



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Los Angeles Regional Water Quality Control Board

May 3, 2019

KW Malibu Colony, LLC  
c/o TKG Management  
211 North Stadium Blvd., Suite 201  
Columbia, MO 65203

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7018 2290 0001 8905 2565

**ORDER NO. R4-2019-0050 TERMINATING INDIVIDUAL WASTEWATER DISCHARGE REQUIREMENTS FOR MALIBU COLONY PLAZA, 23705-23841 WEST MALIBU ROAD, MALIBU, CALIFORNIA (FILE NO. 00-065, ORDER NO. 00-182, CI-8158, GLOBAL ID WDR100001580)**

Dear Madam/Sir:

The Los Angeles Regional Water Quality Control Board (Regional Water 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. The facility mentioned above is located within the Regional Water Board's jurisdiction.

On December 7, 2000, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. 00-182 for the discharge of wastewater to land from an on-site wastewater disposal system (OWDS) at Malibu Colony Plaza located at 23705-23841 West Malibu 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 Water 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 required that all commercial discharges to OWDSs in the Malibu Civic Center Area cease by November 5, 2015. In August 2011, the Regional Water Board, the State Water Resources Control Board, and the City entered into a Memorandum of Understanding, 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 Colony Plaza, by September 30, 2018. On October 30, 2018, the City reported that the wastewater generated from this facility was diverted to the MCCWTF before the September 30, 2018 deadline. Therefore, the individual WDRs identified above as Order No. 00-182 is no longer needed because there is no wastewater discharge to land from the OWDS at Malibu Colony Plaza.

Our letter of February 8, 2019 transmitted tentative Termination Order for Malibu Colony Plaza. Pursuant to Division 7 of the California Water Code, the Regional Water Board at a public meeting

IRMA MUÑOZ, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

May 3, 2019

held on April 11, 2019, reviewed the tentative Termination Order, considered all factors in the case, and adopted Termination Order No. R4-2019-0050 (copy enclosed) relative to this discharge.

If you have any questions, please contact the Project Manager, Dr. Don Tsai, at (213) 620-2264 ([Don.Tsai@waterboards.ca.gov](mailto: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](mailto:Eric.Wu@waterboards.ca.gov)).

Sincerely,

  
Renée Purdy  
Executive Officer

Enclosure: Order No. R4-2019-0050

cc (via email): Ms. Reva Feldman, City of Malibu  
Mr. Craig George, City of Malibu

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION

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

## ORDER NO. R4-2019-0050 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:

<b>Table 1 – Individual Waste Discharge Requirements Issued for Discharges from OWDS at Phase I Properties in the Malibu Civic Center Area</b>			
<b>Order No.</b>	<b>Adoption Date</b>	<b>Discharger</b>	<b>Facility</b>
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

<b>Table 1 – Individual Waste Discharge Requirements Issued for Discharges from OWDS at Phase I Properties in the Malibu Civic Center Area</b>			
<b>Order No.</b>	<b>Adoption Date</b>	<b>Discharger</b>	<b>Facility</b>
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 Amendment prohibits all new OWDS in the Malibu Civic Center Area and prohibits the discharge from existing commercial properties by November 5, 2015 and from residential 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 operate 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.




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 filling petitions may be found on the Internet at [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](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. R4-2019-0050 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. R4-2019-0050.

**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, Renee Purdy, 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.

  
Executive Officer

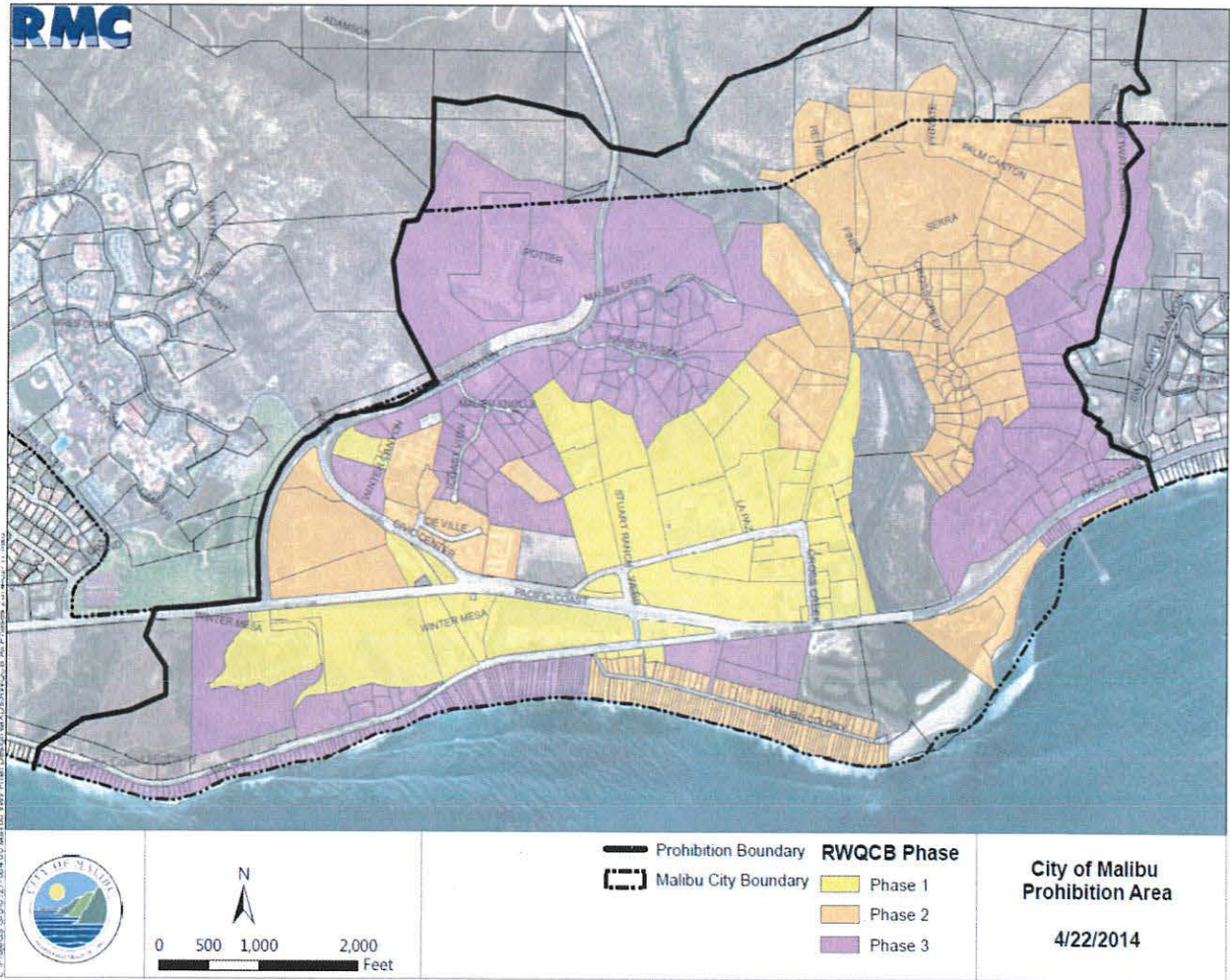


Figure 1 – Malibu Civic Center Area