



# California Regional Water Quality Control Board

## Los Angeles Region



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

Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

April 24, 2009

Mr. Michael Koss and Mr. Stephen McNelis  
Malibu Country Mart III  
12410 Santa Monica Boulevard  
Los Angeles, CA 90025

FACSIMILE AND MAIL

**NOTICE OF VIOLATION – MALIBU COUNTRY MART III, 3900 CROSS CREEK ROAD, MALIBU, CA (WASTE DISCHARGE REQUIREMENTS (WDR) ORDER NO. R4-2002-0196, AMENDED TIME SCHEDULE ORDER (TSO) NO. R4-2005-0013, CI-8512, FILE NO. 00-74)**

Dear Mr. Koss and Mr. McNelis:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced property above.

### **Violation of Time Schedule Order**

You are subject to the Amended Time Schedule Order (TSO), No. R4-2005-0013, in which the Regional Board specified a deadline for the upgrade of your facility. We issued a Notice of Violation for failure to comply with Amended TSO on September 4, 2008. To date, you are still out of compliance with Amended TSO. You are hereby advised that you are subject to enforcement action for violations of the Amended TSO established in Order No. R4-2005-0013.

### **Violation of Waste Discharge Requirements**

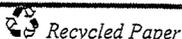
You are subject to Order No. R4-2002-0196, in which the Regional Board specifies waste discharge requirements for discharges from your septic system. Under Monitoring and Reporting Program No. 8512, which is part of Order No. R4-2002-0196, you are required to self monitor your discharge and to submit monitoring reports at regular intervals.

You are hereby notified that you are in violation of waste discharge requirements specified in Board Order No. R4-2003-0196, as follows:

- **Failure to Submit Monitoring Reports:**

The Regional Board has not received the following monitoring reports as shown in Table 1 below:

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MONITORING PERIOD	REPORT DUE
Annual 2004	01/30/05
Annual 2005	01/30/06
Annual 2006	01/30/07
Annual 2007	01/30/08
Annual 2008	01/30/09

- **Failure to Submit Monitoring Reports on time**

The Regional Board has not received the following monitoring reports on time as shown in Table 2 below:

MONITORING PERIOD	REPORT DUE	DATE RECEIVED	DAYS LATE
1 <sup>st</sup> Quarter 2005	04/15/05	04/20/05	5
2 <sup>nd</sup> Quarter 2005	07/15/05	07/20/05	5
1 <sup>st</sup> Quarter 2006	04/15/06	04/20/06	5
2 <sup>nd</sup> Quarter 2006	07/15/06	07/24/06	9
3 <sup>rd</sup> Quarter 2006	10/15/06	10/30/06	15
4 <sup>th</sup> Quarter 2006	01/15/07	02/23/07	39
1 <sup>st</sup> Quarter 2007	04/15/07	05/07/07	22
2 <sup>nd</sup> Quarter 2007	07/15/07	07/18/07	3
3 <sup>rd</sup> Quarter 2007	10/15/07	10/19/07	4
4 <sup>th</sup> Quarter 2007	01/15/08	01/18/08	3
1 <sup>st</sup> Quarter 2008	04/15/08	09/09/08	147
2 <sup>nd</sup> Quarter 2008	07/15/08	09/09/08	56
3 <sup>rd</sup> Quarter 2008	10/15/08	03/24/09	160
4 <sup>th</sup> Quarter 2008	01/15/09	03/24/09	68

- **Violations of Effluent and Groundwater Limits**

You have failed to report effluent data from the 1<sup>st</sup> Quarter of 2007 to the 4<sup>th</sup> Quarter of 2008. According to the Monitoring and Reporting Program, it is specified that you must use Mean Sea Level (MSL) for elevation to gather data. These violations are identified in the Table 3 and 4 attached.

You are required to comply immediately with the following:

1. Immediately submit all missing monitoring reports required by Monitoring and Reporting Program, CI-8512 (see Table 1 above).
2. In the future, submit your monitoring reports by the due dates listed in Monitoring and Reporting Program, CI-8512.



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3. Ensure full reporting of all required monitoring parameters specified in Monitoring and Reporting Program CI-8512.
4. Immediately implement corrective and preventative actions to bring your discharge into full compliance with Order No. R4-2002-0196.
5. Submit, by **May 25, 2009**, a report detailing the corrective and preventive actions taken to come into full compliance with Board Order No. R4-2002-0196.

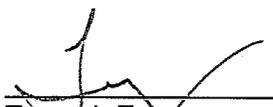
Pursuant to California Water Code §13350 (e), you are subject to penalties of up to \$5,000 for each day in which each violation occurs or \$10 for each gallon of waste discharged, but not both. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board may request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request that the United States Attorney, appropriate County District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any questions please call Project Manager, Ms. Toni Callaway, at (213) 620-2259 or Unit Chief of Groundwater Permitting, Dr. Rebecca Chou, at (213) 620-6156 regarding this matter.

Sincerely,

  
\_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

Enclosures

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. David Pedersen, Department of Public Works, Los Angeles County

*California Environmental Protection Agency*

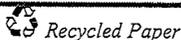




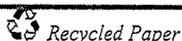
Table 3 - Effluent Violations Summary

MONITORING PERIOD	VIOLATION TYPE	CONSTITUENT	REPORTED VALUE	PERMIT LIMIT	UNIT
1 <sup>st</sup> Quarter 2007	Effluent	pH	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Total Suspended Solids	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Oil and Grease	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Fecal Coliform	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Enterococcus	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Ammonia-N	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Nitrate-N	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Nitrite-N	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Organic-N	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Residual Chlorine	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Total Dissolved Solids	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Sulfate	Not Reported		
1 <sup>st</sup> Quarter 2007	Effluent	Chloride	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	pH	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Total Suspended Solids	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Oil and Grease	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Fecal Coliform	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Enterococcus	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Ammonia-N	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Nitrate-N	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Nitrite-N	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Organic-N	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Residual Chlorine	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Total Dissolved Solids	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Sulfate	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Volatile Organics	Not Reported		
2 <sup>nd</sup> Quarter 2007	Effluent	Chloride	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	pH	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Total Suspended Solids	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Oil and Grease	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Fecal Coliform	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Enterococcus	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Ammonia-N	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Nitrate-N	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Nitrite-N	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Organic-N	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Residual Chlorine	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Total Dissolved Solids	Not Reported		



MONITORING PERIOD	VIOLATION TYPE	CONSTITUENT	REPORTED VALUE	PERMIT LIMIT	UNIT
3 <sup>rd</sup> Quarter 2007	Effluent	Sulfate	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Chloride	Not Reported		
3 <sup>rd</sup> Quarter 2007	Effluent	Volatile Organics	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	pH	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Total Suspended Solids	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Oil and Grease	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Fecal Coliform	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Enterococcus	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Ammonia-N	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Nitrate-N	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Nitrite-N	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Organic-N	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Residual Chlorine	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Total Dissolved Solids	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Sulfate	Not Reported		
4 <sup>th</sup> Quarter 2007	Effluent	Chloride	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	pH	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Total Suspended Solids	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Oil and Grease	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Fecal Coliform	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Enterococcus	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Ammonia-N	Not Reported		
1 <sup>st</sup> Quarter 2008	Effluent	Nitrate-N	Not Reported		
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1 <sup>st</sup> Quarter 2008	Effluent	Chloride	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	pH	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	Total Suspended Solids	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
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2 <sup>nd</sup> Quarter 2008	Effluent	Nitrate-N	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	Nitrite-N	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	Organic-N	Not Reported		
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2 <sup>nd</sup> Quarter 2008	Effluent	Total Dissolved Solids	Not Reported		

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MONITORING PERIOD	VIOLATION TYPE	CONSTITUENT	REPORTED VALUE	PERMIT LIMIT	UNIT
2 <sup>nd</sup> Quarter 2008	Effluent	Sulfate	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	Volatile Organics	Not Reported		
2 <sup>nd</sup> Quarter 2008	Effluent	Chloride	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	pH	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Total Suspended Solids	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Oil and Grease	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Fecal Coliform	Not Reported		
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3 <sup>rd</sup> Quarter 2008	Effluent	Nitrate-N	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Nitrite-N	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Organic-N	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Residual Chlorine	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Total Dissolved Solids	Not Reported		
3 <sup>rd</sup> Quarter 2008	Effluent	Sulfate	Not Reported		
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3 <sup>rd</sup> Quarter 2008	Effluent	Volatile Organics	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	pH	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	Total Suspended Solids	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	BOD <sub>5</sub> 20°C	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	Oil and Grease	Not Reported		
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4 <sup>th</sup> Quarter 2008	Effluent	Total Dissolved Solids	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	Sulfate	Not Reported		
4 <sup>th</sup> Quarter 2008	Effluent	Chloride	Not Reported		



Table 4 - Groundwater Violations Summary

MONITORING PERIOD	VIOLATION TYPE	SPECIFIED WELL ELEVATION DATUM
4 <sup>th</sup> Quarter 2004	Groundwater	Mean Sea Level
1 <sup>st</sup> Quarter 2005	Groundwater	Mean Sea Level
2 <sup>nd</sup> Quarter 2005	Groundwater	Mean Sea Level
3 <sup>rd</sup> Quarter 2005	Groundwater	Mean Sea Level
4 <sup>th</sup> Quarter 2005	Groundwater	Mean Sea Level
1 <sup>st</sup> Quarter 2006	Groundwater	Mean Sea Level
2 <sup>nd</sup> Quarter 2006	Groundwater	Mean Sea Level
3 <sup>rd</sup> Quarter 2006	Groundwater	Mean Sea Level
4 <sup>th</sup> Quarter 2006	Groundwater	Mean Sea Level
1 <sup>st</sup> Quarter 2007	Groundwater	Mean Sea Level
2 <sup>nd</sup> Quarter 2007	Groundwater	Mean Sea Level
3 <sup>rd</sup> Quarter 2007	Groundwater	Mean Sea Level
4 <sup>th</sup> Quarter 2007	Groundwater	Mean Sea Level
1 <sup>st</sup> Quarter 2008	Groundwater	Mean Sea Level
2 <sup>nd</sup> Quarter 2008	Groundwater	Mean Sea Level
3 <sup>rd</sup> Quarter 2008	Groundwater	Mean Sea Level
4 <sup>th</sup> Quarter 2008	Groundwater	Mean Sea Level

