



California Regional Water Quality Control Board Los Angeles Region



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320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

December 19, 2002

Mr. Micheal Koss and Gregory Kozak
Malibu Country Mart Ltd.
12410 Santa Monica Boulevard
Santa Monica, CA 90025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7002 0860 0001 0650 9866

WASTE DISCHARGE REQUIREMENTS (WDRs) AND TIME SCHEDULE ORDER (TSO) FOR MALIBU COUNTRY MART III, WDR ORDER NO. R4-2002-0153 AND TSO ORDER NO. R4-2002-0197, 3900 CROSS CREEK ROAD, MALIBU, CA 90265 (CI 8512, File No. 00-74)

Our letter of November 20, 2002 transmitted the tentative Waste Discharge Requirements (WDRs) including the Monitoring and Reporting Program (MRP) and an accompanying Time Schedule Order (TSO) for the waste discharge at Malibu Country Mart III.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public meeting held on December 12, 2002, reviewed the tentative WDRs and TSO, including the Change Sheets dated December 4, 2002, and December 12, 2002, considered all factors in the case, and adopted WDR Order No. R4-2002-0196 and TSO Order No. R4-2002-0197 relative to this discharge. The Change Sheets for the WDRs, MRP and TSO have been incorporated, and Standard Provisions, which are a part of the WDRs, are also enclosed.

You are required to implement the MRP No. CI 8512 on the effective date of Order No. R4-2002-0196. Your first monitoring report under these requirements is due January 15, 2003. Even if there is no discharge, you are required to report quarterly. All monitoring reports should be sent to the Regional Board, Attn: Information Technology Unit, and please reference all monitoring reports to our Compliance File No. CI-8512.

If you have any questions or need additional information, please call Dr. Kwangil Lee at (213) 620-2269 at Toni Callaway at (213) 620-2271.

Sincerely,

Paula Rasmussen, Section Chief
Enforcement and Groundwater Permitting

Enclosures:

1. Change Sheets dated December 4, 2002 and December 12, 2002
2. Board WDR Order No. R4-2002-0196
3. MRP No. CI-8512
4. Board TSO Order No. R4-2002-0197
5. Standard Provisions applicable to WDR (addressee only)

cc: See mailing list

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mailing List

Mr. Gordon Innes, Division of Water Quality, State Water Resources Control Board
Mr. Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board
Mr. Robert Sams, Office of Chief Counsel, State Water Resources Control Board
Mr. Carl W. Sjoberg, County of Los Angeles, Department of Public Works,
Environmental Programs Division
Mr. Steven Braband, Biosolutions, Inc.
Mr. Victor Peterson, City of Malibu
Mr. Steve Fleischli, Santa Monica BayKeepers
Dr. Mark Gold, Heal the Bay



**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2002-0197
ISSUANCE OF A TIME SCHEDULE
DIRECTING
MALIBU COUNTRY MART, LTD.
(Malibu Country Mart III)
TO COMPLY WITH THE REQUIREMENTS PRESCRIBED IN
ORDER NO R4-2002-0196
(File No. 00-74)

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

1. Malibu Country Mart, Ltd. (hereinafter, Discharger) owns and operates Malibu Country Mart III (the Property) located in the central area of the larger Cross Creek Plaza. The address is 3900 Cross Creek Road Highway, Malibu, California 90265. Malibu Country Mart III has a mixture of retail and commercial businesses including several boutiques, a Starbucks, and one restaurant/deli, Mary's Kitchen.
2. The Property is located in an unsewered area of the City of Malibu (City). No public sewers have been scheduled for construction in the area. The City currently does not provide wastewater collection and treatment utilities; rather, the City primarily relies upon subsurface disposal systems for disposal of domestic and commercial wastewater.
3. The Discharger has never had Waste Discharge Requirements (WDRs) from the Regional Board for the Property. On February 4, 2000 the Discharger filed a report of waste discharge pursuant to a directive from the Regional Board. An average of 5000 gallons per day (gpd) of primary treated septic system¹ effluent flows to two leachfields at the Property.
4. The wastewater receives only primary treatment in the septic system before being discharged to the leachfields. The effluent quality from the septic system is not currently monitored. Because the effluent quality was unknown, on June 8, 2000, Regional Board staff collected effluent samples from the septic tank which yielded the following results:

Constituent	Analysis*
Ammonia	52.0 mg/L
Organic Nitrogen	25.9 mg/L
BOD	403 mg/L
Total Suspended Solids	183 mg/L
Oil & Grease	73 mg/L
Total Coliform	≥ 1600 MPN/100 mL

¹ The term "septic system" is used in this document to reflect that currently, the wastewater receives only primary treatment through a series of grease interceptors and septic tanks, prior to disposal into leachfields.

Fecal Coliform	≥ 1600 MPN/100 mL
Enterococcus	≥ 1600 MPN/100 mL

* MPN/100mL: Most Probable Number per 100 milliliter, mg/L: milligrams per liter

The existing septic system is not capable of disinfecting wastewater or removing the above nutrients prior to discharge to the leachfields.

- Discharges from the existing septic tank system infiltrate groundwater through the leachfield disposal system. Ideally, the vertical separation between the bottom of the leachfield and the high water table should be at least 10 feet. Data (Report of Malibu Civic Center Groundwater Elevation, prepared by Bing Yen & Associates, dated January 5, 2001) on the groundwater table in the area near the Property suggest to the Regional Board that the Property may not have the minimum required 10-foot vertical separation. In addition, the leachfield disposal system discharges in close proximity to Malibu Creek, the Malibu Lagoon, and the Pacific Ocean. Monitoring wells located on adjacent property have shown about a 6 inch fluid level fluctuation corresponding with tidal changes, demonstrating that groundwater at the disposal site has some hydraulic connection with the Pacific Ocean. In addition to demonstrated tidal fluctuations, the ocean and lagoon connection with the groundwater underlying the Cross Creek area has been confirmed through geochemical plots.
- During 1999, Regional Board staff conducted a joint field investigation with City of Malibu staff, including groundwater sampling near the Property. Based on the analytical water data collected from monitoring wells, Regional Board staff concluded that the groundwater contains high concentrations of septic system derived pollutants such as coliform and ammonia. On July 12, 2002, groundwater data collected near the Property had the following results:

Constituent	Well No. 2* (20 feet away from the Property)	Well No. 5* (130 feet away from the Property)
Total coliform(MPN/100mL)	≥ 1600	900
Fecal coliform(MPN/100mL)	80	23
Enterococcus(MPN/100mL)	≥ 2419	≥ 2419
Total N (mg/L)	2.0	12

* Data collected at Malibu Creek Plaza located 3822-3896 Cross Creek Road, Malibu, on July 12, 2002.

The above results indicate that groundwater downgradient of the Property has been impacted with bacteria and nitrogen. Regional Board staff are concerned that the existing septic disposal system may need additional treatment such as disinfection and nitrogen removal to protect groundwater quality.

- Discharges from the existing septic tank system infiltrate groundwater through the two leachfields. The wastewater disposal fields are within 350 feet of Malibu Creek and .25

miles of Malibu Lagoon. Groundwater at the property is in hydraulic connection to Malibu Creek, Malibu Lagoon, and ultimately, the Pacific Ocean. The discharges eventually flow to Malibu Creek, Malibu Lagoon and the Pacific Ocean. Malibu Creek and Malibu Lagoon are recognized as impaired by both nutrients and bacteria, pursuant to section 303(d) of the federal Clean Water Act. Such listing is also being adopted by the State Water Resources Control Board and the United States Environmental Protection Agency (EPA).

Groundwater monitoring is being required since groundwater impacts have been documented in the site area.

8. Regional Board staff are concerned that the existing septic disposal system requires additional treatment such as disinfection and nitrogen reduction to protect groundwater quality. Order No. R4-2002-0196 contains waste discharge requirements for the Discharger regulating discharge of waste from a wastewater treatment system. These requirements provide the following effluent limitations:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
<i>BOD₅</i>	<i>mg/L</i>	<i>30</i>
<i>Total suspended solids</i>	<i>mg/L</i>	<i>30</i>
<i>Oil and Grease</i>	<i>mg/L</i>	<i>15</i>
<i>Total Nitrogen</i>	<i>mg/L</i>	<i>10</i>
<i>Fecal coliform**</i>	<i>MPN/100 mL</i>	<i>200</i>
<i>Enterococcus</i>	<i>MPN/100 mL</i>	<i>24</i>

* *mg/L: milligrams per liter.*

** *Wastewater discharged to the disposal system shall not contain fecal coliform concentrations above a log mean of 200/100 ml (based on a minimum of not less than four samples for any monthly period), nor shall more than 10 percent of total samples during any monthly period exceed 400/100 ml. If only one sample is taken in any monthly period, that value shall be considered as the log mean for the month.*

(a) Total nitrogen (as nitrogen) to include Nitrate-N, Nitrite-N, Ammonia-N and Organic nitrogen

9. The Discharger may not be able to achieve immediate compliance with the above-listed constituents (specifically BOD, TSS, fecal coliform, enterococcus, and total nitrogen). In order for the Discharger not to be in immediate violation of requirements in the Waste Discharge Requirements, the Regional Board is including this Time Schedule Order (TSO) that will allow the Discharger to complete all needed upgrades within a timeframe specified in the TSO.
10. California 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.”

11. This project involves an existing facility and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15301.

The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue a Time Schedule Order for this discharge, and has provided them with an opportunity to submit their written views and recommendations for the Time Schedule Order.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the Time Schedule Order.

IT IS HEREBY ORDERED that Malibu Country Mart, Ltd. (Discharger) shall comply with the following:

1. The Discharger shall submit by February 14, 2003, for approval by the Regional Board Executive Officer, a workplan for a groundwater monitoring program as specified in Monitoring and Reporting Program No. CI-8512.
2. The Discharger shall submit by February 14, 2003, a spill response plan with 24-hour availability phone numbers for complaints. The Discharger shall, by February 28, 2003, inform all tenants of Malibu Country Mart III of the 24-hour phone number and shall acknowledge to the Executive Officer that the tenants have been duly informed.
3. The Discharger shall submit by April 1, 2003, a preliminary proposal detailing how the limitations contained in Order No. R4-2002-0196 will be met. The plan shall include an engineering analysis of effluent water quality data collected, along with an identification of the type of source reduction plan and an evaluation of treatment methods or other corrective actions to be taken in order to meet the requirements. The plan shall be completed according to schedule as follows:
 - A. By June 1, 2003, for approval by the Regional Board Executive Officer, submit a proposal for upgrading the existing septic system to produce an effluent that will meet the required effluent limitations.
 - B. By December 1, 2004, complete construction, startup activities and testing to achieve full compliance with all requirements contained in Order No. R4-2002-0196
 - C. Quarterly progress reports on the status of the upgrade plan shall be submitted according to the following schedule:

Reporting Period

Report Due

January - March
April - June
July - September
October - December

April 15
July 15
October 15
January 15

4. In the event that permitting or construction delays beyond the Discharger's control delay the upgrade process, the Executive Officer, at his discretion, may extend the time schedule by a period not to exceed a period of 9 months to achieve full compliance with these requirements.
5. Compliance Reporting: The Discharger shall submit quarterly and annual progress reports for the project activities outlined in paragraphs 1 and 2 above in conjunction with self-monitoring required under Monitoring and Reporting Program No. CI-8512.
6. Should the Discharger fail to comply with any provision of this Order, the Executive Officer may issue an Administrative Civil Liability Complaint pursuant to California Water Code section 13323. The Regional Board may also refer the case to the Attorney General for injunction and civil monetary remedies pursuant to appropriate California Water Code sections such as 13350 or 13385 and 13386.

I, Dennis A. Dickerson, 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 12, 2002.

Dennis A. Dickerson
Executive Officer