



California Regional Water Quality Control Board

Los Angeles Region

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



Linda S. 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

July 1, 2008

CERTIFIED MAIL No. 7005 0390 0000 4141 3863
RETURN RECEIPT REQUESTED

Mr. J. J. O'Brien
Malibu Lumber LLC
26880 Pacific Coast Highway
Malibu, CA 90265

Dear Mr. O'Brien:

COVERAGE UNDER GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND WASTE DISCHARGE REQUIREMENTS—MALIBU LUMBER LLC, MALIBU LUMBER YARD, 3939 CROSS CREEK ROAD, MALIBU, CALIFORNIA (NPDES NO. CAG994004, CI-9425)

We have completed our review of your application for a permit to discharge waste under the National Pollutant Discharge Elimination System (NPDES).

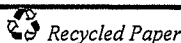
Based on the attached Fact Sheet and other information provided, we have determined that the groundwater discharge meets the conditions to be regulated under Order No. R4-2008-0032, *General National Pollutant Discharge Elimination System and Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties*, adopted by this Board on June 5, 2008. Order No. R4-2008-0032 becomes effective on July 5, 2008.

Enclosed are your Waste Discharge Requirements, which also serve as your NPDES permit, consisting of Order No. R4-2008-0032 and Monitoring and Reporting Program No. CI-9425. The discharge limitations in Part V.1.a. and b. of Order No. R4-2008-0032 for the specific constituents listed on the Table with the enclosed Fact Sheet are applicable to your discharge. The discharger is required to install a pipe to connect the treatment devices to storm water drain to prevent the discharge from carrying garbage from the street into storm water drain. The groundwater discharge flows into Malibu Creek. Therefore, the discharge limitations in Attachment B.5.a. of Order No. R4-2008-0032 are applicable to your discharge.

Because of the site specific circumstances, you are required to comply with effluent limitations for pathogen bacteria as represented by fecal coliform, to monitor groundwater gradient at the site and to monitor your discharge for un-ionized ammonia (NH₃). In addition, you are required to cooperate with ongoing mounding and modeling studies completed by the City of Malibu for the Civic Center area discharges by providing data and completing additional sampling as requested by the City.

The Monitoring and Reporting Program requires you to implement the monitoring program on the effective date of coverage under this permit. All monitoring reports should be sent to the Regional

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.

Mr. J. J. O'Brien
Malibu Lumber Yard

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July 1, 2008

Board, ATTN: Information Technology Unit. When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to "Compliance File No. CI-9425 and NPDES No. CAG994004", which will assure that the reports are directed to the appropriate file and staff. Also, please do not combine other reports with your monitoring reports. Submit each type of report as a separate document.


This General NPDES Permit coverage to discharge dewatering flows will expire on June 30, 2009, if the Waste Discharge Requirements for the Malibu Lumber advanced waste water treatment facility are not yet granted by the Regional Board. In addition, if mounding or contamination from the discharge is suspected of affecting the performance of existing adjacent onsite waste water treatment facilities, planned discharges at Legacy Park or the City of Malibu's Waste Water Treatment Plant, or water quality in Malibu Creek, the Executive Officer may choose to rescind the permit.

To avoid future annual fees, please submit written request for termination of your enrollment under the general permit in a separate letter, when the project has been completed and the permit is no longer needed. Be aware that the annual fee covers the fiscal year billing period beginning July 1 and ending June 30, the following year. You will pay full annual fee if your request for termination is made after the beginning of new fiscal year beginning July 1.

We are sending a copy of Order No. R4-2008-0032 only to the applicant. For those on the mailing list, please refer to the Board Order previously sent to you. A copy of the Order will be furnished to anyone who requests it, or it can be obtained at our web site address: http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders.

If you have any questions, please contact Gensen Kai at (213) 576-6651.

Sincerely,




Tracy J. Egoscue
Executive Officer

Enclosures:

Order No. R4-2008-0032
Fact Sheet
Monitoring and Reporting Program for No. CI-9425

California Environmental Protection Agency

 Recycled Paper

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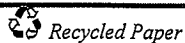
Mr. J. J. O'Brien
Malibu Lumber Yard

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July 1, 2008

cc: Environmental Protection Agency, Region 9, Permit Section (WTR-5)
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Services, Division of Ecological Services
NOAA, National Marine Fisheries Service
Philip Isorena, SWRCB, NPDES Unit
California Department of Fish and Game, Marine Resources, Region 5
California Department of Health Services, Environmental Branch
Los Angeles County, DPW, Environmental Programs Division
Los Angeles County, DPW, Flood Control Division
City Manager, City of Malibu
Jae Kim, Tetrattech

California Environmental Protection Agency



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STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 West 4th Street, Suite 200, Los Angeles, California 90013

**FACT SHEET
WASTE DISCHARGE REQUIREMENTS
FOR
MALIBU LUMBER LLC**

**NPDES NO. CAG994004
CI-9425**

FACILITY ADDRESS

3939 Cross Creek Road
Malibu, California

FACILITY MAILING ADDRESS

26880 Pacific Coast Highway
Malibu, CA 90265

PROJECT DESCRIPTION:

Malibu Lumber LLC (Discharger) owns the Malibu Lumber Yard, a retail facility that will house retail stores and restaurants at 3939 Cross Creek Road in the City of Malibu (see Figure 1 for project location). The Discharger proposes to install a septic system with 4 tanks and an utility vault at the site. The Discharger proposes to discharge the groundwater generated from the construction dewatering for installation of the septic system to surface waters under the General NPDES permit.

VOLUME AND DESCRIPTION OF DISCHARGE:

Up to 900,000 gallons per day (mgd) of groundwater will be discharged from the project site. Prior to discharging, the groundwater will be treated with a granular activated carbon absorption process to remove organic compounds, and coagulation and ion exchange processes to remove heavy metals detected in the groundwater (see Figure 2 for treatment process). The groundwater will be discharged through Outfall No. 1 (Latitude: 34° 02' 05", Longitude: 118° 41' 06"). The discharger will install a pipe to connect the treatment devices to storm water drain to prevent the discharge from carrying garbage from the street into storm water drain and causing public nuisance. The discharge flows into Malibu Creek, a water of the United States.

The Discharger is required to collect groundwater gradient data during the dewatering process which are needed to determine the feasibility of the septic system at the site. The Discharger is required to follow the groundwater gradient measurement procedures specified at Section V. Groundwater Gradient Monitoring Requirements of the Monitoring and Reporting Program of the NPDES Permit coverage. Collection of groundwater levels before and during dewatering operations are especially critical for the dewatering well located closest to the northwest corner of the property and for the dewatering well located closest to the southeast corner of the property.

APPLICABLE EFFLUENT LIMITATIONS

Based on the information provided in the NPDES Application Supplemental Requirements, the constituents listed in the Table below have been determined to show reasonable potential to exist in the discharge. The treated groundwater discharge from the project site flows into Malibu Creek, thence to the Pacific Ocean. Therefore, discharge limitations in Part V.1.a. and 1.b. of the Order applies. The limitations specified in Attachment B. 5.a. of Order No. R4-2008-0032 are applicable to the discharge.

This Table lists the specific constituents and effluent limitations applicable to your discharge.

Constituents	Units	Discharge Limitations	
		Daily Maximum	Monthly Average
Total Suspended Solids	mg/L	150	50
Turbidity	NTU	150	50
BOD ₅ 20°C	mg/L	30	20
Oil and Grease	mg/L	15	10
Settleable Solids	ml/L	0.3	0.1
Sulfides	mg/L	1.0	N/A
Phenols	mg/L	1.0	N/A
Residual Chlorine	mg/L	0.1	N/A
Methylene Blue Active Substances (MBAS)	mg/L	0.5	N/A
Copper	µg/L	20.8	10.4
Nickel	µg/L	100	60
Mercury	µg/L	0.1	0.05*
Total Petroleum Hydrocarbon	µg/L	100	
TDS	mg/L	2000	
Sulfate	mg/L	500	
Chloride	ml/L	500	
Boron	mg/L	2.0	
Nitrogen (NO ₃ ⁻ N + NO ₂ ⁻ N)	mg/L	10	
Fecal Coliform	#/ml	> a log mean of 200 per 100 ml (based on a minimum of not less than four samples for any 30-day period), or > 400 per 100 ml (in more than 10% of total samples during any 30 day period)	

*: If the reported detection level is greater than the effluent limit for this constituent, then a non-detect using ML detection is deemed to be in compliance.

FREQUENCY OF DISCHARGE:

The groundwater discharge will be intermittent for the duration of the construction project.

REUSE OF WATER:

Offsite disposal of the groundwater discharge is not feasible due to the high cost of disposal. The immediate vicinity has no landscaped areas that require irrigation using the groundwater discharge. Since there are no other feasible reuse options, the groundwater generated from the project will be discharged to the surface water in accordance with the attached Order.

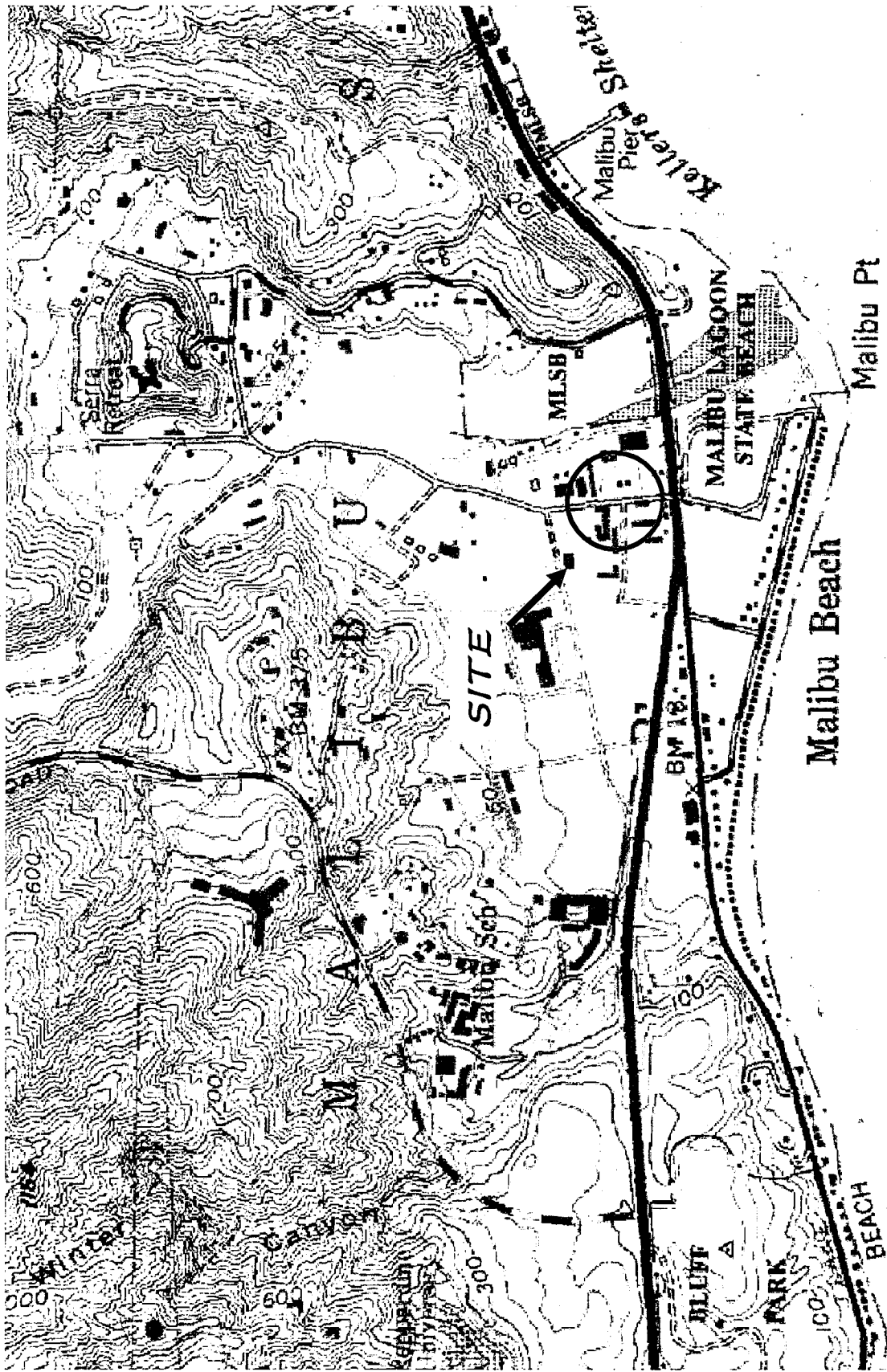


Figure 1. Site Location



611 West Palm Ave.
Orange, CA 92668
(714) 639-7873
Fax: (714) 639-8530
www.pureeffect.com

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**Malibu
Lumber
Project**

**Dewatering
Water
Treatment
System
Configuration**

DATE: 2-04-2008

Design Flow Rate
800 gpm

NOT TO SCALE

Legal Notice: This information is the property of Pure Effect, Inc., confidential and privileged, not for discussion or distribution to others outside your company, or used for reference or bidding purposes by others, without "written" authorization from Pure Effect, Inc. Please contact Pure Effect, Inc. to request "written" authorization (714) 639-7873.

Drawn by
M. SlabyMES

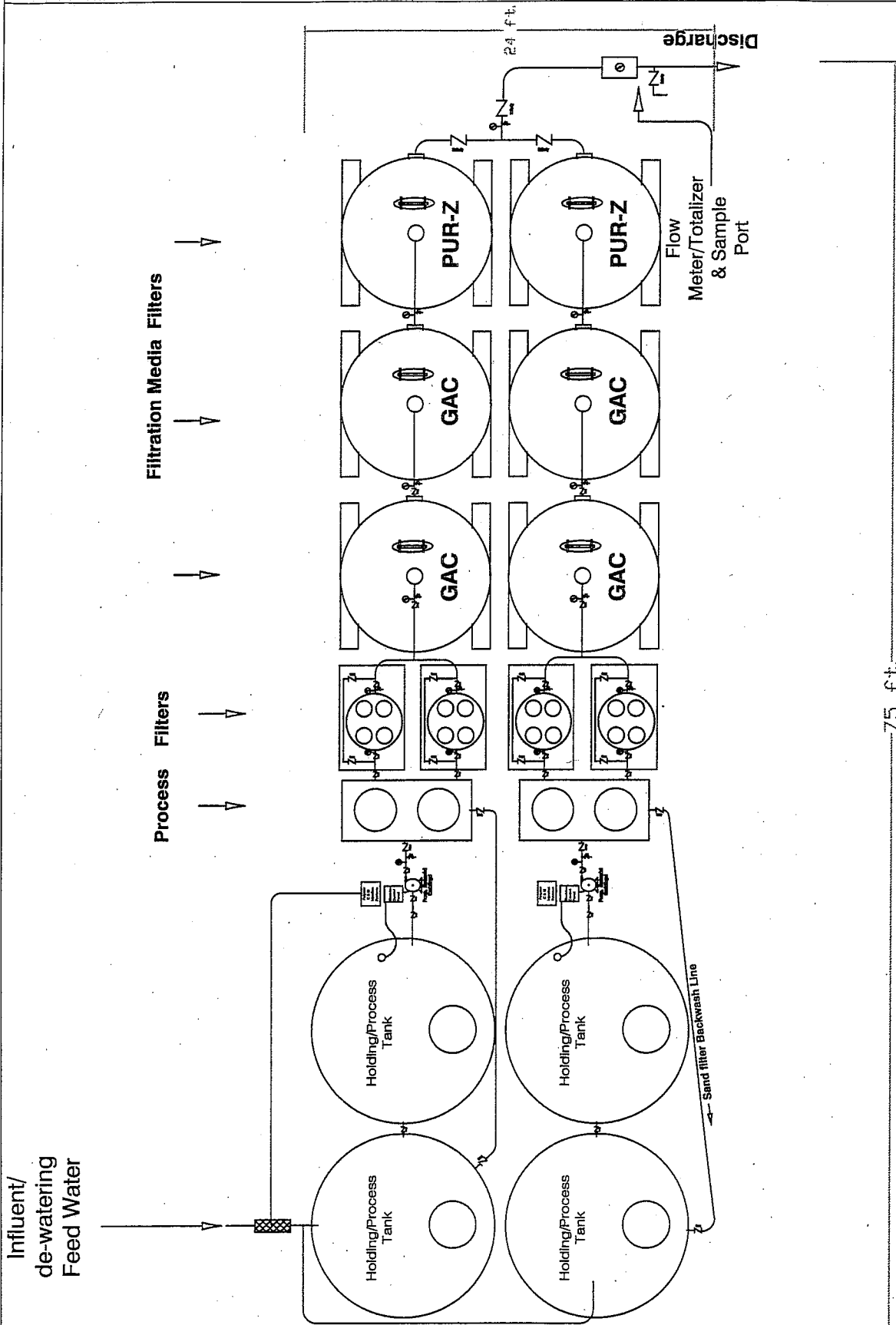


Figure 2, Treatment Process

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

**MONITORING AND REPORTING PROGRAM NO. CI-9425
FOR
MALIBU LUMBER LLC
(NPDES NO. CAG994004, SERIES NO. 297)**

I. REPORTING REQUIREMENTS

- A. The discharger shall implement this monitoring program on the effective date of this permit. The discharger shall submit monitoring reports to the Regional Board by the dates in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January - March	May 15
April - June	August 15
July - September	November 15
October - December	February 15

- B. The first monitoring report under this Program is due by August 15, 2008. If there is no discharge during any reporting period, the report shall so state.
- C. All monitoring reports shall include the discharge limitations in the Order, tabulated analytical data, the chain of custody form, and the laboratory report (including but not limited to date and time of sampling, date of analyses, method of analysis and detection limits).
- D. Each monitoring report shall contain a separate section titled "Summary of Non-compliance" which discusses the compliance record and corrective action taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.
- E. Before commencing a new discharge, a representative sample of the effluent shall be collected and analyzed for all the constituents listed in the Fact Sheet and the test results must meet all applicable limitations of Order No. R4-2008-0032.

II. SAMPLE COLLECTION REQUIREMENTS (AS APPROPRIATE)

- A. Daily samples shall be collected each day.
- B. Weekly samples shall be collected on a representative day of each week.
- C. Monthly samples shall be collected on a representative day of each month.
- D. Quarterly samples shall be collected in February, May, August, and November.
- E. Semi-annual samples shall be collected in May and November.
- F. Annual samples shall be collected in November.

III. EFFLUENT MONITORING REQUIREMENTS

- A. Sampling station(s) shall be established at the discharge point and shall be located where representative samples of the effluent can be obtained. Provisions shall be made to enable visual inspections before discharge. In the event of presence of oil sheen, debris, and/or other objectionable materials or odors, discharge shall not commence until compliance with the requirements is demonstrated. All visual observations shall be included in the monitoring report.
- B. If monitoring result indicates an exceedance of a limit contained in Order R4-2008-0032, the discharge shall be terminated and shall only be resumed after remedial measures have been implemented and full compliance with the requirements has been ascertained.
- C. In addition, as applicable, following an effluent limit exceedance, the discharger shall implement the following accelerated monitoring program:
 - 1. Monthly monitoring shall be increased to weekly monitoring,
 - 2. Quarterly monitoring shall be increased to monthly monitoring,
 - 3. Semi-annually monitoring shall be increased to quarterly, and
 - 4. Annual monitoring shall be increased to semi-annually.

If three consecutive accelerated monitoring events demonstrate full compliance with effluent limits, the discharger may return to the regular monitoring frequency, with the approval of the Executive Officer of the Regional Board.

D. The following shall constitute the discharge monitoring program:

Constituent	Unit	Sample Type	Minimum Frequency of Analysis
Flow	gal/day	totalizer	Continuously*
pH	pH units	grab	monthly
Temperature	°F	grab	monthly
Total Suspended Solids	mg/L	grab	monthly
Turbidity	NTU	grab	monthly
BOD ₅ 20°C	mg/L	grab	monthly
Oil and Grease	mg/L	grab	monthly
Settleable Solids	ml/L	grab	monthly
TDS	mg/L	grab	monthly
Sulfate	mg/L	grab	monthly
Chloride	ml/L	grab	monthly
Boron	mg/L	grab	monthly
Nitrogen (NO ₃ ⁻ N + NO ₂ ⁻ N)	mg/L	grab	monthly
Ammonia (NH ₃)	mg/L	grab	weekly**
Copper	µg/L	grab	weekly**
Nickel	µg/L	grab	weekly**
Mercury	µg/L	grab	weekly**
Total Petroleum Hydrocarbon	µg/L	grab	weekly**
Phenols	mg/L	grab	quarterly
Residual Chlorine	mg/L	grab	quarterly
Methylene Blue Active Substances (MBAS)	mg/L	grab	quarterly
Acute Toxicity	% survival	grab	annually
<p>* Record the monthly total flow and report the calculated daily average flow and monthly flow in the quarterly and annual reports, as appropriate.</p> <p>** Weekly for the first month, and monthly thereafter, if no exceedances are observed.</p>			

IV. EFFLUENT TOXICITY TESTING

- A. The discharger shall conduct acute toxicity testing tests on 100% of the effluent grab samples by methods specified in 40 CFR Part 136 which cites USEPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, October 2002, (EPA/821-R-02-012) or a more recent edition. Submission of bioassay results should include the information noted on pages 109-113 of the EPA/821-R-02-012 document.
- B. The fathead minnow, *Pimephales promelas*, shall be used as the test species for fresh water discharges and the topsmelt, *Atherinops affinis*,

shall be used as the test species for brackish discharges. The method for topsmelt is found in USEPA's *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition, August 1995, (EPA/600-R-95/136)*.

- C. If the results of the toxicity test yield a survival of less than 90%, then the frequency of analyses shall increase to monthly until at least three test results have been obtained and full compliance with effluent limitations has been demonstrated, after which the frequency of analyses shall revert to annually. Results of toxicity tests shall be included in the first monitoring report following sampling.

V. GROUNDWATER GRADIENT MONITORING REQUIREMENTS

A. Prior to the Start of Dewatering Operations

- The top of the well casing for dewatering wells currently in place at the Malibu Lumber Yard will be surveyed to establish elevation(s) above sea level.
- The water level in the surveyed wells will be measured from the top of the well casing to determine the groundwater level above sea level
- Wells located at Legacy Park, to be included in the data collection will also have the same data collected
- The date, time and weather conditions, as well as any relevant tidal data will be logged to include in the reporting.

B. During Dewatering Operations

- Water level measurements will be collected from the dewatering wells, prior to starting dewatering operations and to the extent possible, draw down measurements will be taken for the dewatering wells.
- Other wells, located at the Malibu Lumber yard site, not in use at that time for dewatering, will have water level measurements taken during dewatering operations.
- Once excavations commence, water levels in the excavations will also be documented.
- Water level measurements will also be collected on the same day at the Legacy Park wells
- The date, time and weather conditions, as well as any relevant tidal data will be logged in the reporting.

Once the dewatering activities are completed, a final round of measurements will be obtained. The groundwater gradient data collected will be submitted to the Regional Board weekly.

VI. GENERAL PROVISIONS FOR REPORTING

- A. The discharger shall inform this Regional Board 24 hours before the start of the discharge.
- B. 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) or approved by the Executive Officer. A copy of the laboratory certification shall be provided with the first monitoring report and each time a new and/or renewal certification is obtained from ELAP.
- C. Samples must be analyzed within allowable holding time limits as specified in 40 CFR Part 136.3. Proper chain of custody procedures must be followed and a copy shall be submitted with the report.
- D. As required in part H.5. of Order No. R4-2008-0032, the monitoring report shall specify the USEPA analytical method used, the Method Detection Limit and the Minimum Level for each pollutant.

VII. COMPLIANCE DETERMINATION (AS APPLICABLE)

- A. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Monitoring and Reporting Requirements Section H.5. of Order R4-2008-0032), then the Discharger is out of compliance.
- B. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
 - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
 - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect four additional samples at approximately equal intervals during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

When all sample results are greater than or equal to the reported Minimum Level (see Monitoring and Reporting Requirements Section H.5. of Order R4-2008-0032), the numerical average of the analytical

results of these five samples will be used for compliance determination.

When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Monitoring and Reporting Requirements Section H.5. of Order R4-2008-0032), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
 - d. If only one sample was obtained for the month or more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.
- C. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.
- D. Compliance with effluent limitations expressed as a median. – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and
- a. If the number of measurements (n) is odd, then the median will be calculated as $= X_{(n+1)/2}$, or
 - b. If the number of measurements (n) is even, then the median will be calculated as $= [X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the $n/2$ and $n/2+1$ data points.
- E. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with section VI.C., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

VIII. NOTIFICATION

A. The discharger shall notify the Executive Officer in writing prior to discharge of any chemical which may be toxic to aquatic life. Such notification shall include:

1. Name and general composition of the chemical,
2. Frequency of use,
3. Quantities to be used,
4. Proposed discharge concentrations and,
5. EPA registration number, if applicable.

No discharge of such chemical shall be made prior to obtaining the Executive Officer's approval.

B. The discharger shall notify the Regional Board via telephone and/or fax within 24 hours of noticing an exceedance above the effluent limits in Order No. R4-2008-0032. The discharger shall provide to the Regional Board within 14 days of observing the exceedance a detailed statement of the actions undertaken or proposed that will bring the discharge into full compliance with the requirements and submit a timetable for correction.

IX. MONITORING FREQUENCIES

Monitoring frequencies may be adjusted by the Executive Officer to a less frequent basis if the discharger makes a request and the request is justified by statistical trends of monitoring data submitted. However, monitoring frequency may also increase based on site-specific conditions.

Ordered by:



Tracy J. Egoscue
Executive Officer

Date:

July 1, 2008