

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

ORDER NO. R4-2005-0011
ISSUANCE OF AMENDED TIME SCHEDULE
(AMENDED ORDER NO. R4-2002-0197)
FOR
MALIBU COUNTRY MART, LTD.
TO COMPLY WITH THE REQUIREMENTS PRESCRIBED IN
ORDER NO R4-2002-0196
MALIBU COUNTRY MART III
(File No. 00-74)

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

1. Malibu Country Mart, Ltd. (hereinafter, Discharger) owns and operates Malibu Country Mart III (MCM III) (the Property) a shopping center located at 3900 Cross Creek Road, Malibu, California 90265. MCM III is comprised of a mixture of retail and commercial businesses including several boutiques, a Starbucks, and one restaurant/deli, Mary's Kitchen.
2. On December 12, 2002, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R4-2002-0196 and a Time Schedule Order (TSO) No. R4-2002-0197 specifying requirements for discharge of wastewater from a septic tank/leachfield disposal system at the Property and providing a timeline for the Discharger to upgrade the existing septic tank/leachfield disposal system, and achieve full compliance with the WDRs.
3. The TSO No. R4-2002-0197 contains provision 3.B., which requires " By December 1, 2004, complete construction, start-up activities and testing to achieve full compliance with all requirements contained in Order No. R4-2002-0196." On July 28, 2004, a meeting between Regional Board staff and the Discharger was held. At that time, the Discharger was aware of the possibility that the City of Malibu (City) would again place a measure on the on the ballot which would allow the City to acquire land in the commercial Malibu Civic Center area for construction of a centralized wastewater treatment plant, and expressed a desire to delay construction of an individual treatment plant.
4. A centralized wastewater treatment plant (WWTP) is preferred for all of the commercial dischargers in the City of Malibu's commercial center, designated the Malibu Civic Center area, because these properties are crowded together, and have minimal space to construct individual onsite WWTPs capable of providing the level of treatment necessary to meet the water quality objectives in the area. Measure S, approved by the voters in the City of Malibu on November 6, 2004, is a measure to provide educational funds and the funding necessary to purchase land in the Malibu Civic Center area that could be used in part to construct a centralized WWTP.

January 14, 2005
Revised: January 27, 2005

5. The Regional Board has notified the Discharger, interested agencies and persons of the intent to amend the TSO to extend the schedule for compliance with the WDRs, and has provided them with an opportunity to submit their written views and recommendations for the amendment.
6. The Board in a public hearing, heard and considered all testimony pertinent to this matter. All Orders referred to above and records of hearings and testimony therein are included herein by reference.
7. 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 title 14, California Code of Regulations, section 15301.

IT IS HEREBY ORDERED that Regional Board Order No. R4-2002-0197 adopted by this Regional Board on December 12, 2002, is herein amended as follows:

- Provision No. 3.B. is amended to read as follows:
 - 3.B. Submit by January 27, 2006, a copy of an agreement between the Discharger and the City of Malibu exhibiting sufficient commitments acceptable to the Regional Board by the Discharger and the City of Malibu for connection of the Discharger's facilities to a centralized WWTP which is intended to be installed and operational by January 27, 2008. If an agreement containing sufficient commitments as determined by the Regional Board is approved by the Regional Board at a Board meeting as consistent with the purposes of this amendment, then the Board intends to modify the time schedule in this Order to reflect the connection to the centralized plant.

In the event that the Discharger is unable to come to an agreement with the City, the Discharger shall proceed to begin construction of its own treatment plant to achieve fill compliance with Order R4-2002-0196 by January 27, 2007.

With the sole exception of the amendments made herein, the original terms and provisions of Order No. R4-2002-0197 shall remain in full force and effect.

I, Jonathan S. Bishop, 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 27, 2005.

Jonathan S. Bishop
Executive Officer