



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

October 20, 2008

Mr. Jim Thorsen
Manager, City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265-4861

Mr. John J. O'Brien
Malibu Lumber LLC
c/o Weintraub Financial Services Inc.
P.O. Box 6528
Malibu, CA 90264

Dear Mr. O'Brien and Mr. Thorsen:

TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDR), WATER RECLAMATION REQUIREMENTS (WRR) AND MONITORING AND REPORTING PROGRAM (MRP) FOR MALIBU LUMBER LLC AND THE CITY OF MALIBU'S MALIBU LUMBER, 23419 WEST PACIFIC COAST HIGHWAY, MALIBU, CALIFORNIA (FILE NO. 02-058)

The purpose of this letter is to inform you that we are seeking public review and comment on the tentative Waste Discharge Requirements (WDRs), Water Reclamation Requirements (WRRs) and Monitoring and Reporting Program (CI-XXXX) (MRP) for Malibu Lumber.

Status of Application (Report of Waste Discharge)

Malibu Lumber LLC and the City of Malibu submitted a Report of Waste Discharge (ROWD) for new waste discharge requirements (WDRs) for disposal of wastewater from a new wastewater treatment and recycling facility on May 3, 2007. Based on our review of the ROWD and pursuant to the California Water Code, tentative WDR/WRR and MRP were prepared for the redevelopment of the Malibu Lumber facility.

While our letter of October 6, 2008, stated that your Report of Waste Discharge (ROWD) was sufficient to allow us to prepare a tentative WDR/WRR and MRP for review by the Regional Board, you still have not provided some technical documents that are normally required before a tentative WDR/WRR is issued for public review, and which we requested beginning in May 2008. Regional Board staff requested: (a) full and final engineering plans for your treatment plant and disposal systems, (b) maps and cross sections of your leachfield superimposed on your Draft EIR construction plans for Legacy Park, and (c) operation and maintenance plans for the treatment plant and disinfection system. These items must be submitted and approved by our Executive Officer before discharge.

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While you advised us via email on October 17, 2008, that the missing engineering design documents would be available shortly, our requirements for public review necessitate that we evaluate your proposed redevelopment based on the materials provided by this date to allow all interested parties to review and comment on the technical details before the Regional Board hearing. As a result, we have completed the tentative WDR/WRR and MRP based on the material you provided, but modified the documents to specify that discharge cannot begin until the missing materials are provided and have received approval from our Executive Officer. Further, a placeholder has been included where the necessary figures would be inserted.

Hearing Location and Expected Action

In accordance with administrative procedures, this Regional Water Board (Board) will conduct a public hearing on December 11, 2008, to be held at 9:00 a.m., at the County of Ventura Government Center located at 800 North Victoria Street in Ventura, California, to consider the enclosed revised tentative WDR/WRR and MRP. The Board will hear any testimony pertinent to this discharge, the tentative requirements, monitoring and reporting program. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Regional Board at its discretion may order further investigation.

Deadline for Comments

Written comments or testimony regarding these tentative WDR/WRR and MRP must be received at the Board's office by the close of business on November 20, 2008 in order to be evaluated by Board staff and included in the Board's agenda folder. Timely submittal of written comments is encouraged to ensure that all comments are accurately and fully included in the administrative record, that Board staff is able to provide timely review, and that Board Members have sufficient time to give full consideration to the comments and issues raised. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence.

An electronic copy of the tentative WDR/WRR and MRP is also available at http://www.waterboards.ca.gov/losangeles/html/permits/all_tentative_permits.html.

Standard Provisions, which are part of these tentative requirements, are enclosed for the addressee only. However, these are on file in the Board's Office, and a copy will be sent to anyone upon request.



Mr. Jim Thorsen
Mr. J.J. O'Brien

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October 20, 2008

If you have any questions or need additional information, please call Project Manager, Ms. Elizabeth Erickson at (213) 620-2264 or Unit Chief, Dr. Rebecca Chou at (213) 620-6156.

Sincerely,



Wendy Phillips, P.G., C.E.G., C.H.G.
Chief of Groundwater Permitting Section

Enclosures:

1. Tentative WDR, WRR and MRP
2. Standard Provisions

cc: Mr. Craig George, Mr. Granville Bowman, Mr. Andrew Sheldon, City of Malibu
Dr. Mark Gold, Heal the Bay
Mr. Don Schmitz, Schmitz and Associates, Inc.
Mr. John Yaroslaski, Ensitu Engineering, Inc.
Mr. Mark Pesterella, Department of Public Works, County of Los Angeles
Mr. Chi Diep, CA Dept. of Public Health Drinking Water Program
Ms. Tatiana Gaur, Santa Monica Baykeeper
Mr. Carlos Borja, Los Angeles County Public Works, Cross Connections
Mr. David Pedersen, Los Angeles County Public Works

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