
Los Angeles Regional Water Quality Control Board

August 27, 2021

Mr. Jimmy Chavez
21150 Pacific Coast Highway
Malibu, CA 90265
jimmy@dukesmalibu.com

PUBLIC NOTICE OF THE TENTATIVE ORDER TO TERMINATE WASTE DISCHARGE REQUIREMENTS – DUKE’S MALIBU AT 21150 PACIFIC COAST HIGHWAY, MALIBU, CALIFORNIA 90265 (FILE NO. 02-010, ORDER NO. R4-2002-0200, CI-8514, GLOBAL ID WDR100001295)

Dear Mr. Chavez:

On December 12, 2002, the Los Angeles Regional Water Quality Control Board (Regional Water Board) adopted Order No. R4-2002-0200, prescribing individual Waste Discharge Requirements (WDRs) as well as Monitoring and Reporting Program No. CI-8514, for domestic wastewater discharge to land at 21150 Pacific Coast Highway, Malibu, California 90265. On the same date, the Regional Water Board adopted Time Schedule Order (TSO) No. R4-2002-0201 to provide time to upgrade the onsite wastewater treatment system to achieve full compliance with the requirements of WDR Order No. R4-2002-0200. The Permittee subsequently completed the upgrade of its onsite wastewater treatment system to comply with the TSO No. R4-2002-0201.

On May 23, 2019, Duke’s Malibu Partnership, hereafter the Permittee, was authorized to discharge wastewater under General WDRs contained in Regional Water Board Order No. R4-2019-0024 adopted by the Regional Water Board on February 14, 2019; therefore the individual WDRs set forth in Order No. R4-2002-0200 and TSO No. R4-2002-0201 are no longer needed.

The Regional Water Board hereby requests comments on the proposed termination of Order Nos. R4-2002-0200 and R4-2002-0201. In accordance with administrative procedures, the Regional Water Board, at a public meeting to be held on October 14, 2021, will consider the enclosed tentative Order, which will terminate individual WDRs Order No. R4-2002-0200 and TSO No. R4-2002-0201. Due to COVID-19 emergency and requirements of limiting public gatherings and requiring social distancing, the public hearing will be conducted via remote presence using video and teleconference participation, unless otherwise announced.

In order to be evaluated by Regional Water Board staff and included in the Regional Water Board’s meeting agenda packet, written comments or evidence regarding the tentative

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

termination of the Order must be received at the Regional Water Board's office by 5:00 P.M. on **September 8, 2021**. Failure to comply with these requirements is grounds for the Regional Water Board to refuse to admit the proposed written comment or evidence into the record. Timely submittal of written comments is required to ensure that all comments are accurately and fully included in the administrative record, that Regional Water Board staff is able to provide timely review and time to respond to comments, and that Regional Water Board members have sufficient time to give full consideration to the comments and issues raised.

If you have any questions, please contact the Project Manager, Dr. Woonhoe Kim, at (213) 620-2264 (woonhoe.kim@waterboards.ca.gov) or me at (213) 576-6683 (jim.kang@waterboards.ca.gov).

Sincerely,

James Kang, Ph.D., P.E.
Chief of the Groundwater Permitting Unit

Enclosure: Tentative Termination Order

cc: Mr. Jon Coombs, Water Quality Specialist, jon@wqsca.com
Ms. Yolanda Bundy, City of Malibu Environmental Sustainability Department,
ybundy@malibucity.org
Mr. Fahrudin (Dean) Zulcic, Los Angeles County Department of Public Health,
fzulcic@ph.lacounty.gov

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

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ORDER NO. R4-2021-XXXX

**TERMINATION OF INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
AND TIME SCHEDULE ORDER
FOR DISCHARGES TO LAND/GROUNDWATER
FOR
DUKE'S MALIBU
File No. 02-010**

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

1. On December 12, 2002, the Regional Water Board adopted individual Waste Discharge Requirements (WDRs) contained in Order No. R4-2002-0200 along with Monitoring and Reporting Program (MRP) No. CI-8514 for domestic and commercial wastewater discharge from Duke's Malibu at 21150 Pacific Coast Highway, Malibu, California 90265 (Site). On the same date, the Regional Water Board adopted Time Schedule Order (TSO) No. R4-2002-0201 to provide time to upgrade the septic system and achieve full compliance with requirements in Order No. R4-2002-0200.
2. The TSO required Duke's Malibu Partnership (hereafter Discharger) to submit by June 1, 2003 for approval by the Regional Water Board Executive Officer, a proposal for upgrading the existing septic system to produce an effluent that will meet the required effluent limitations. The TSO further required the Discharger to complete the septic system upgrade construction, start-up activities and testing to achieve full compliance with all requirements contained in Order No. R4-2002-0200 by April 1, 2004. The Discharger was subsequently granted an extension of the system upgrade completion to October 1, 2004. On November 18, 2004, the Discharger started operation of the upgraded septic system, but full compliance with the WDRs could not be achieved immediately, as noted in paragraph 7 below.
3. Sections 13260(a) and 13260 (a)(1) of the California Water Code (CWC), require that a discharger of wastewater which could affect the waters of the State shall file with the Regional Water Board a Report of Waste Discharge (ROWD)/Form 200 for discharge to land, and California Water Code Section 13263(e) provides that all WDRs shall be reviewed periodically and, upon such review, may be revised by the Regional Water Board. In accordance with these provisions, the WDRs required the Discharger to submit a ROWD no later than 180 days in advance of the expiration date of Order No. R4-2002-0200 if the Discharger wished to continue

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discharging. On July 24, 2007, the Regional Water Board received an ROWD from the Discharger. In response to the Regional Water Board's comments on the ROWD, on December 12, 2007, the Discharger provided supplemental information in an addendum. No new WDRs were issued, however. Instead, the Regional Water Board staff issued Notices of Violation on July 27, 2007, July 27, 2010, and August 25, 2017 for various violations of Order No. R4-2002-0200 and TSO R4-2002-0201, approved several construction and upgrade work plans under the Order and TSO, and accepted annual fees due thereunder, too. These actions indicate that both the Discharger and the Regional Water Board understood any continued authorization of discharge from the Site occurred under Order No. R4-2002-0200 and the accompanying TSO.

4. On May 18, 2018, the Discharger submitted another ROWD to the Regional Water Board in response to a California Water Code 13260 directive issued by the Executive Officer on April 18, 2017.
5. On February 14, 2019, the Regional Water Board adopted General Waste Discharge Requirements for Advanced Onsite Wastewater Treatment Systems in Order No. R4-2019-0024 (General WDRs), which authorize domestic wastewater discharges up to 100,000 gallons per day and establish effluent limitations for advanced onsite wastewater treatment systems (AOWTS). Enrollment under the General WDRs streamlines the permitting process for domestic wastewater discharges from an AOWTS and, where applicable, has replaced the need for issuance of individual WDRs.
6. On May 23, 2019, based on the estimated volume of waste discharge from Duke's Malibu, the Regional Water Board enrolled the Discharger under General WDRs in Order No. R4-2019-0024, Series No. 005 with a maximum discharge limitation of 23,500 gallons per day from the septic tanks.
7. As noted in paragraph 2 above, the Discharger completed the upgrade specified in TSO No. R4-2002-0201 on November 18, 2004, after the October 1, 2004 due date, but was not able to achieve full compliance with the effluent limitations in the WDRs by the 2004 timeline required in the TSO. The Discharger completed several additional system upgrades in 2008 and in 2012 to address new and recurring violations of effluent and groundwater limitations and other WDR requirements. Despite several system upgrades, the Discharger was unable to fully meet the effluent and groundwater limitations specified in Order No. R4-2002-0200. On April 26, 2021, a Notice of Violation (NOV) was issued to the Discharger for violations of reporting requirements and effluent and groundwater limitations during the applicable permit coverage periods under Order No. R4-2002-0200 and Order No. R4-2019-0024. The Discharger responded to the NOV and is now in full compliance.

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8. The timelines for treatment system upgrades specified in the TSO have passed and the Site now fully meets the requirements therein. As such, the discharge activity now meets the requirements of the General WDRs, and the Discharger has enrolled in the General WDRs. Therefore, the individual WDRs in Order No. R4-2002-0200 and the companion order, TSO No. R4-2002-0201 are no longer needed. Order No. R4-2002-0200 and TSO No. R4-2002-0201 shall be terminated except for purposes of enforcement.
9. Termination of individual WDRs in Order No. R4-2002-0200 and TSO No. R4-2002-0201 is exempt from the California Environmental Quality Act because the termination of WDRs and the completion of the requirements of a TSO to comply with the WDRs do not have the potential to cause a significant impact on the environment. See Title 14, Cal. Code Regs. § 15061(b)(3). This is especially true since the Discharger has enrolled in the General WDRs.

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to consider termination of Order No. R4-2002-0200 and TSO No. R4-2002-0201 and has provided them with an opportunity to submit comments. The Regional Water Board, in a public meeting, heard and considered all comments and testimony pertinent to the Order.

IT IS HEREBY ORDERED that Order No. R4-2002-0200 and TSO No. R4-2002-0201 are terminated, except for enforcement purposes.

The Executive Officer of the Regional Water Board is authorized, and is hereby directed, to certify and submit copies of this Order to the Discharger, and to such individuals and governmental agencies that request it.

I, Renee Purdy, 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 October 14, 2021.

Renee Purdy
Executive Officer

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