



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

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Arnold Schwarzenegger
Governor

May 19, 2010

Mr. Philip Simon
Malibu Cantina LLC
101 Ygnacio Valley Road, Suite 320
Walnut Creek, CA 94596

WASTE DISCHARGE REQUIREMENTS AND MONITORING AND REPORTING PROGRAM FOR MALIBU CANTINA LLC, 22716 PACIFIC COAST HIGHWAY, MALIBU, CALIFORNIA (FILE NO. 09-054, ORDER NO.R4-2010-0072, CI-9602)

Dear Mr. Simon:

Our letter of April 15, 2010, transmitted revised tentative Waste Discharge Requirements (WDRs) and a Monitoring and Reporting Program (MRP) for Malibu Cantina LLC.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public meeting held on May 6, 2010, reviewed the revised tentative WDRs and MRP, considered all factors in the case, and adopted WDRs Order No. R4-2010-0072 and MRP No. CI-9602 (copies enclosed) relative to this discharge. Standard Provisions, which are a part of the WDRs, are also enclosed.

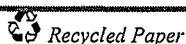
You are required to implement the new Monitoring and Reporting Program No. CI-9602 on the effective date of Order No. R4-2010-0072. Your first monitoring report under these Requirements is due to this Regional Board by July 15, 2010. All monitoring reports should be sent to the Regional Board, Attn: Information Technology Unit, and referenced to our Compliance File No. CI-9602.

We are sending the WDRs and MRP to the discharger (Malibu Cantina LLC) only. For recipients on the mailing list, an electronic copy will be available at:

http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/.

Hard copies of the WDRs and MRP will also be furnished upon request.

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. Philip Simon
Malibu Cantina LLC

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May 19, 2010

If you have any questions or need additional information, please contact Mr. David Koo at (213) 620-6155 or me at (213) 620-6156.

Sincerely,



Rebecca Chou, Ph.D., P.E.
Acting Section Chief of Groundwater Permitting and Landfills

Enclosures:

1. Waste Discharge Requirements Order No. R4-2010-0072
2. Monitoring and Reporting Program No. CI-9602
3. Standard Provisions

cc: Mr. Jim Thorsen, City Manager, City of Malibu
Mr. Craig George, Division Manager of Building and Safety, City of Malibu
Mr. Patrick Nejadian, Department of Health Services, Los Angeles County
Mr. Adam Arika, Los Angeles County Waterworks District No. 29, Malibu
Mr. Chi Diep, CA Public Health, Drinking Water Program
Mr. Mark Pesterella, County of Los Angeles, Department of Public Works
Mr. Carlos Borja, County of Los Angeles, Cross Connections
Ms. Tatiana Gaur, Santa Monica Baykeeper
Dr. Mark Gold, Heal the Bay
Mr. Gene A. Lucero, Latham & Watkins LLP
Mr. John Yaroslaski, Ensitu Engineering, Inc.
Severine Tatangelo, Studio PCH, LLC
Rachel Hughes, Westside Estate Agency
Meir Teper, Nobu Malibu
Richard Page, Casa Malibu Inn on the Beach
Rebekah Evans, Malibu Chamber of Commerce & Visitor Center

California Environmental Protection Agency



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

**ORDER NO. R4-2010-0072
WASTE DISCHARGE REQUIREMENTS
FOR**

**MALIBU CANTINA LLC
(File No. 09-054)**

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

PURPOSE OF ORDER

1. On April 24, 2009, Malibu Cantina LLC (hereinafter "Discharger") filed a Report of Waste Discharge ("RoWD") for the discharge of wastewater from a proposed restaurant to an advanced onsite wastewater treatment system ("OWTS") located at 22716 Pacific Coast Highway, Malibu CA 90625 ("Site"). This Order establishes Waste Discharge Requirements ("WDR") for the operation and maintenance of the proposed advanced OWTS servicing the proposed restaurant.
2. The State Water Resource Control Board ("SWRCB") and the Los Angeles Regional Water Quality Control Board (Regional Board) designated Malibu Beach, Carbon Beach and La Costa Beach as impaired on the 2002 Clean Water Act 303(d) List of Water Quality Limited Segments ("2002 303(d) List"). On January 24, 2002 and on December 12, 2002, the Regional Board adopted a Total Maximum Daily Load ("TMDL") for bacteria during dry and wet weather, respectively, into Santa Monica Bay which was amended to the Basin Plan. This WDR considers the existing impairment of beneficial uses in these water bodies, which are adjacent to the Site.

SITE GEOLOGY AND HYDROLOGY

3. The Site is located south of Pacific Coast Highway ("PCH"), on a narrow beach strand at the base of the Santa Monica Mountains. The mountains rise abruptly north of PCH, about 300 feet north of the Site. On December 12, 2008, April 24, 2009, and June 8, 2009, the Discharger submitted information on the hydrogeological conditions on the Site (collectively the "Hydrogeological Report"). The Hydrogeological Report determined that in the Site's vicinity, the base of the Santa Monica Mountains is underlain by thinly bedded siltstone and shale of the Miocene-age Monterey Formation. This bedrock unit extends southward, beneath PCH and the Site, forming the wave-cut platform that is now capped by Quaternary-age beach deposits. The Site was previously explored and reported on by engineering geologists Earth Systems Southern California. During their studies they placed four borings on each Site, collected samples, and conducted laboratory testing, in order to evaluate the geotechnical aspects of the site. Their borings ranged in depth from 32 to 60 feet, and encountered Monterey Formation at depths

ranging from about 26 to 37 feet below the surface. The soils above the bedrock consisted primarily of coarse-grained beach deposits. Borings excavated for onsite monitoring wells encountered bedrock at depths of 30 and 26 feet respectively. Beach deposits encountered in the borings consisted of friable, gray to brown, fine-to-medium grained sand, locally with variable amounts of coarse-grained sand and fine-to-coarse gravel. Beach deposits are capped by artificial fill in the northern and central part of the Site. The thickness is highly variable, but is typically in the range of about one to four feet. Two areas of deep fill (between 9 and 10 feet) were identified on the Site.

4. The Site is largely covered by paving and other hardscape. The majority of the Site is nearly flat, having a very minor slope towards the Pacific Ocean. The elevation is about 18 feet near PCH, sloping to about 12 feet at the rear of the existing building. South of the existing building, the ground surface slopes gently down to the high tide line.
5. Depth to groundwater in the vicinity of the Site has historically ranged from 7.25 feet to 17 feet below surface grade, with an average depth of 11 feet. The groundwater depths recorded by monitoring wells currently installed on the Site ranged from about 8 to 13 feet below surface grade. In near shore areas, groundwater is assumed to be mean high tide which is +1.9 feet above mean Sea Level (AMSL).
6. From the base of the Santa Monica Mountains, groundwater movement is towards the ocean. Beneath the Site, groundwater flow is also predominantly towards the ocean. However, due to the localized effects of tidal cycles on wells closest to the ocean, there are periods when the flow direction is slightly reversed or in transition. Estimated groundwater travel time from the proposed advanced onsite leachfield to the ocean is between 8 to 25 days.

PROPOSED FACILITY AND TREATMENT PROCESS DESCRIPTION

7. The Discharger is proposing to construct a new restaurant at 22716 Pacific Coast Highway, Malibu, CA 90625.¹ Located to the south of the Site is the Pacific Ocean. Located to the east of the Site is an abandoned restaurant proposed for redevelopment and to the west is a motel. Directly to the north, on the opposite side of Pacific Coast Highway, is a car wash and accompanying parking lot (Figure 1).
8. The Discharger has an approved Standard Urban Storm Water Mitigation Plan/Water Quality Management Plan ("SUSMP/WQMP") and Stormwater Pollution Prevention Plan/Erosion Control Plan.
9. The Site is 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

¹ Los Angeles County Assessor Parcel Numbers 4452-004-036 and 4452-004-037, Latitude of 34° 02' 20"; Longitude of 118° 40' 13".

upon onsite wastewater treatment systems for disposal of domestic, commercial, and industrial wastewater. The Site is not within the Malibu Civic Center area as defined in Resolution No. R4-2009-007 "Amendment to the Water Quality Control Plan for the Coastal Watershed of Los Angeles and Ventura Counties to Prohibit On-Site Wastewater Disposal Systems in the Malibu Civic Center Area."

10. The Site is home to the former Pierview Restaurant, which closed around 2002. The original date of construction of the restaurant is unknown. The Pierview Restaurant was 8,003 square feet and had City of Malibu occupancy approval for 270 seats. It was served by a conventional septic system composed of a 4,300 square foot leachfield and nine (9) 1,500-gallon tanks for a 13,500 gallons total capacity. The former septic system will be completely removed as part of the construction of the new restaurant. The proposed restaurant will be approximately 6,900 square feet and will be served by an advanced onsite OWTS consisting of tertiary treatment and California Department of Public Health approved ultraviolet disinfection ("System").
11. The existing building on the Site will be demolished and a new restaurant facility, outdoor deck, and parking lot will be constructed. The advanced OWTS will be located beneath the parking lot on the north side of the Site between the new restaurant and PCH. Discharge through the advanced OWTS is anticipated to begin in July 2011.
12. The advanced OWTS will consist of a gravity flow collection system with a grease interceptor; a trash trap and primary clarifier, sludge storage tank and digester; an equalization tank with anoxic denitrification; a modified plug flow activated sludge process for aerobic treatment with suspended growth; a hollow-fiber membrane micro-filtration system; and ultraviolet disinfection system. The treated wastewater will be disposed through sub-surface drip dispersal into a leachfield. The advanced OWTS will utilize Xerxes Fiberglass traffic rated underground tanks, Siemens membrane bioreactor activated odor control, and a pressure distributed leachfield consisting of Mirafi® Soil Reinforcement Geogrid and Mirafi® Filter Fabric between compacted fill layers to provide load-bearing support above the field. The 1'3" compacted fill with geogrid and filter fabric will be installed above 1'6" of washed rock and dispersal piping. The leachfield will be actively ventilated, through the use of 4" perforated PVC piping and a vent fan, to promote biological activity in the leachfield. Active ventilation allows the use of impermeable paving over the entire leachfield reducing the potential for storm runoff infiltration into the leachfield. Total constructed field depth will be three feet, with the bottom of the field three feet below the finished paved surface of the parking lot. All existing fill and materials in the leachfield area will be excavated and removed down to native beach deposits and replaced with washed sand prior to installation of the new field.
13. The Discharger will utilize active ventilation for all the tanks, including the treatment vault. The vented air will pass through an activated carbon scrubber which shall remove odors resulting from aerobic decomposition of the wastewater (mainly mercaptans) and anaerobic decomposition of the wastewater (mainly hydrogen sulfide). The main sources

of the odors are: the aerated treatment tank, the trash trap, the grease interceptor, the membrane vault, sludge storage and digester.

14. The advanced OWTS will consist of two 30,000 gallon traffic rated fiberglass septic tanks with a total capacity of 60,000 gallons. Tank 1 will serve as the grease interceptor and trash trap with emergency sewage storage. The emergency sewage storage capacity of Tank 1, at a working volume of 15,540 gallons, is 15,294 gallons. Tank 2 will serve as the System equalization, treatment, and distribution tank. The total emergency water storage capacity of Tank 2, if operated at its maximum working volume of 15,800 gallons, is 15,034 gallons. Tank 1 allows for a gravity response time at peak flow of 24 hours and a response time at average flow of 30-33 hours.
15. 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 failure of the disposal system or the loss of soil assimilative capacity.
16. To monitor groundwater in the area, least four (4) wells will be installed within five (5) feet from the edge of the leachfield. Additional downgradient wells further than five (5) feet from the leachfield will be installed to better evaluate the vertical separation at the base of the leachfield. The wells shall be outfitted for manual surface sampling and with a transducer with surface connections capable of providing 24-hour water level measurements. Well completion shall comply with California Department of Water Resources Bulletin 7490 for monitoring well standards (January 1990).
17. Occupancy limitations, operational safeguards, best management practices, low-flow fixtures, and water conservation practices should ensure that the Discharger will not exceed their maximum daily effluent limits identified in the Influent Requirements section of this Order. In the event that the maximum daily effluent limits defined by this Order are exceeded and storage capabilities are compromised, equalization tank pumping on an emergency basis will be required.

CONFORMANCE WITH REGIONAL OBJECTIVES

18. Water conservation practices must be implemented because the water table under the Site is less than ten feet from the surface and, at times, may have groundwater levels that preclude the operation of septic systems under some conditions (e.g. high groundwater, low evapotranspiration, and rainfall or stormwater flows). As a result, the Discharger is required to have the operator fully implement water conservation measures at the restaurant. Among others, water conservation measures will include mandatory best management practices and the installation of waterless urinals, low-flow faucets, and low-flow toilets.

19. The capacity of unsaturated soils to remove pollutants during disposal into the groundwater is a finite value defined by technical means and is known to vary with the elevation of the water table, the travel time of groundwater to surface discharge points, and the regional groundwater and surface water quality objectives. To ensure that water quality objectives continue to be met, both surface and groundwater monitoring is required. Due to the sensitive area in which the discharge will take place, regular review of Discharger performance is warranted.
20. A minimum of five feet separation is required between the base of the leachfield and the groundwater because:
 - a. Five feet of separation is used in general waste discharge requirements as the minimum separation for high risk sites, as this location has been defined.
 - b. EPA and State Board documents identify 2 or 3 feet of separation as sufficient where soil conditions ensure slow percolation and additional treatment. This site has sand and gravels in the subsurface and does not meet the requirements for this more lenient separation, even if it should be supported by Regional Board documents.
 - c. Should the advance treatment facility fail, it should meet the requirements for a regular septic system with disposal to the subsurface, which requires a minimum of 5 feet separation within existing permits, Regional Board documentation and adjacent jurisdictions.

APPLICABLE LAWS, PLANS, POLICIES AND REGULATIONS

21. 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 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 anti-degradation policy (Statement of Policy with Respect to Maintaining High Quality Waters in California, SWRCB 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.
22. 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 United States Environmental Protection Agency (USEPA)

approved a revised plan in 2005. 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.

23. The Site is located within Malibu Hydrologic Units 404.21 and 404.16 – corresponding to three coastal features: Malibu Beach, Carbon Beach, and La Costa Beach. The Site is assumed to be located in the Carbon Beach area. Basin Plan limitations for groundwater, all of which is assumed to have some potential for domestic or municipal use, shall be protected. While the treated effluent will be discharged to land through the newly installed pressurized leachfield, the depth to groundwater is largely controlled by tidal cycles, with secondary influence from storm surges, and at this location, the receiving water also includes the Pacific Ocean.
24. There are no blue line streams within 500 feet of the Site's proposed leachfield. The shortest distance from the proposed leachfield to the Pacific Ocean is approximately 180 feet. The Basin Plan has the following beneficial use designations in Hydrologic Units 404.21 and 404.16:

Coastal Features (Malibu Beach)

Existing: Navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, migration of aquatic organisms, spawning, reproduction, and/or early development of fish, and shellfish harvesting.

Coastal Features (Carbon Beach)

Existing: Navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, and shellfish harvesting.
Potential: Spawning, reproduction, and/or early development of fish.

Coastal Features (La Costa Beach)

Existing: Navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, and shellfish harvesting.
Potential: Spawning, reproduction, and/or early development of fish.

25. The Water Quality Assessment adopted by the Regional Board on May 18, 1998 identified beaches along the Santa Monica Bay (including the Malibu Beach, Carbon Beach, and La Costa Beach) as impaired by pathogens. Carbon Beach may also be

impacted by nearby septic discharges from the adjacent private residences and commercial sites, which have standard septic disposal systems. Due to the close proximity of the Site to the ocean, an effluent monitoring program is necessary to evaluate the effectiveness of the advanced OWTS and any impacts from the discharge of treated wastewater to groundwater, which in this location is connected to the Pacific Ocean.

26. The requirements contained in this Order are based on the Basin Plan, Ocean Plan, other state plans, policies, and guidelines, and consideration of the factors set forth in Water Code section 13263 and section 13241 as described in the Staff Report for this matter.

CEQA and NOTIFICATION

27. This project involves new facilities and, as such, must meet 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. The City, as lead agency, certified a Mitigated Negative Declaration (“MND”) for the project on January 16, 2007. The Regional Board has considered the relevant portions of the MND and will required the mitigation set forth therein on Pages 25 through 31 with respect to water quality impacts.
28. 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.
29. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
30. Pursuant to California Water Code (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 Cantina LLC shall comply with the following:

A. PRETREATMENT REQUIREMENTS

1. Pretreatment Education: The Discharger shall document all actions taken to prevent chemicals (such as plumbing agents and cleaning agents) to be added to the water at the proposed restaurant which would interfere with biological processes in the treatment System. The Discharger shall control chemical additives in the influent through the education of the operator and customers to minimize the presence of pollutants of concern in the wastewater stream and to prevent violations of the effluent limits.

- a. The operator shall be notified by the Discharger that they are responsible for eliminating influent waste from garbage disposals, every-flush toilet bowl cleaners, grease, and cleaning products.
 - b. Documentation of the pretreatment educational materials and/or lease provisions shall be included in the Water Conservation Report prior to system startup.
2. Restaurant Waste Management: In its annual Water Conservation Report, the Discharger shall provide a summary of:
- a. The adequacy of the capacity and design of the Best Management Practices (“BMPs”) to trap and manage fats, oils, and grease before entering the primary separation tank; and
 - b. The operation and maintenance plan actions for the proposed restaurant that will prevent fats, oils and grease from entering the advanced OWTS, and control cleaning agents in wastewaters that enter the advanced OWTS.
3. Biological System Start-up and Stabilization: The Regional Board recognizes that advanced biological systems such as the advanced OWTS proposed at the Site require a “start-up” period during which the system’s biological processes require seeding and stabilization. Also, there are rare cases when the biological system is compromised and reseeded is necessary to assist the recovery of the biological treatment system quicker than would be possible by natural re-growth. In such cases, Discharger may import a sufficient amount of fully nitrified sludge from offsite for the express purpose of seeding (or reseeded) the advanced OWTS’s biological process. Discharger shall provide written notice to the Executive Officer² of intent to import at least 7 days in advance for initial seeding and 24 hours in advance for reseeded to the Executive Officer that include the quantity of sludge and its source.

B. INFLUENT REQUIREMENTS

1. Domestic and Commercial Waste: Waste discharge, shall be limited to domestic-commercial wastewater from the site only.
2. Influent Flow: The daily flow to the advanced OWTS shall not exceed the System’s design capacity. This flow limitation also applies to treated effluent discharged to the leachfield disposal system. The current total maximum design capacity of the System is 15,000 gallons per day.

² Any reference to the “Executive Officer” in this Order refers to the Executive Officer of the Los Angeles Regional Water Quality Control Board.

3. Volatile Organic Compounds (VOCs): VOCs shall not be discharged into the System.
4. Hazardous Materials: Paints, anti-freeze, and industrial chemicals shall not be discharged to the System and shall be sent to appropriate hazardous waste collection facility.
5. Influent Flow Monitoring: Influent daily flows shall be monitored with a flow meter with signal to the advanced OWTS's control panel for tracking and logging.

C. EFFLUENT REQUIREMENTS

1. Biological System Start-Up: The Regional Board recognizes that advanced biological systems such as the advanced OWTS require a "start-up" period during which the system's biological processes require seeding and stabilization. Therefore, the Discharger is required to meet all effluent constituent concentration requirements in this Order starting 90 days after initial discharge. To demonstrate System stabilization, the Discharger shall be required to monitor effluent concentration limits during the start-up period on a more frequent basis in accordance with Monitoring and Reporting Program No. CI-9602.
2. Monitoring Points: The effluent shall be sampled and effluent requirements shall apply as effluent leaves the disinfection system. Exact locations of the monitoring points shall be identified in the preliminary and as-built drawings.
3. Maximum Flows: From commencement of discharge, the maximum daily flow from the System to the leachfield shall not exceed 15,000 gallons. Effluent daily flows shall be measured mechanically with an in-stream flow meter.
4. pH: The pH of wastes discharged shall at all times be 6.5 to 8.5 pH units.

5. Numerical Limits: The effluent prior to discharge to the leachfield shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly (30-day)</u>	<u>Daily</u>
		<u>Average</u>	<u>Maximum</u>
Biochemical Oxygen Demand 5-day @ 20°C (BOD ₅)	mg/L	20	45
Total Suspended Solids	mg/L	15	45
Oil and grease	mg/L	10	15
Nitrate-N	mg/L	--	10 ³
Nitrite-N	mg/L	--	1 ³
Nitrate-N + Nitrite-N	mg/L	--	10 ³
Ammonia-N	mg/L	--	2.4 ⁴

6. Turbidity Limits: For the protection of the water contact recreation beneficial use, the wastes discharged to water courses shall have received adequate treatment, so that the turbidity of the treated wastewater does not exceed: (a) an average of 2 Nephelometric turbidity units (NTUs) within a 24 hour period; (b) 5 NTUs more than 5 percent of the time (72 minutes) during any 24 hour period; and (c) 10 NTUs at any time.
7. Total Coliform Limits⁵: The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.
8. Fecal Coliform Limits⁶: For 30-day geometric mean, fecal coliform density shall not exceed 200 per 100 ml. For single sample maximum, fecal coliform density shall not exceed 400 per 100 ml.
9. Enterococcus Limits⁷: For 30-day geometric mean, enterococcus density shall not exceed 35 per 100 ml. For single sample maximum, enterococcus density shall not exceed 104 per 100 ml.

³ For protection of groundwater (Basin Plan)

⁴ For protection of ocean waters

⁵ Shellfish Harvesting Standards (Ocean Plan)

⁶ Water-Contact Recreation Standards (Ocean Plan)

⁷ Water-Contact Recreation Standards (Ocean Plan)

10. Narrative Limits: The effluent discharged to the leachfield shall not contain salts, metals, phosphorous, organic chemicals, or priority pollutants at levels that would adversely impact groundwater or surface water due to hydraulic connection with groundwater.
11. Disposal of Wastes: The disposal of waste shall not impart tastes, odors, color, foaming, or other objectionable characteristics to the receiving water.

D. RECEIVING WATER REQUIREMENTS

1. Biological System Start-Up: The Regional Board recognizes that advanced biological systems such as the advanced OWTS proposed for the Site must undergo a “start-up” period during which the system’s biological processes require seeding and stabilization. Therefore, the Discharger is required to meet all groundwater constituent concentration requirements in this Order starting 90 days after initial discharge. To demonstrate system stabilization, the Discharger shall be required to monitor and report groundwater concentrations during the start-up period on a more frequent basis in accordance with Monitoring and Reporting Program No. CI-9602.
2. Groundwater Limits: The wastewater discharged shall not cause the groundwater to contain constituents in excess of the following limits, based on Basin Plan and Ocean Plan requirements and in conformance with the TMDLs quoted in Findings 23 and 24:

<u>Constituent</u>	<u>Units</u>	<u>Geometric 30- day Mean</u>	<u>Maximum</u>
Nitrate-N	mg/L	--	10 ⁸
Nitrite-N	mg/L	--	1 ⁹
Nitrate-N + Nitrite-N	mg/L	--	10 ¹⁰
Ammonia-N	mg/L	--	2.4 ¹¹
Total coliform	MPN/100mL	70	230 ¹²
Fecal coliform	MPN/100mL	200	400 ¹³
Enterococcus	MPN/100mL	35	104 ¹⁴

⁸ For protection of groundwater (Basin Plan)

⁹ For protection of groundwater (Basin Plan)

¹⁰ For protection of groundwater (Basin Plan)

¹¹ For protection of Marine Aquatic Life (Ocean Plan)

¹² Shellfish Harvesting Standards (Ocean Plan)

¹³ Water-Contact Recreation Standards (Ocean Plan)

¹⁴ Water-Contact Recreation Standards (Ocean Plan)

3. **Surface Water Limits:** The wastewater discharged shall not cause the surface water (ocean) to contain constituents in excess of the following limits, based on Basin Plan and Ocean Plan requirements, any other Ocean Plan requirements or limits, and in conformance with the TMDLs quoted in Findings 23 and 24:

<u>Constituent</u>	<u>Units</u>	<u>Geometric 30- day Mean</u>	<u>Maximum</u>
Nitrate-N	mg/L	--	10 ¹⁵
Nitrite-N	mg/L	--	1 ¹⁶
Nitrate-N + Nitrite-N	mg/L	--	10 ¹⁷
Ammonia-N	mg/L	--	2.4 ¹⁸
Total coliform	MPN/100mL	70	230 ¹⁹
Fecal coliform	MPN/100mL	200	400 ²⁰
Enterococcus	MPN/100mL	35	104 ²¹

4. **Groundwater Discharge to Surface:** Any discharge from the groundwater to the surface, which Regional Board staff identifies as related to the advanced OWTS operation and disposal of effluent, shall also be sampled by the Discharger, upon written direction by the Executive Officer. Testing and reporting shall be in accordance with Monitoring and Reporting Program No. CI-9602. If the advanced OWTS discharges to the surface, it is a violation of this WDR.
5. **Water Table Elevation:** If Regional Board staff determines that discharge has occurred when the water table is five (5) feet below the base of the leachfield on the Site, the discharge shall be considered an illicit discharge to the groundwater, a Water of the State, which is prohibited.
6. If the daily separation between the water table and the bottom of the leachfield is less than five (5) feet, operational changes at the proposed restaurant are required to eliminate effluent discharge until the water table is found to be more than five (5) feet below the base of the leachfield.

¹⁵ For protection of groundwater (Basin Plan)
¹⁶ For protection of groundwater (Basin Plan)
¹⁷ For protection of groundwater (Basin Plan)
¹⁸ For protection of Marine Aquatic Life (Ocean Plan)
¹⁹ Shellfish Harvesting Standards (Ocean Plan)
²⁰ Water-Contact Recreation Standards (Ocean Plan)
²¹ Water-Contact Recreation Standards (Ocean Plan)

7. Should groundwater monitoring data indicate adverse impacts to surface water caused by the Discharger, 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 result from the subsurface disposal of wastes.
8. A groundwater and surface water monitoring plan shall be submitted to the Executive Officer 60 days prior to discharge for review and approval.
9. In addition to the four (4) proposed monitoring wells, additional downgradient wells shall be installed to evaluate the water quality outside of discharge influence zone and the 5 feet vertical separation below the base of the leachfield.

E. PROHIBITIONS

1. **Limited Discharge:** There shall be no direct or indirect discharge of wastes to groundwater or surface water, Waters of the State, at any time other than specified by this permit.
2. **Construction:** No part of the disposal system shall be closer than 150 feet to existing water well. No part of the advanced OWTS or leachfield shall extend to a depth where wastes may deleteriously affect an aquifer that is usable for domestic purposes. At all times, a minimum of five (5) feet of vertical separation between the leachfield and the water table must be maintained. Wastes shall not be disposed of in geologically unstable areas or so as to cause earth movement.
3. **Waste Characteristics:** Wastes discharged shall not impart tastes, odors, color, foaming or other objectionable characteristics to the receiving groundwater and surface water. Oils, greases, waxes or other materials shall not present in concentrations that result in a visible film or coating on the surface of the receiving water.
4. **Stormwater Protection:** Adequate facilities shall be provided to divert surface and stormwater away from the advanced OWTS and leachfield and from areas where any potential pollutants are stored.
5. **Flood:** The advanced OWTS shall be protected from damage by storm flows or runoff generated by a storm up to and including the 100-year storm.
6. **Sludge:** 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.

7. Odors: Sewage odors shall not be detectable. The close proximity of the Site to other businesses mandates mechanical movement of fumes through filters where vacuum seals are least reliable. Sufficient technological remedies exist to prevent odor discharge from the treatment and disposal system at all times. Odor complaints, even if made by the public and not detected by the operator, are considered indicative of improper operation. Multiple odor complaints are considered indicative of a preventable nuisance which has not been remedied by the Discharger.
8. Nuisance: The discharge of waste shall not create a condition of pollution, contamination, or nuisance. It shall not be considered an excuse that the Site is in close proximity to other businesses as this treatment process has been selected by the Discharger.
9. Toxicity: Wastes discharged from the wastewater treatment plant shall at no time contain any substances, in concentrations toxic to human, animal, or plant life.
10. Biota: The use of chemicals for cleanup and maintenance at the facility that would negatively impact the biota is prohibited.
11. Bypass: Bypass (the intentional diversion of waste stream from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the Discharger for bypass unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe Site damage. (Severe Site damage means substantial physical damage to Site, damage to the treatment facilities that cause them to become inoperable, or substantial and permanent loss in the absence of a bypass. Severe Site damage does not mean economic loss caused by delays in production).
 - b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance. This condition is not satisfied because of failure to design, permit or install a recycled/reclaimed water system for operation when discharge exceeds leachfield assimilation capacity.
 - c. The Discharger must submit written notice at least 24 hours in advance of the need for a bypass to the Regional Board Executive Officer.

- d. Pumping waste from the treatment system for purposes other than emergencies and regularly scheduled maintenance, indicates loss of system performance, and is also prohibited, without notification of the Executive Officer.
12. Discharge to Surface: The direct or indirect discharge of any wastewater to surface waters or surface water drainage courses is prohibited.
13. Connection to Community Sewer: Within six (6) months after a community wastewater collection (sewer) system becomes available, if feasible, the Discharger shall connect to the community sewer system and properly close the onsite System.

F. PROVISIONS

1. Monitoring Reports: 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-9602, and 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.
2. Surface Water Monitoring: Should surface water monitoring data indicate adverse impacts caused by the Discharger, 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 result from the subsurface disposal of wastes. Any water quality impact to surface water including, but not limited to, risks to human health from pathogens, and accelerated eutrophication of surface waters from nutrients in wastewater shall be reported.
3. Groundwater Monitoring: The Discharger shall establish a groundwater monitoring program utilizing two upgradient groundwater monitoring wells within ten feet of the edge of the Site's leachfield, two downgradient groundwater monitoring wells within five feet of the edge of the Site's leachfield and the additional further downgradient wells outside of discharge influence zone. Representative samples of groundwater shall be obtained according to the detailed specifications contained in Monitoring and Reporting Program No. CI-9602. The Discharger shall establish a baseline groundwater level below the base of leachfield and document this baseline in their first monitoring report.
4. Leachfield Replacement: The Discharger may not have sufficient land area reserved for possible future 100 percent replacement of the subsurface disposal area. The Discharger shall establish a contingency plan to deal with the event of failure of the disposal system or the loss of soil assimilative capacity. The

Discharger must submit the contingency plan to the Executive Officer 60 days prior to discharge for review and approval.

5. **Water Conservation Report:** The Discharger shall provide an annual report regarding water conservation and water recycle/reclamation measures implemented, describing the operation and maintenance of the water conservation equipment and variations in potable, influent and effluent water flows. The first report is due prior to discharge and shall include documentation of pre-treatment education, the maintenance and the method of attaining storage capacities, and operational protocol established to enforce additional water conservation or storage measures when discharge is not possible.
6. **System As-Built:** The Discharger shall submit a final engineering report for the treatment plant, collection system, discharge systems, including the "as-built" engineering diagrams, to the Executive Officer within 30 days of the commencement of discharge.
7. **Inspection:** The Discharger shall cause the advanced OWTS to be inspected once per year during the life of the permit by the person responsible for onsite operation and maintenance of the treatment system. A copy of this inspection shall be submitted with the annual summary report.
8. **Onsite Wastewater Treatment Systems Regulations:** The Discharger shall comply with all applicable requirements of Chapter 4.5 (commencing with section 13290) of the Water Code.
9. **TMDL Compliance:** The Regional Board has adopted a TMDL for bacteria at Santa Monica Bay Beaches, including Malibu Beach, Carbon Beach, and La Costa Beach. The Discharger shall comply with waste load allocations developed and approved pursuant to the TMDL for the area. The Regional Board, after appropriate notice and opportunity for hearing, may require that the Discharger meet bacteria limits stricter than those imposed in this Order.
10. **Reduction of Impairments:** The Regional Board designated Malibu Beach, Carbon Beach and La Costa Beach as impaired by beach closures on the 2002 303(d) List. The discharge from the Site and resulting changes in discharge from adjacent facilities, shall not cause continuing impairment of beneficial uses in the water bodies adjacent to the Site.
11. **Notification of Surfacing:** The Discharger shall notify the Regional Board's Project Manager within 24 hours, by telephone or email, of any surfacing of wastes. A written incident report of the spill shall follow within 7 days and shall include information relative to the location(s), estimated volume, water quality,

date and time, duration, cause, and remedial measures taken to affect cleanup and measures taken to prevent any recurrence and long term effects.

12. **Responsible Operation:** The Discharger shall operate and maintain its wastewater collection, treatment and disposal facilities in a manner to ensure that all facilities are adequately staffed, supervised, financed; operated, maintained, repaired, and upgraded as necessary, to provide adequate and reliable transport, treatment, and disposal of all wastewater from all wastewater sources under the Discharger's responsibilities.
13. **Notification of Alarms:** Because of the extensive number of alarms associated with the advanced OWTS, Discharger shall provide to the Regional Board's Project Manager, within 30 days of the commencement of discharge, a report categorizing the system's alarms and proposed manner and timing of Regional Board notification for each alarm. The Discharger shall provide notification to the Regional Board within two (2) hours of any operator alarm determined by the Discharger or the Regional Board to be of the highest priority. Highest priority alarms, at a minimum, shall include any alarm notifying the operator of excessive flows, significantly reduced System processing rate, and conditions of high groundwater.
14. **Operator Certification:** Anyone employed in the operation of the wastewater treatment plant must be certified pursuant to Water Code Sections 13625-13633. The advanced OWTS does not meet the exception in Water Code Section 13625.1(a) because operator failure may lead to a violation of water quality objectives at the Site. Should the advanced OWTS fail, treated or partially treated effluent will discharge to the subsurface, and possibly to the surface, and within 100 feet of the ocean. The rate of problems among advanced systems under Malibu jurisdiction was documented in the Malibu Prohibition record, and justifies additional supervision to protect the public on the heavily used adjacent beach from increased human health risks. The operator must hold a certification as required by the California Department of Public Health.
15. **Operation and Maintenance Manual:** The Discharger shall submit to the Regional Board an Operations and Maintenance Manual ("O&M Manual") for the advanced OWTS at flow ranging from no-flow to the maximum flow. The Discharger shall maintain the O&M Manual in useable condition and available for reference and use by all personnel. The Discharger shall regularly review, and revise/update the O&M Manual in order for the document(s) to remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and revisions or updates shall be completed as necessary and submitted to the Regional Board on an annual basis. A copy of the O&M Manual shall be submitted to the Executive Officer 60 days prior to discharge for review and approval.

16. **Disinfection Manual:** The UV disinfection system and membrane filtration system require additional operational supervision and maintenance to ensure successful operation at varying flows. The Discharger shall submit an O&M Manual for these two systems prior to startup. The maintenance and operation of the UV system shall comply with the National Water Research Institute/American Water Works Association Research Foundation Ultraviolet (UV) Disinfection Guidelines. UV disinfection systems maintenance shall be included in the annual summary and O&M Report.
17. **Notification:** For violations of effluent bacteria concentration limits contained in this Order, the Discharger shall notify the Regional Board's Project Manager within 24 hours of knowledge of the violation either by telephone or electronic mail. Within 30 days of the adoption of this Order, the Discharger shall provide for the Regional Board's Project Manager approval a report detailing which violations warrant notice within 24 hours of knowledge of the violation. All other violations shall be reported to Regional Board in the Discharger's next regularly scheduled monitoring report. The monitoring report shall 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.
18. **Other Regulations:** This Order does not relieve the Discharger from the responsibility 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.
19. **Termination or Modification:** 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; or
 - 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.
20. **Additional Reports:** The Discharger shall furnish, within a reasonable period of time, any information the Regional Board may request to determine whether or not 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.

21. **Standard Provisions:** This Order includes the attached *Standard Provisions Applicable to Waste Discharge Requirements* 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.
22. **Access:** The Discharger shall allow Regional Board staff, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - b. Have access to and copy any records that must be kept under the conditions of this Order;
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. Sample or monitor for the purposes of assuring compliance with this Order, or as otherwise authorized by the Water Code, any substances or parameters at any locations.
23. **Term:** The waste discharge requirements contained in this Order will remain in effect for a period of five (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 expiration date of this Order for consideration of issuance of new or revised waste discharge requirements. Any discharge of waste five (5) years after the date of issuance of this Order without obtaining a new WDR from the Regional Board is a violation of Water Code Section 13264. The Regional Board is authorized to take appropriate enforcement action for any noncompliance with this provision including assessment of penalties.
24. **Review and Revision:** In accordance with Water Code Section 13263(e), these requirements are subject to periodic review and revision by the Regional Board within a five (5) year cycle.
25. **Discharge a Privilege:** In accordance with 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.

26. Posting: A copy of this Order shall be maintained on the Site so as to be available at all times to operating personnel.

G. REOPENER

1. This Order may be reopened to delete outdated requirements, or to include additional or modified requirements to address pollutant loading problems verified by monitoring data, Discharger workplans or mitigation plans, or TMDL or Basin Plan mandates.

I, Samuel Unger, Interim Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of this Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 6, 2010.



Samuel Unger, P.E.
Interim Executive Officer



FIGURE 1: MALIBU CANTINA, LLC // SUBJECT PROPERTY
22716 PACIFIC COAST HIGHWAY, MALIBU, CA 90265

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

MONITORING AND REPORTING PROGRAM No. CI-9602
FOR

MALIBU CANTINA LLC

(File No. 09-054)

I. REPORTING REQUIREMENTS

Malibu Cantina LLC (hereinafter the Discharger) shall implement this monitoring and reporting program for the proposed restaurant located at 22716 Pacific Coast Highway, Malibu, California 90265, on the effective date of this Order.

- A. For the initial 12 weeks of operation of the advanced onsite wastewater treatment system, weekly sampling results shall be submitted monthly on the 15th of the following month. After the initial 12 weeks, monthly sampling results shall be submitted quarterly. The first quarterly monitoring report under this Program, for April – June 2010, shall be received at the Regional Board by July 15, 2010. Subsequent monitoring reports shall be received by the Regional Board on a quarterly basis by 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. If there is no discharge during any reporting period, the report shall so state. Monitoring reports must be addressed to the Regional Board, Attention: Information Technology Unit.
- C. By January 30th of each year, beginning January 30, 2011, 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, and maintenance procedures. 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.
- D. Laboratory analyses – all chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health Environmental Laboratory Accreditation Program (ELAP). A copy of the laboratory certification shall be provided each time a new and/or renewal certification is obtained from ELAP.

- E. 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. The Discharger shall submit a list of the analytical methods employed for each test and the associated laboratory quality assurance/quality control (QA/QC) procedures upon request by the Regional Board.
- F. Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 CFR Part 136. All QA/QC samples must be run on the same dates when samples were actually analyzed. At least once a year, the Discharger shall maintain and update a list of the analytical methods employed for each test and the associated laboratory QA/QC procedures. The Discharger shall make available for inspection and/or submit the QA/QC documentation upon request by Regional Board staff.
- G. Each monitoring report must affirm in writing that "All analyses were conducted at a laboratory certified for such analyses by the California Department of Public Health, and in accordance with current United States Environmental Protection Agency (USEPA) guideline procedures or as specified in this Monitoring Program."
- H. Proper chain of custody procedures must be followed and a copy of the completed chain of custody form shall be submitted with the report.
- I. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall be located at the front of the report and shall clearly list all non-compliance with discharge requirements, as well as all excursions of effluent limitations.
- J. For every item where the requirements are not met, the Dischargers 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.
- K. The Discharger shall maintain all records of 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.

- L. If the Discharger performs analyses on any effluent more frequently than required by this Order using approved analytical methods, the results of those analyses shall be included in the report. Those results shall also be reflected in the calculation of the average values used in demonstrating compliance with average effluent limitations.
- M. 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.
- N. Any mitigation/remedial activity including any pre-discharge treatment conducted at the site must be reported in the quarterly monitoring report. In addition, if effluent or groundwater monitoring programs have not yet been implemented, a short description of the status of both shall also be included.
- O. The annual report shall also include any updates or changes to documents submitted during the first year after approval of Order No. R4-2010-0072.

II. WATER QUALITY MONITORING REQUIREMENTS

A. Pretreatment and Start-up Monitoring

1. Occupant of Property: The Discharger shall provide the name of the occupant that will discharge into the advanced onsite wastewater treatment system (OWTS) together with the flow and characteristics of the waste stream from that occupant. Evidence of pre-treatment education and/or lease language on pretreatment shall be provided for the occupant.
2. ~~Water Conservation Report: Documentation of conservation efforts shall be provided for approval by the Executive Officer within 30 days after adoption of Order No. R4-2010-0072. Actual water savings shall be documented for each quarter.~~
3. Baseline Groundwater Elevation: The Discharger shall establish baseline groundwater elevations and water quality from all onsite monitoring wells prior to initial discharge and document them in the quarterly monitoring report.
4. Surface Water Quality: The Discharger shall establish a surface water quality baseline. The surface water quality monitoring program shall at a minimum consist of two monitoring stations near the east and west boundaries of your ocean front property at ankle depth during low tide.

B. Influent Monitoring

1. Wastewater Flow: The Discharger shall document continuous measurement of the wastewater flow and calculate the monthly average and daily waste flow from the collection system to the treatment system and discharge systems.
2. Potable Flow: The Discharger shall monitor influent daily flows with a flow meter with signal to the advanced OWTS's control panel for tracking and logging.
3. Periods when influent or effluent flow must be modified due to the minimum separation requirement between the bottom of the leachfield and the water table shall be described in the quarterly reports. Any corrective actions taken to eliminate discharge during each period of high groundwater shall be described in each quarterly report. If the five feet of separation is maintained in all groundwater monitoring wells, the report shall so state.

C. Effluent Monitoring

1. A sampling station shall be established at a location where representative samples of treated effluent can be obtained prior to discharge to the leachfield disposal system.

a. The following tests shall constitute the effluent monitoring program:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency Of Analysis</u>
Total Flow	gal/day	recorder	continual
pH	pH units	grab	weekly ¹ /monthly
Total Suspended Solids	mg/L	grab	weekly ¹ /monthly
BOD ₅ 20°C	mg/L	grab	weekly ¹ /monthly
Oil and grease	mg/L	grab	weekly ¹ /monthly
Fecal coliform	MPN/100mL ²	grab	weekly ¹ /monthly
Total coliform	MPN/100mL ²	grab	weekly ¹ /monthly
Enterococcus	MPN/100mL ²	grab	weekly ¹ /monthly
Nitrate-N	mg/L	grab	weekly ¹ /monthly
Nitrite-N	mg/L	grab	weekly ¹ /monthly
Organic Nitrogen	mg/L	grab	weekly ¹ /monthly
Ammonia-N	mg/L	grab	weekly ¹ /monthly
Sulfate	mg/L	grab	weekly ¹ /monthly
Boron	mg/L	grab	weekly ¹ /monthly
Chloride	mg/L	grab	weekly ¹ /monthly
TDS (Total Dissolved Solids)	mg/L	grab	weekly ¹ /monthly

¹ For the first 12 weeks after the wastewater treatment system start-up, all of the above constituents must be analyzed weekly. After the start-up period and the establishment of system operational performance and effluent limits have been met, the effluent monitoring frequency shall be reduced to a monthly interval. If effluent limitations cannot be met, the Executive Office may require more frequent monitoring.

² MPN/100mL: Most Probable Number per 100 milliliters; discharger has the option to report total coliform in terms of CFU/100mL after providing advance notice of intent to do so to the Executive Officer.

D. Surface Water Monitoring

A nearshore water monitoring program shall be implemented to detect and evaluate impacts from wastewater discharges to surface water, if any. Samples from the Pacific Ocean Nearshore Zone shall be collected at ankle depth during low tide and analyzed. A map depicting the Pacific Ocean Nearshore Zone sampling locations shall be submitted 60 days prior to discharge to the Executive Officer for review and approval. The following shall constitute the surface water monitoring program:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency Of Analysis</u>
Total coliform	MPN/100mL ⁴	grab	weekly ³ /monthly
Fecal coliform	MPN/100mL ⁴	grab	weekly ³ /monthly
Enterococcus	MPN/100mL ⁴	grab	weekly ³ /monthly
Ammonia-N	µg/L	grab	weekly ³ /monthly
Nitrate-N	mg/L	grab	weekly ³ /monthly
Nitrite-N	mg/L	grab	weekly ³ /monthly
Organic Nitrogen	mg/L	grab	weekly ³ /monthly
Sulfate	mg/L	grab	weekly ³ /monthly
Boron	mg/L	grab	weekly ³ /monthly
Chloride	mg/L	grab	weekly ³ /monthly

Surface water monitoring reports must include the following information:

- a. Sample location, including date and time sampled;
- b. A map depicting sample locations;
- c. Sampler identification and laboratory used and chain of custody;
- d. Water temperature;
- e. Water elevation (tide); and
- f. Direction of current.

Based on the results of the first six (6) months of monthly analyses, the Discharger may propose to the Executive Officer for review and approval a reduced sampling and testing program.

E. Groundwater Monitoring

1. A groundwater monitoring plan shall be submitted 60 days prior to discharge to the Executive Officer for review and approval.

2. Groundwater Monitoring Design: Representative samples of groundwater and elevation limits shall be obtained from all groundwater monitoring wells installed at the Site. The separation between the base of the leachfield and the water table and the water quality shall be measured within five (5) feet of the edge the leachfield during high tide.

a. The following tests shall constitute the groundwater monitoring program:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency Of Analysis</u>
Total Flow	gal/day	recorder	Continual
pH	pH units	grab	weekly ³ /monthly
Total Suspended Solids	mg/L	grab	weekly ³ /monthly
BOD ₅ 20°C	mg/L	grab	weekly ³ /monthly
Oil and grease	mg/L	grab	weekly ³ /monthly
Total coliform	MPN/100mL ⁴	grab	weekly ³ /monthly
Fecal coliform	MPN/100mL ⁴	grab	weekly ³ /monthly
Enterococcus	MPN/100mL ⁴	grab	weekly ³ /monthly
Ammonia-N	µg/L	grab	weekly ³ /monthly
Nitrate-N	mg/L	grab	weekly ³ /monthly
Nitrite-N	mg/L	grab	weekly ³ /monthly
Organic Nitrogen	mg/L	grab	weekly ³ /monthly
Sulfate	mg/L	grab	weekly ³ /monthly
Boron	mg/L	grab	weekly ³ /monthly
Chloride	mg/L	grab	weekly ³ /monthly
TDS (Total Dissolved Solids)	mg/L	grab	weekly ³ /monthly

b. The objectives of the groundwater monitoring program shall be to:

- (1) Measure vertical separation between the bottom of the leachfield and the water table, and
- (2) Measure the interactions of the contaminants in the effluent discharged to the groundwater.

³ For the first 12 weeks after the wastewater treatment system start-up, all of the above constituents must be analyzed weekly. After the start-up period and the establishment of system operational performance and effluent limits have been met, the effluent monitoring frequency shall be reduced to a monthly interval. If effluent limitations cannot be met, the Executive Office may require more frequent monitoring.

⁴ MPN/100mL: Most Probable Number per 100 milliliters; discharger has the option to report total coliform in terms of CFU/100mL after providing advance notice of intent to do so to the Executive Officer.

- (3) Measure depth to groundwater and determine flow direction at the Site.
- c. All groundwater monitoring and reports must include, at minimum, the following:
- (1) Well identification, date and time of sampling;
 - (2) Sampler identification, laboratory identification; and chain of custody;
 - (3) Water temperature (in field);
 - (4) Continuous observations of groundwater levels, recorded and reported to within .01 feet above mean sea level and to within .01 feet below the surface; and
 - (5) Daily calculation of vertical separation of the water table from the bottom of the leachfield.
- d. Based on the results of the first six (6) months of monthly analyses, the Discharger may propose to the Executive Officer for review and approval a reduced sampling and testing program.

F. Provisions Reporting

1. Bypass Events: Each pumping event must be documented in the quarterly monitoring report, accompanied by the date, time, volume and documentation of written notification of the Executive Officer.
2. Odor complaints shall be reported along with documentation of the operator response. Multiple odor complaints during a quarter are considered indicative of a preventable nuisance, and should be documented in the quarterly report with the specific technical measures taken by the Discharger to prevent a reoccurrence.

III. GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

All chemical, bacteriological, and toxicity analysis shall be conducted at a laboratory certified for such analysis by the State Department of Health Services Environmental Laboratory Accreditation Program, or approved by the Executive Officer. Laboratory analysis must follow methods approved by the United States Environmental Protection Agency (USEPA), and the laboratory must meet USEPA Quality Assurance/Quality Control criteria. Analytical data reported as less than or below the detection limit for the purpose of reporting compliance with limitations, shall be reported as "less than" a numerical value or "below the detection limit" for that particular analytical method (also giving the numerical detection limit).

IV. GENERAL PROVISIONS FOR REPORTING

The Discharger shall identify all instances of non-compliance and shall submit a statement of the actions undertaken, or proposed, that will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction. The quarterly reports shall contain the following information:

- A. A statement relative to compliance with discharge specifications during the reporting period; and
- B. Results of daily observations in the disposal area for any overflow or surfacing of wastes, and/or other visible effects of the waste discharge.

V. WASTE HAULING REPORTING

In the event that waste 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.

VI. OPERATION AND MAINTENANCE REPORTING

The Dischargers shall submit to the Executive Officer 60 days prior to initial discharge an Operations and Maintenance Manual (O&M Manual) for the System at flow ranging from no-flow to the maximum flow before discharge. The Dischargers shall maintain the O&M Manual in useable condition, and available onsite for reference and use by all personnel at all time. The Discharger shall regularly review, revise, and update the O&M Manual as necessary, in order for the document(s) to remain useful and relevant to current equipment and operation practices. The information to be contained in the O&M Manual 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. Planned maintenance pumping out of the septic tanks; and
- E. Planned maintenance of leaching/disposal fields system.
- F. Other material as specified in this WDR such as UV and Membrane Operation and Maintenance reports.

VII. MONITORING FREQUENCIES

The Executive Officer may authorize less frequent monitoring or reporting, or change the constituents if the Discharger makes a request and the request is supported by statistical trends of monitoring data submitted.

VIII. CERTIFICATION STATEMENT

Each report shall contain the following declaration:

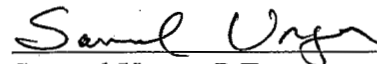
"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry 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.



Samuel Unger, P.E.
Interim Executive Officer

STANDARD PROVISIONS
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. [CWC Sections 13267 and 13263]

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. [CWC Section 13260(c)]. A material change includes, but is not limited to, the following:

- (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the Waste.

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- (b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- (d) Increase in flow beyond that specified in the waste discharge requirements.
- (e) Increase in the area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. [CWC Section 13263(g)]

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of the requirements shall not be affected. [CWC Section 921]

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10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training; and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 1327(a)]

12. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. [CWC Section 13272]

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13. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. [CWC Section 13267]

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Office a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

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15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGE TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Office within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plan upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and record of all data used

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to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
 - (b) The individual(s) who performed the sampling or measurement;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or method used; and
 - (f) The results of such analyses.
19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
- (1) For a corporation – by a principal executive officer or at least the level of vice president.
 - (2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.
- (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
 - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

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"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plan shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]