--
Boron**	mg/L	2	--

\* MPN/100mL: Most Probable Number per 100 milliliter, mg/L: milligrams per liter.

\*\* For the above parameters, the Discharger may choose, independently for each parameter, the compliance point to be either the wastewater treatment system "end of pipe" or at the downgradient groundwater monitoring well.

2. The discharge shall not cause the groundwater in this area used for domestic or municipal supply to have a concentration of coliform organisms over any seven day period to be equal or greater than 1.1 MPN/ 100mL.
3. Compliance with these receiving water requirements shall also be based upon the upgradient quality of groundwater moving under the site to determine the net effect upon groundwater caused by the Discharger.
4. The wastewater discharged shall not cause the receiving groundwater to exceed 8 micrograms per liter of total chlorine residual as the daily maximum.



D. 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 supply well. No part of the of the treatment system and disposal system shall be closer than 100 feet to any stream, channel or other watercourse.
3. Wastes shall not be disposed of in geologically unstable areas or so as to cause earth movement.
4. Wastes discharged shall not impart tastes, odors, color, foaming or other objectionable characteristics to the receiving water.
5. Adequate facilities shall be provided to divert surface and storm water away from the treatment plant and seepage pit disposal system and from areas where any potential pollutants are stored.
6. The septic tanks, treatment system, sewer collection system and the sewage disposal system shall be protected from damage by storm flows or runoff generated by a 100-year storm.
7. 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.
8. The treatment system, including the collection system that is a part of the treatment system and the seepage pit disposal system, shall be maintained in such a manner that at no time sewage will be permitted to surface or overflow at any location.
9. Sewage odors shall not be detectable.
10. Wastes discharged shall at no time contain any substance in concentrations toxic to human, animal, plant, or aquatic life.
11. The discharge of waste shall not create a condition of pollution, contamination, or nuisance. No new connections may be made without notification to the Regional Board.

12. The direct or indirect discharge of any wastewater to surface waters or surface water drainage courses is prohibited.
13. Under no circumstances shall there be a groundwater separation of less than 3 feet.

E. 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-8512 attached hereto and incorporated by reference, 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 (MRP) shall be reported to the Regional Board. The MRP contains requirements, among others, specifying the following:
  - ❖ A monitoring program for groundwater shall be established so that the groundwater immediately downgradient and upgradient from the discharge area can be measured, sampled, and analyzed to determine if discharges from the disposal system have impacted, or are impacting, water quality. Submittal of a plan for monitoring groundwater, which is subject to the approval of the Executive Officer, is due by January 15, 2003.
2. The Discharger shall ensure that the capacity of the disposal area is adequate for the discharge volume, and that adequate steps are taken to accommodate system failures and/or the loss of soil assimilative capacity. Within 60 days of the effective date of this Order, the Discharger shall submit for the Executive Officer's approval, a contingency plan addressing the steps that will be taken to deal with any failure of the disposal system which is located under the parking lot.
3. The Discharger shall establish baseline bacteria levels in the effluent from the septic system by monitoring bacteria in wastewater prior to discharge into the leachfields and groundwater.
4. The Discharger shall upgrade the treatment system to include disinfection to meet the nitrogen, total coliform, and enterococcus limits contained in B4 and C1 above, prior to discharge into the disposal system, in accordance with TSO Order No. R4-2002-0197.
5. The Discharger shall cause the treatment system to be inspected annually during the life of the permit by an inspector to be retained by the Discharger.

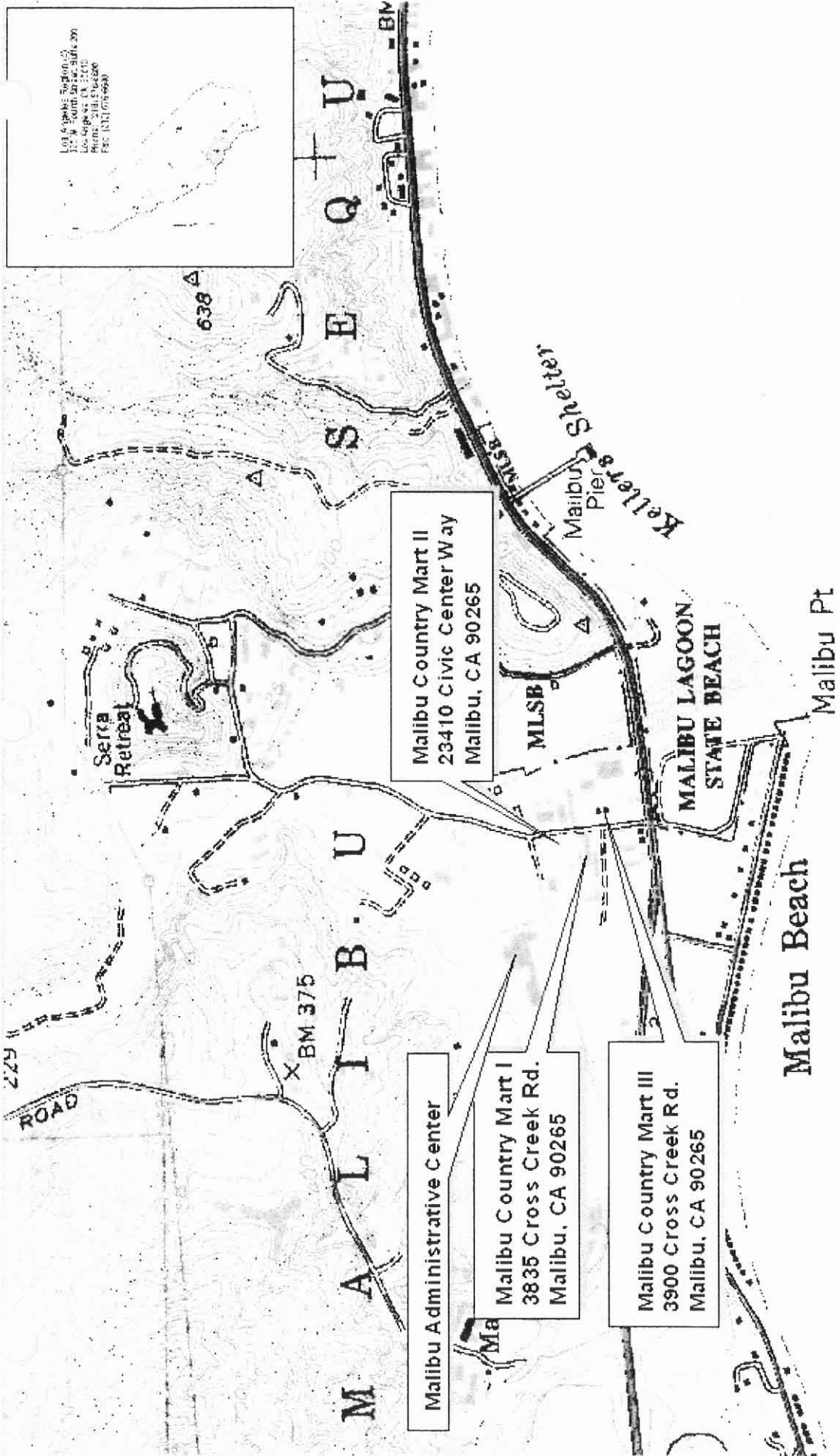
6. The Discharger shall comply with all applicable requirements of chapter 4.5 (commencing with section 13290) of division 7 of the California Water Code.
7. The Regional Board is currently developing the Total Maximum Daily Load (TMDL) for nutrients and pathogens in the Santa Monica Bay Beaches including Surfrider Beach. When the study is completed, nutrient and pathogen 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 TMDL for the area. The Regional Board may require that the Discharger meet nutrient and pathogen discharge limits stricter than those imposed in this Order.
8. 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 remedial measures taken to effect cleanup and measures taken to prevent any recurrence.
9. 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.
10. Any discharge of wastewater from the treatment system (including wastewater collection system) at any point other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
11. 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;
  - c) A change in any condition, or the discovery of any information, that requires either a temporary or permanent reduction or elimination of the authorized discharge.
12. 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.

13. Should monitoring data indicate impacts to groundwater, the Discharger shall submit, within 90 days after determination of the problem, plans for measures that will be taken, or have been taken, to mitigate any long-term effects that may 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 the attached *Standard Provisions Applicable to Waste Discharge Requirements* (Attachment W) which are incorporated herein by reference. If there is any conflict between provisions stated herein and the *Standard Provisions Applicable to Waste Discharge Requirements*, the provisions stated herein will prevail.
15. The waste discharge requirements contained in this Order will remain in effect for a period of (5) years. Should the Discharger wish to continue discharging to groundwater 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 fifth-year anniversary 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.
16. In accordance with California Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into the waters of the State are privileges, not rights.

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 December 12, 2002.

*for* Dennis A. Dickerson, AEO  
Dennis A. Dickerson  
Executive Officer



Regional Water Quality Control Board

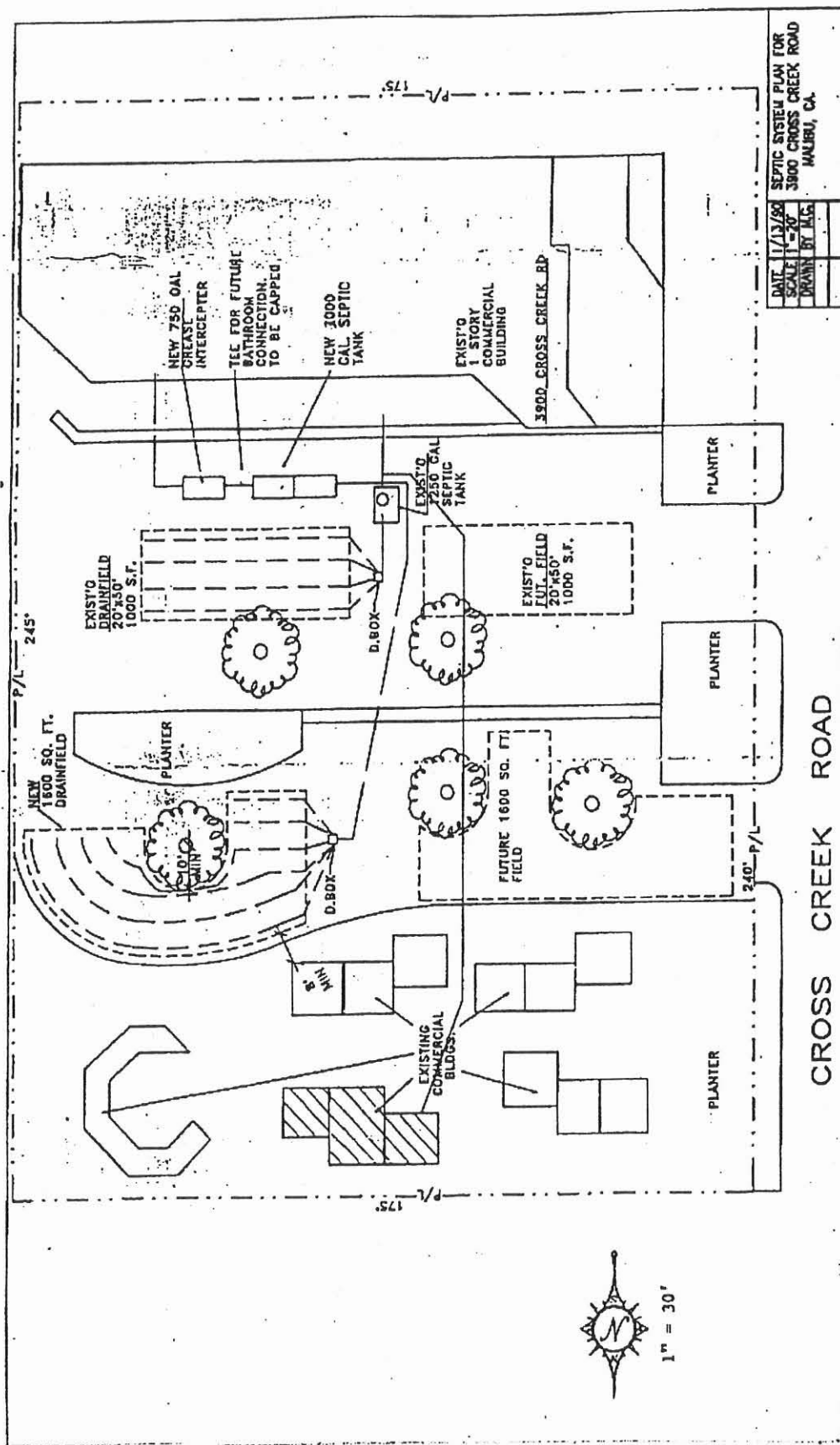
Site Location Map

Malibu Country Mart I, II, III

Figure 1

0.3 0 0.3 Miles

# Figure 2 – Malibu Country Mart III



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

MONITORING AND REPORTING PROGRAM NO. CI 8512  
FOR  
MALIBU COUNTRY MART LIMITED  
(Malibu Country Mart III)  
(File No. 00-74)

I. REPORTING REQUIREMENTS

- A. The Discharger shall implement this monitoring program on the effective date of this order. The first monitoring report under this Program is due by January 15, 2003. Monitoring reports must be addressed to the Regional Board, Attention: Information Technology Unit.

Monitoring reports shall be received by the dates in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

- B. By January 30<sup>th</sup> of each year, beginning January 30, 2003, the Discharger shall submit an annual summary report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous calendar year. In addition, the Discharger shall discuss the compliance record and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the waste discharge requirements.
- C. Laboratory analyses – all chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory certified for such analyses by the California Department of Health Services Environmental Laboratory Accreditation Program (ELAP). A copy of the laboratory certification shall be provided each time a new and/or renewal is obtained from ELAP.
- D. The method limits (MLs) employed for effluent analyses shall be lower than the permit limits established for a given parameter, unless the Discharger can demonstrate that a particular ML is not attainable and obtains approval for a higher ML from the Executive Officer. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test and the associated laboratory QA/QC procedures.

- E. Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 CFR Part 136.3. All QA/QC samples must be run on the same dates when samples were actually analyzed. The Discharger shall make available for inspection and/or submit the QA/QC documentation upon request by Regional Board staff.

Proper chain of custody procedures must be followed and a copy of the chain of custody shall be submitted with the report.

- F. Each monitoring report must affirm in writing that "All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services, and in accordance with current USEPA guideline procedures or as specified in this Monitoring Program."
- G. For every item where the requirements are not met, the Discharger shall submit a statement of the cause(s), and actions undertaken or proposed which will bring the discharge into full compliance with waste discharge requirements at the earliest possible time, including a timetable for implementation of those actions.
- H. The Discharger shall maintain all sampling and analytical results, date; exact place, and time of sampling; dates analyses were performed; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- I. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with the requirements and, where applicable, shall include results of receiving water observations.
- J. Any mitigation/remedial activity including any pre-discharge treatment conducted at the site must be reported in the quarterly monitoring report.

## II. WASTEWATER MONITORING REQUIREMENTS

### A. Influent Monitoring

The Discharger shall establish a system to measure the monthly average and maximum daily waste flow to or from the septic tank systems. The Discharger shall provide quarterly influent monitoring reports including names of any dischargers that discharge into the septic/wastewater treatment system together with the flow and characteristics of the waste stream.



B. Effluent Monitoring

This monitoring and reporting program shall also apply to the upgraded wastewater treatment system. The following shall constitute the effluent monitoring program a sampling station shall be established at a location where representative samples of the treated wastewater effluent can be obtained prior to discharge to the disposal system:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency of Analysis</u>
Total Flow	gal/day	--	monthly
pH	pH units	grab	weekly <sup>1</sup> /quarterly
Total Suspended Solids	mg/L	grab	weekly <sup>1</sup> /quarterly
BOD <sup>5</sup> 20° C	mg/L	grab	weekly <sup>1</sup> /quarterly
Oil and Grease	mg/L	grab	weekly <sup>1</sup> /quarterly
Fecal coliform	MPN/100mL	grab	weekly <sup>1</sup> /quarterly
Enterococcus	MPN/100mL	grab	weekly <sup>1</sup> /quarterly
Ammonia-N	mg/L	grab	weekly <sup>1</sup> /quarterly
Nitrate-N	mg/L	grab	weekly <sup>1</sup> /quarterly
Nitrite-N	mg/L	grab	weekly <sup>1</sup> /quarterly
Organic-N	mg/L	grab	weekly <sup>1</sup> /quarterly
Residual Chlorine**	mg/L	grab	weekly <sup>1</sup> /quarterly
Total Dissolved Solids <sup>2</sup>	mg/L	grab	quarterly
Sulfate <sup>2</sup>	mg/L	grab	quarterly
Chloride <sup>2</sup>	mg/L	grab	quarterly
Boron <sup>2</sup>	mg/L	grab	quarterly

<sup>[1]</sup> For the first 8 weeks after the wastewater treatment system start-up, all of the above constituent must be analyzed weekly. After the start-up period and the establishment of system operational performance and baseline, the effluent monitoring frequency shall be reduced to a quarterly interval.

<sup>2</sup> After the 8 week start-up period, the Discharger may choose an end of pipe or groundwater compliance point.

\*\* If chlorination is used for disinfection.

III. Groundwater Monitoring Program

A groundwater monitoring program shall be designed to evaluate impacts of wastewater discharged through the leachfields to groundwater quality. A groundwater monitoring workplan must be submitted to this Regional Board for review by January 15, 2003 and is subject to approval by the Executive Officer, prior to implementation. The workplan shall include, at a minimum, an evaluation of the adequacy of the proposed groundwater monitoring wells to achieve objectives of monitoring, recommendations for additional groundwater

monitoring wells, if warranted and the construction and development of groundwater monitoring wells. The Discharger may use groundwater monitoring wells near the adjacent property for the monitoring program.

Upon obtaining Executive Officer's approval of an adequate groundwater monitoring plan, construction and development of the proposed wells shall be completed within 60 days in accordance with the standards in Bulletins 74-81 and 74-90 of California Department of Water Resources. Within 30 days after installation of monitoring wells, a well installation report including a scaled plot plan, soil boring logs, water quality data, well permits and as-built well construction diagrams shall be submitted to this Board.

In addition, the Discharger must complete a study to determine the hydraulic connection between groundwater under the disposal system and surface water

The report must be prepared under the direction of a California Registered Geologist, or Certified Engineering Geologist, or a California Registered Civil Engineer with appropriate experience in hydrogeology.

The following shall constitute the groundwater monitoring program:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency of Analysis [1]</u>
Total Coliform	MPN/100 mL	grab	quarterly
Fecal Coliform	MPN/100 mL	grab	quarterly
Enterococcus	MPN/100 mL	grab	quarterly
Ammonia-N	mg/L	grab	quarterly
Nitrate-N	mg/L	grab	quarterly
Nitrite-N	mg/L	grab	quarterly
Organic-N	mg/L	grab	quarterly
Total Dissolved Solids	mg/L	grab	quarterly
Chloride	mg/L	grab	quarterly
Sulfate	mg/L	grab	quarterly
Boron	mg/L	grab	quarterly

[1] This groundwater monitoring schedule may be subject to revision after the completion of the first year of baseline monitoring.

All groundwater monitoring reports must include, at minimum, the following:

- a. Well identification, date and time of sampling;
- b. Sampler identification, and laboratory identification;
- c. Quarterly observation of groundwater levels, recorded to .01 feet mean sea level, flow direction; and
- d. Vertical separation of the water table from the bottom of the leachfields.

#### IV. WASTE HAULING REPORTING

In the event that waste oil and grease, sludge, septage, or other wastes are hauled offsite, the name and address of the hauler shall be reported, along with types and quantities hauled during the reporting period and the location of final point of disposal. In the event that no wastes are hauled during the reporting period, a statement to that effect shall be submitted.

#### V. Operation and Maintenance Report

The Discharger shall file a technical report with this Board, not later than 30 days after receipt of these Waste Discharge Requirements, relative to the operation and maintenance program for this facility. The information to be contained in the report shall include, at a minimum, the following:

- a. The name and address of the person or company responsible for the operation and maintenance of the facility;
- b. Type of maintenance (preventive or corrective action performed);
- c. Frequency of maintenance, if preventive;
- d. Periodic pumping out of the septic tanks; and
- e. Maintenance record of leaching/disposal fields system.

This operations and maintenance record shall be kept current and filed with the annual summary due by January 30<sup>th</sup>.

#### VI. MONITORING FREQUENCIES

Monitoring frequencies may be adjusted to a less frequent basis or parameters dropped by the Executive Officer if the Discharger makes a request and the request is backed by statistical trends of monitoring data submitted.

#### VII. CERTIFICATION STATEMENT

Each report shall contain the following declaration:

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment.

Executed on the \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)"

These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by: *Dennis A. Dickerson, CEO*  
Dennis A. Dickerson  
Executive Officer

Date: December 12, 2002