

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

TIME SCHEDULE ORDER NO. R4-2012-YYYY

**REQUIRING THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
(MALIBU MESA WATER RECLAMATION PLANT)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R4-2012-XXXX
(NPDES PERMIT NO. CA0059099)**

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

1. The Los Angeles County Department of Public Works (hereafter Discharger) owns and operates the Malibu Mesa Water Reclamation Plant (Malibu Mesa WRP) located at 3863 Malibu Country Drive, Malibu, California.
2. The Malibu Mesa WRP's treatment system consists of headworks with comminutor, activated sludge and aeration, secondary clarification, coagulation, rapid mix, flocculation, sand filtration, and ultraviolet disinfection.
3. The Malibu Mesa WRP discharges tertiary-treated wastewater under waste discharge requirements contained in Order No. R4-2012-XXXX, adopted by this Regional Water Board on December 6, 2012. Order No. R4-2012-XXXX also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0059099), which regulates the discharge of treated wastewater to the Marie Canyon Creek and an unnamed canyon west of Marie Canyon Creek, which are waters of the United States and the State of California.
4. NPDES Order No. R4-2012-XXXX prescribes ammonia nitrogen final effluent limitations in Table 1 for protection of aquatic life in the receiving water.

Table 1. Final Effluent Limitation

Constituent	Units	Discharge Limitations	
		Daily Maximum	Monthly Average
Ammonia nitrogen	mg/L	15	3.5
	lbs/day	25	5.8

The previous Order No. R4-2007-0002 contained ammonia nitrogen effluent limitations of 3.15 mg/L as monthly average and 22.02 mg/L as daily maximum. Order No. R4-2012-XXXX prescribes an ammonia nitrogen daily maximum that is more stringent than the previous Order No. R4-2007-0002.

5. The previous Order No. R4-2007-0002 had an accompanying Time Schedule Order (TSO) No. R4-2007-0003. The 2007 TSO required the Discharger to achieve full compliance with the ammonia nitrogen and nitrate + nitrite as nitrogen limitations by December 10, 2011.
6. The Discharger completed the following milestones to comply with the requirements of the TSO Order No. R4-2007-003:

Table 2. Completed Milestones

Item No.	Task	Compliance Date	Status
1	Increase rates to pay for special project/studies.	July 1, 2007	Completed
2	Collect approximately \$100,000 to fund Pilot Test (Task 4)	January 1, 2008	Completed
3	Collect approximately \$270,000 to fund studies.	January 1, 2009	Completed
4	Complete Nitrification/Denitrification (NDN) Process modification pilot study.	July 1, 2009	Completed
5	Complete Bioassessment/Beneficial Uses Survey of Marie Canyon Creek.	October 1, 2009	Completed

Results of the Nitrification/Denitrification Process Pilot Study.

A temporary 17,500-gallon anoxic tank with mixers and auxiliary equipment was installed. Although the pilot study achieved zero oxygen in the anoxic tank, there was no reduction in total nitrogen during the test. The limited footprint of the Plant and the activated sludge microbiology were not conducive to denitrification. In order to comply with the effluent limitations for nitrogen compounds, the study recommended major rehabilitation or a complete replacement of the Plant.

7. The Discharger has complied with all of the milestones outlined in the 2007 TSO, but violations of the ammonia nitrogen effluent limitations in Order No. R4-2012-XXXX are still threatened. The Discharger has concluded that major rehabilitation or complete replacement of the Plant is necessary to comply with the ammonia nitrogen effluent limitations. In order to determine the best long-term solution, the Discharger needs additional time to evaluate the available options and to implement the selected Plant upgrades to consistently comply with the ammonia nitrogen effluent limitations.
8. On August 23, 2012, the Discharger submitted a letter to the Regional Water Board requesting another TSO for ammonia nitrogen effluent limitations. The Discharger also submitted a workplan schedule with milestones and listed the following as justification for their request:

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The treated effluent from the existing Plant will not be able to consistently meet the proposed ammonia nitrogen effluent limits. In order to comply with the effluent limitations for nitrogen compounds, a major upgrade or a complete replacement of the Plant is required.

Table 3. Workplan Schedule and Milestones

No.	Start Date	End Date	Duration	Milestone
1	December 2012	December 2014	24 months	Acquire funding for engineering upgrade feasibility study and design services.
2	January 2015	June 2015	6 months	Hire consultant for engineering services.
3	July 2015	June 2016	12 months	Complete engineering upgrade feasibility study.
4	July 2017	December 2017	18 months	Complete design (pre CEQA/permitted).
The above are required milestones during this permit cycle (2012-2017).				
5	January 2018	August 2019	20 months	Complete environmental documents, permitting, and identify/acquire funding for construction.
6	September 2019	June 2020	10 months	Finalize design, bid, and award construction contract.
7	July 2020	January 2021	7 months	Construction part 1, Notice to Proceed (NTP) (Submittals, equipment fabrication, mobilization, etc.)
8	February 2021	September 2022	20 months	Construction part 2, NTP (Construction work).
9	October 2022	December 2022	3 months	Complete testing and start up.

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9. California Water Code (hereinafter Water Code) section 13300 states:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such

modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

10. The Discharger has not discharged treated effluent into the receiving waters since 2005. A review of monitoring data indicates that future discharge from the facility may not consistently achieve compliance with the final effluent limitations for ammonia nitrogen in Order No. R4-2012-XXXX. Accordingly, pursuant to Water Code section 13300, a discharge of waste threatens to take place that violates requirements prescribed by the Regional Water Board.
11. Water Code section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties "where the waste discharge is in compliance with ... a time schedule order issued pursuant to section 13300, *if all of the [specified] requirements are met.*" (emphasis added).
12. In accordance with Water Code section 13385(j)(3)(B), mandatory minimum penalties do not apply to a violation of an effluent limitation where the waste discharge is in compliance with a time schedule order issued pursuant to Section 13300 or 13308; the discharger is not able to consistently comply with the effluent limitation because the it is a new, more stringent limitation that became applicable after adoption of the prior permit; new or modified control measures are necessary in order to comply with the effluent limitation; and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
13. The daily maximum effluent limitation for ammonia nitrogen in the 2012 permit, Order No. R4-2012-XXXX, is more stringent than that in the 2007 permit, R4-2007-0002. As a result, the Discharger is unable to comply with the effluent limitation. It is necessary for the Discharger to implement new or modified control measures to comply with the new effluent limitation in the 2012 permit, which control measures cannot be designed, installed, and put into operation within 30 calendar days.
14. Pursuant to Water Code section 13385(j)(3)(C), upon a showing that the discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the Regional Water Board may extend the time schedule for an additional period not exceeding five years in length, if the discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
15. The Discharger made diligent progress toward bringing its waste discharge in compliance with the ammonia nitrogen effluent limitations in Order No. Order No.

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R4-2007-0002, pursuant to the TSO issued in 2007, Order No. R4-2007-0003. The Discharger's compliance with the actions and milestones identified in this TSO will also result in diligent progress toward bringing the waste discharge from the Malibu Mesa WRP in compliance with the ammonia nitrogen effluent limitations in Order No. R4-2012-XXXX. Additional time beyond five years, as depicted in Table 3, is necessary for the planning, permitting, and construction of the necessary upgrades to the facility to achieve compliance with the final effluent limitations.

16. Following a public hearing and upon a showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the daily maximum effluent limitation for ammonia by complying with the actions and milestones required by this TSO, the Regional Water Board may extend the time schedule for an additional time, not to exceed five years in length, if the Discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
17. Pursuant to Water Code section 13385(j)(3), full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties for violations of the final daily maximum effluent limitations for ammonia nitrogen in Order No. R4-2012-XXXX that occur after the effective date of this TSO until its expiration on December 5, 2017.
18. This TSO includes interim requirements and the dates for their achievement. The interim requirements include both an interim daily maximum effluent limitation for ammonia nitrogen and actions and milestones leading to compliance with the final effluent limitations for this pollutant.
19. This TSO is issued to assure the maintenance, restoration, enhancement, and protection of the environment; and is an administrative order enforcing waste discharge requirements. Therefore, issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, *et seq.*) in accordance with sections 15308 and 15321(a)(2) of Title 14 of the California Code of Regulations.
20. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to issue this TSO concerning compliance with waste discharge requirements. The Regional Water Board, during a public comment period, received and considered all comments on this matter
21. The Board, in a public hearing, heard and considered the administrative record and all testimony pertinent to this matter. All Orders referred to above, Regional Water Board files on this matter, and records of hearings and testimony therein are included in the administrative record by reference.

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IT IS HEREBY ORDERED that, pursuant to the Water Code sections 13300 and 13385(j)(3), the Los Angeles County Department of Public Works, as operator of the Malibu Mesa WRP, shall:

1. Comply with the following interim effluent limitation on the effective date of this TSO:

Table 4. Interim Effluent Limitations

Constituent	Units	Daily Maximum
Ammonia nitrogen	mg/L	22.02

The interim daily maximum effluent limitation for nitrogen in this TSO is set at the daily maximum effluent limitation previously applicable to the waste discharge under Order No. R4-2007-0002.

2. Complete all milestones included in this TSO as identified in Table 3, and achieve full compliance with the daily maximum ammonia nitrogen effluent limitations included in Order No. R4-2012-XXXX by December 5, 2022.
3. Submit a pollution prevention plan workplan with a time schedule for implementation for approval of the Executive Officer within 120 days of adoption of this TSO (by June 6, 2013), pursuant to Water Code section 13263.3.
4. Submit quarterly progress reports of efforts taken by the Discharger towards completing milestones and achieving compliance with the final effluent limitations for ammonia nitrogen. The reports shall summarize the progress to date, activities conducted during that quarter, and the activities planned for the upcoming quarters. The reports shall also state whether or not the Malibu Mesa WRP was in compliance with the interim daily maximum effluent limitations for ammonia nitrogen during the reporting period. Each quarterly report shall be received by the Regional Water Board by the 15th day of the first month following the reporting period (January 15, April 15, July 15, and October 15). The first progress report shall be received by the Regional Water Board by April 15, 2013, and will cover the months of January 2013 through March 2013.
5. All technical and monitoring reports required by this TSO are required pursuant to Water Code sections 13267 and 13383. The Regional Water Board needs the required information to determine compliance with this TSO and Order No. R4-2012-XXXX. The Discharger is already subject to similar reporting requirements pursuant to Order No. R4-2012-XXXX. Therefore, the burdens, including costs,

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of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

6. Any person signing a document submitted under this TSO shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 fine and imprisonment for knowing violations.”

7. If the Discharger fails to comply with any provision of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Regional Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
8. All other provisions of NPDES Order No. R4-2012-XXXX not in conflict with this TSO are in full force and effect.
9. The Regional Water Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
10. This TSO becomes effective immediately upon adoption by the Regional Water Board. This TSO expires on December 5, 2017.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 6, 2012.

Samuel Unger, P.E.
Executive Officer

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