



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

To: Tom Howard
Executive Director
California State Water Resources Control Board

From: Samuel Unger, P.E. *SU*
Executive Officer
California Regional Water Quality Control Board, Los Angeles Region

Date: July 17, 2014

Subject: REQUEST FOR STATE WATER BOARD APPROVAL – REGIONAL BOARD RESOLUTION R14-003 ADOPTING AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO RECONSIDER TABLE 4-ZZ OF RESOLUTION NO. R4-2009-007, PROHIBITION OF ON-SITE WASTEWATER DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA

On November 5, 2009, the Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted Resolution No. R4-2009-007 amending the Water Quality Control Plan (Basin Plan) to include a prohibition of on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area (2009 BPA). The 2009 BPA sets forth an immediate prohibition on new OWDSs and a final prohibition on existing OWDSs in the Malibu Civic Center area (Attachment 1). It also included a temporary exemption for certain properties that demonstrated that they had progressed through the local agency entitlement process for their OWDSs, and those were listed in Table 4-zz of the 2009 BPA. On February 6, 2014, the Los Angeles Water Board adopted Resolution R14-003 (Attachment 2), reconsidering and revising Table 4-zz of Resolution No. R4-2009-007 to make corrections to and add additional properties to Table 4-zz

The Los Angeles Water Board requests that the State Water Board approve the Resolution R14-003 as soon as possible. The Los Angeles Water Board will issue the Notice of Opportunity for Public Comment. The adopted Resolution R14-003 will be made available for public comment at the following Regional Water Board web site:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml

The purposes of Resolution No. R14-003 are to:

1. Clarify the Los Angeles Water Board's intent regarding the criteria for including properties identified on Table 4-zz by specifying the meaning of the phrase "progressed through the entitlement process" as set forth in Resolve 1 of the 2009 BPA;
2. Modify Table 4-zz by deleting four duplicate listings with incorrect assessor parcel numbers (APNs) and updating properties with correct addresses and APNs;

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

3. Ratify Table 4-zz as modified by Los Angeles Water Board staff following adoption of the 2009 BPA by the Board and subsequently approved by the State Water Board and the Office of Administrative Law (OAL); and,
4. Add to Table 4-zz one additional that provided sufficient evidence that the project had progressed through the appropriate agency's entitlement process as of November 5, 2009.

This Los Angeles Water Board action consisted of a limited reconsideration of Table 4-zz in the 2009 BPA and does not result in any new environmental effects not previously analyzed. And, this action does not alter the environmental analysis that was previously prepared for the 2009 BPA because the revisions to Table 4-zz will not result in different implementation actions than those previously analyzed, or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, Title 14, section 15187. As such, this amendment to the Basin Plan is consistent with the prior CEQA documentation and no additional environmental analysis is required.

The prohibition set forth in the 2009 BPA includes as a condition a temporary exemption from the prohibition for those properties that had progressed through the entitlement process for a new or upgraded OWDS. The Malibu Prohibition includes the condition that all existing commercial properties, including those with temporary exemptions in Table 4-zz, are subject to a final prohibition on the use of OWDSs as of November 5, 2015, and all existing residential properties, including those with temporary exemptions in Table 4-zz, are subject to the final prohibition on the use of OWDSs as of November 5, 2019. The addition of commercial properties on Table 4-zz does not alter those provisions in the 2009 BPA and does not authorize discharges that could cause degradation of ground or surface water.

Should you have any questions or concerns regarding the Resolution R414-003, please contact Dr. Don Tsai at (213) 620-2264 or dtsai@waterboards.ca.gov or Frances McChesney, Attorney IV, at (916) 341-5174 or frances.mcchesney@waterboards.ca.gov for legal questions.

Attachments:

- Regional Water Board Resolution No. R14-003
- Regional Water Board Resolution No. R4-2009-007
- Memo from Frances L. McChesney regarding Peer Review

cc (w/attachments): Vicky Whitney, DWQ, Deputy Director
Nirmal Sandhar, DWQ
Frances L. McChesney, OCC, Attorney IV