



Los Angeles Regional Water Quality Control Board

March 1, 2019

Glimcher Malibu, LLC
c/o Glimcher Properties LP
180 E. Broad Street, 21st Floor
Columbus, OH 43215

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7018 2290 0001 8905 2558

TENTATIVE TERMINATION OF WASTEWATER DISCHARGE REQUIREMENTS ORDER NO. R4-2019-XXXX FOR MALIBU LUMBER AT LEGACY PARK, 3939 CROSS CREEK ROAD, MALIBU, CA 90265 (ORDER NO. R4-2008-0211, CI NO. 9481, FILE NO. 02-058, GLOBAL ID WDR100000538)

Dear Madam/Sir:

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. This facility mentioned above is located within the Regional Board's jurisdiction.

On December 11, 2008, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. R4-2008-0211 for the discharge of wastewater to land from an on-site wastewater disposal system (OWDS) at Malibu Lumber at Legacy Park located at 3939 Cross Creek Road in the City of Malibu (City). The individual WDRs required the discharge to meet effluent limitations and groundwater quality objectives in order to protect the water quality of the Malibu Valley Groundwater Basin and public health.

On November 5, 2009 the Regional Board adopted Resolution No. R4-2009-007 approving an amendment to Chapter 4 of the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan), to prohibit OWDSs in the Malibu Civic Center Area (Basin Plan Amendment). The Basin Plan Amendment requires that all commercial discharges to OWDSs in the Malibu Civic Center Area cease by November 5, 2015. In August 2011, the Regional Board, the State Water Resources Control Board (State Board), and the City entered into a Memorandum of Understanding (MOU), which was subsequently revised on December 4, 2014 and February 2, 2017, for the City to construct and startup the Malibu Civic Center Wastewater Treatment Facility (MCCWTF) and connect commercial properties within the Phase I boundaries, including Malibu Lumber at Legacy Park, by September 30, 2018.

In a February 8, 2019 letter, the Regional Board informed you that the individual WDRs Order No. R4-2008-0211 is no longer needed because based on information provided by the City the facility is connected to the MCCWTF and there is no discharge from the OWDS to land. Therefore, the Regional Board intends to terminate the WDRs. Enclosed is a copy of **tentative termination Order No. R4-2019-XXXX**.

IRMA MUÑOZ, CHAIR | DEBORAH SMITH, EXECUTIVE OFFICER

March 1, 2019

In accordance with administrative procedures, the Regional Board is scheduled to consider the tentative termination order at a public hearing to be held at 9:00 AM on **April 11, 2019**, at the Council Chambers of the City of Culver City, 9770 Culver Blvd., Culver City, California. The Regional Board will hear testimony pertinent to the tentative termination order. 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.

Written comments or testimony regarding the tentative termination order must be received at the Board's Office by 5:00 PM on April 2, 2019, in order to be evaluated by Board staff and included in the Board's agenda folder. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence. 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.

The agenda for the meeting will be posted on the Regional Water Board's website (http://www.waterboards.ca.gov/losangeles/board_info/agenda/index.shtml) approximately one week prior to the meeting.

If you have any questions, please contact the Project Manager, Dr. Don Tsai, at (213) 620-2264 (Don.Tsai@waterboards.ca.gov), or the Chief of the Groundwater Permitting Unit, Dr. Eric Wu at (213) 576-6683 (Eric.Wu@waterboards.ca.gov).

Sincerely,



Eric Wu, Ph.D., P.E.
Chief of Groundwater Permitting Unit

Enclosure: Tentative Termination Order No. R4-2019-XXXX

cc (via email): Ms. Reva Feldman, City of Malibu
Mr. Craig George, City of Malibu
Ms. Annalisa Moe, Heal the Bay

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION

320 West 4th Street, Suite 200, Los Angeles, California 90013
(213) 576-6660 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles/>

ORDER NO. R4-2019-XXXX TERMINATION OF INDIVIDUAL WASTE DISCHARGE REQUIREMENTS ISSUED TO DISCHARGERS IDENTIFIED AS PHASE I PROPERTIES IN THE MALIBU CIVIC CENTER ONSITE WASTEWATER DISPOSAL SYSTEMS (OWDS) DISCHARGE PROHIBITION AREA

Order No. 00-182 (File No. 00-065)
Order No. 01-010 (File No. 00-066)
Order No. R4-2002-0196 (File No. 00-074)
Order No. R4-2003-0029 (File No. 00-075)
Order No. R4-2003-0031 (File No. 76-044)
Order No. R4-2008-0211 (File No. 02-058)
Order No. R4-2015-0118 (File No. 08-010)

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

1. The Malibu Civic Center Area (Figure 1) is defined as the area within the lower Winter Canyon watershed, Malibu Valley watershed, and adjacent coastal strips between and including Amarillo Beach and Surfrider Beach.
2. Prior to January 2018, there were neither sewer lines nor publicly-owned treatment works to transport or treat domestic wastewater generated in the Malibu Civic Center Area. Between December 2000 and June 2015, the Regional Board issued seven individual Waste Discharge Requirements (WDRs) listed in Table 1 to regulate the discharges of wastewater from Onsite Wastewater Disposal Systems (OWDS) located within the Malibu Civic Center Area:

Table 1 – Individual Waste Discharge Requirements Issued for Discharges from OWDS at Phase I Properties in the Malibu Civic Center Area			
Order No.	Adoption Date	Discharger	Facility
00-182	December 7, 2000	Malibu Bay Company	Malibu Colony Plaza
01-010	January 11, 2001	JT Premier Malibu Village, LP	Malibu Village Plaza
R4-2002-0196	December 12, 2002	Malibu Country Mart, Ltd.	Malibu Country Mart III
R4-2003-0029	January 30, 2003	Malibu Country Mart, Ltd.	Malibu Country Mart I

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Table 1 – Individual Waste Discharge Requirements Issued for Discharges from OWDS at Phase I Properties in the Malibu Civic Center Area			
Order No.	Adoption Date	Discharger	Facility
R4-2003-0031	January 30, 2003	Malibu Country Mart, Ltd.	Malibu Country Mart II
R4-2008-0211	December 11, 2008	Malibu Lumber LLC	Malibu Lumber at Legacy Park
R4-2015-0118	June 10, 2015	La Paz Ranch, LLC	La Paz Ranch OWTS and Water Recycling Facility

3. On November 5, 2009 the Regional Board amended Chapter 4 of the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) to prohibit discharges from OWDS in the Malibu Civic Center Area (Regional Board Resolution No. R4-2009-007).
4. The Basin Plan prohibits all new OWDS in the Malibu Civic Center Area and prohibits the discharge from existing OWDS based on a phased schedule: OWDS discharges from Phase I properties by November 5, 2015 and from Phase II properties by November 5, 2019.
5. In August 2011, the Regional Board, the State Water Resources Control Board (State Water Board), and the City of Malibu (City) entered into a Memorandum of Understanding (MOU), which was subsequently revised on December 4, 2014 and February 2, 2017, for the City to construct and begin operation of the Malibu Civic Center Wastewater Treatment Facility (MCCWTF) and connect commercial properties within the Phase I boundaries by September 30, 2018.
6. On March 12, 2015, the Regional Board adopted Waste Discharge Requirements/Water Reclamation Requirements (WDRs/WRRs) for the MCCWTF for the discharge of tertiary-treated wastewater and recycled water application. The City completed construction of the MCCWTF in September 2018 and connected all commercial facilities identified in the Phase I area to the MCCWTF.
7. On October 30, 2018, the City provided a list of all Phase I facilities that are connected to the MCCWTF. There are 34 facilities with OWDS, including seven commercial facilities that have been issued individual WDRs as listed in Table 1 above, three facilities enrolled under Regional Board or State Water Board General WDRs, and 24 facilities regulated locally by the City of Malibu.
8. The wastewater generated at these commercial properties is now discharged to the MCCWTF for treatment; and existing OWDS for these dischargers are no longer in use. The seven commercial properties subject to individual WDRs for OWDS discharges, listed in Table 1 above, are no longer discharging waste from the OWDS. Therefore, the individual WDRs for these OWDS are not needed and may be terminated.

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9. The purpose of this Order is to terminate the individual WDRs for these seven Dischargers, including Order Nos. 00-182, 01-010, R4-2002-0196, R4-2003-0029, R4-2003-0031, R4-2008-0211, and R4-2015-0118.
10. **Petition** – Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or a state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/ or will be provided upon request.
11. **Public Notice** – On February 8, 2019, the Regional Board informed the dischargers individually of its intent to prepare an order to terminate the subject individual WDRs listed in Table 1 above because there is no discharge from OWDS at the identified facilities and the individual WDRs are no longer needed. On March 1, 2019, the Regional Board notified the City, dischargers, and other interested agencies and persons of the tentative Order No. R4-2019-XXXX terminating the seven (7) individual WDRs specified in Table 1 above and has provided an opportunity to submit written comments on the tentative Order.

The Regional Board, in a public meeting, heard and considered all comments pertaining to Order No. R4-2019-XXXX.

IT IS HEREBY ORDERED that the following Orders are terminated except for enforcement purposes:

- Order No. 00-182;
- Order No. 01-010;
- Order No. R4-2002-0196;
- Order No. R4-2003-0029;
- Order No. R4-2003-0031;
- Order No. R4-2008-0211; and
- Order No. R4-2015-0118.

I, Deborah J. Smith, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on April 11, 2019.

Deborah J. Smith
Executive Officer

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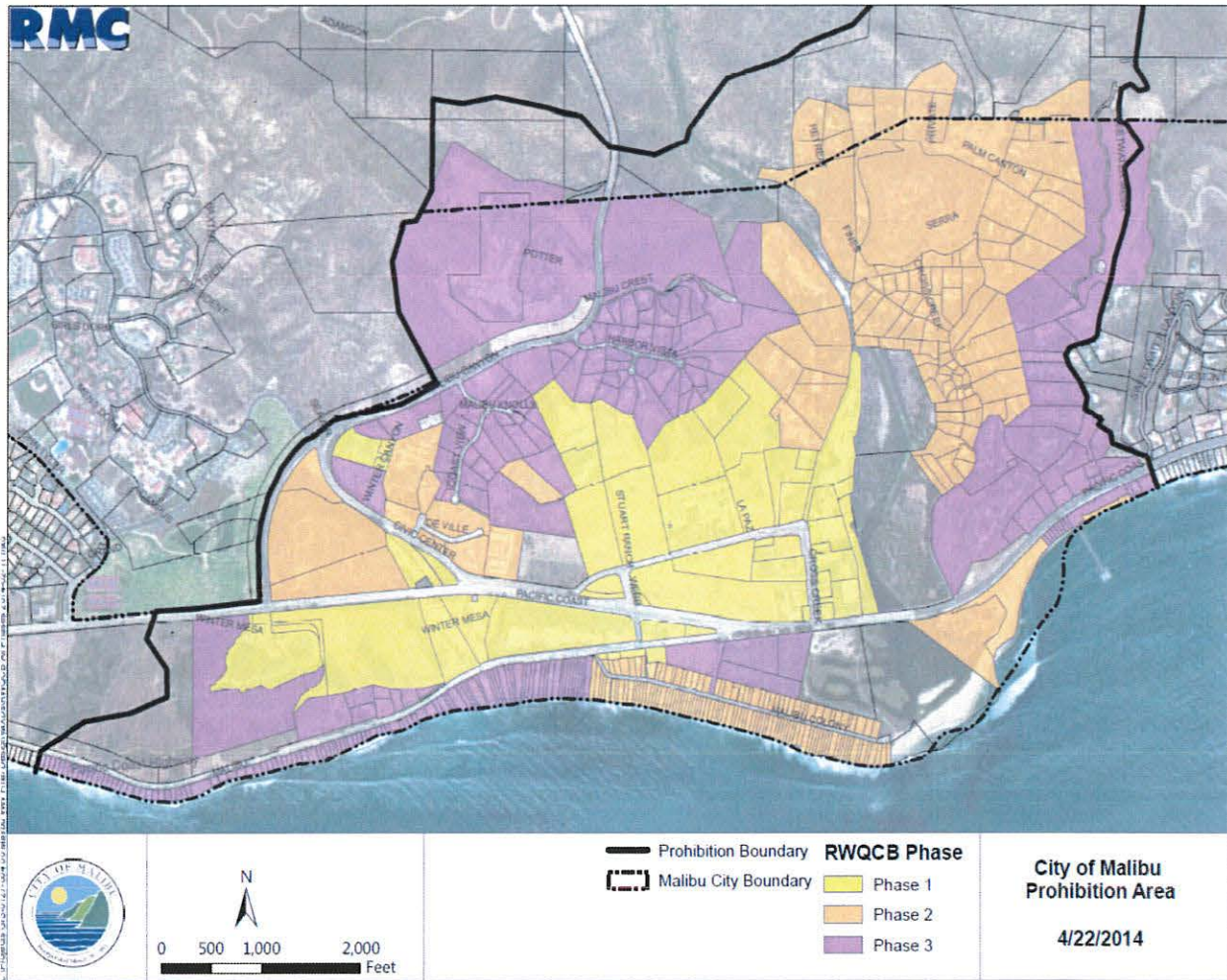


Figure 1 – Malibu Civic Center Area

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