

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

**ORDER NO. R4-02-0200  
WASTE DISCHARGE REQUIREMENTS  
FOR  
DUKE'S MALIBU  
(File No. 02-010)**

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

**PURPOSE OF ORDER**

1. Theodore Polos, Trustee of the Theodore Polos and Alma Jean Polos Trust, Chris Spiros, Trustee of the Chris Spiros Revocable Intervivos Trust and Georgene Fettis of the Georgene Fettis Trust own the land at 21150 Pacific Coast Highway in Malibu, California, 90265 (the Property) (Figure 1). The Property was leased to Duke's Malibu Partnership, a California Limited Partnership of T.S. Management Corporation. The term lease is for eight (8) years nine (9) months, commencing on March 31, 1996 and ending on December 31, 2004. Theodore Polos, Chris Spiros, Georgene Fettis and Duke's Malibu Partnership, LP collectively hereinafter are identified as the Discharger for Duke's Malibu.
2. On December 5, 2001, Paul Spooner, general manager of Duke's Malibu filed a Report of Waste Discharge (RoWD) for the discharge of restaurant and domestic wastewater from Duke's Malibu with an average flow of 11,000 gallons per day (gpd) and a peak flow of 22,000 gpd to an on-site wastewater septic disposal system. Duke's Malibu was never issued a Waste Discharge Requirements (WDRs) from this Regional Board. The purpose of this Order is to establish Waste Discharge Requirements for the operation and maintenance of Duke's Malibu and all other activities on the property upon which it is located.

**FACILITY AND TREATMENT PROCESS DESCRIPTION**

3. The Property is located on a 1.78-acre parcel (77,776 square ft.) on the south side of Pacific Coast Highway. The Property is situated on the beach side of the highway within the southeast portion of the Santa Monica Mountains. The restaurant on the Property has gone by many names since its origin. These include the Malibu Sea Lion Restaurant, Charlie Browns, and Duke's Malibu. The original date of construction on the Property is unknown. The City of Malibu approved the Property's current restaurant design for a total of 497 seats on May 10, 2000. Currently, the restaurant consists of 380 seats, which includes 296 seats for dining and 84 seats for banquet seating. To the south of the Property, there is riprap facing the Pacific Ocean. Located to the west is Las Flores Canyon, and to the east are beachfront houses. Directly to the north, on the opposite side of Pacific Coast Highway, is Costentino's Flower Shop.
4. The Property is in an unsewered area of the City of Malibu (City). No public sewers have been scheduled for construction in the vicinity of the Property. The City currently does not provide wastewater collection and treatment utilities; rather, the City primarily relies upon

onsite subsurface disposal systems for disposal of domestic, commercial, and industrial wastewater.

5. Los Angeles County Health Department records pertaining to the Property's wastewater disposal began in 1953 with the installation of a grease interceptor at the Malibu Sea Lion Restaurant. Other modifications included addition of two 2,000-gallon septic tanks in 1954 and repairs in 1963 and 1967. In 1988, a new 7,500-gallon septic tank and two 47 X 100 foot (9,400 square ft.) leach fields were added. On March 30, 1996, the City approved the installation of one 15,000-gallon grease interceptor and one 20,000-gallon septic tank for the Property. In addition, a new 50 foot x 100 foot leachfield with two feet of extra rock (5,900 square ft.) was installed on the northwest portion of the Property's parking lot. A revised approval adding one 4,000-gallon septic tank was approved on July 10, 1996.
6. A modification was approved on May 10, 2000, to include tying in the existing 2,000-gallon septic tank for the existing four bedroom apartment located adjacent to the Property and replacing the 4,000-gallon tank with a duplex grinder pump system lifting the easterly lateral line to the existing 20,000 septic tank for improved treatment. The existing septic system for the Property has a maximum design capacity of approximately 36,500 gallons and is located under the parking lot in front of the restaurant (Figure 2). The Property currently discharges a typical commercial wastewater stream with an average daily flow of approximately 11,000 gallons per day (gpd). The primary components of the existing septic system include:
  - Solids handling duplex grinder pump station
  - Grease interceptor
  - Multiple battery-configured, primary treatment tanks
  - Duplex pump base pressurized dosing tank with passive biological treatment/filtration system
  - Computer controlled remote telemetry control panel
  - Wastewater is disposed by a series of leachfields overlying a sand category soil.
7. The Discharger disposes of all domestic and commercial wastewater through the septic tank and leachfield system. The commercial strength effluent is a result of elevated oil and grease loading from the restaurant. Wastewater from the restaurant enters grease interceptors and receives pretreatment prior to entering the main gravity line leading to the septic tank. Pretreatment consists of oil/water separation and passive filtration through a passive filter device.
8. 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 on a regular basis, and as a result the effluent quality from the septic tank is not known. The existing septic system is not capable of disinfecting wastewater or removing nutrients prior to discharge to the leachfields.

9. The Discharger may not have sufficient land area reserved for possible future 100 percent replacement of the subsurface disposal area. The Discharger will be required to have a contingency plan to deal with the event of failure of the disposal system or the loss of soil assimilative capacity.
10. No active groundwater seeps or springs were observed on the site and no drinking water wells are located within one mile of the Property. Seasonal fluctuations of groundwater levels may occur from tidal changes and varying amounts of rainfall, irrigation and recharge.
11. The Property is situated within the southeast portion of the Santa Monica Mountains. The Property consists of a partially graded lot consisting of a near-level pad with descending slopes to the south. The Property is underlain by marine sedimentary rocks of Miocene time, which are covered by a relatively thin layer of surficial earth materials and artificial fill.
12. The Discharger submitted on January 31, 2002, information on the hydrogeologic conditions at the Property. Given the elevated terrain to the North, and the proximity to the Pacific Ocean to the South, it can be assumed that groundwater flow is toward the Ocean. The shortest distance from the existing leachfield to the property line toward the ocean is 100 feet. It is probable that there is an hydraulic connection between the low bluff and the Ocean below. Elevations on the Property range from 13.66 to 19.5 feet above sea level. A monitoring well report (dated September 25, 2002) for the Property shows that groundwater is at approximately 9 feet below ground surface. The discharge point's approximate Latitude is 34° 08' 671" and its Longitude is 118 ° 45' 746".
13. Discharges from the existing septic tank system infiltrate groundwater through leachfield disposal systems. The minimum standard for the vertical separation between the bottom of the septic system leachfields and the high groundwater table should be at least 10 feet. Information at this point suggests that the groundwater table is at approximately 9 feet below ground surface at this location and that the leachfields may be 3 feet deep. Consequently, it can be concluded that there is no 10-foot vertical separation. Regional Board staff are concerned that the existing treatment system may need additional treatment such as disinfection to protect groundwater quality. The Regional Board in Order No. 01-031, "*General Waste Discharge Requirements for Small Commercial and Multifamily Residential Subsurface Sewage Disposal Systems*," adopted by the Regional Board on February 22, 2002, noted in footnote c) in Section E.3. that "in areas of shallow groundwater and coastal regions where a minimum of ten feet of vertical separation cannot be maintained between the bottom of the disposal system and the historic high or anticipated high groundwater level ... effluent shall be disinfected to levels consistent with the beneficial uses of groundwater and the nearest surface water body." Because of the leachfield site condition (less than 10 feet vertical separation, close proximity to the ocean and under the parking lot), this Order requires the Discharger to include supplemental disinfection treatment for the system in order to meet the effluent limitations for coliform that are included herein.
14. Septic tanks provide primary treatment for wastewater prior to discharge to the leachfield. The effluent would still contain suspended solids, biochemical oxygen demand, dissolved organic materials, high levels of total nitrogen and pathogens. Though leachfields can

provide supplemental treatment, secondary treatment processes that employ biological treatment have been utilized by dischargers with small package treatment plants in the Malibu area to achieve substantial reductions in those suspended solids, biochemical oxygen demand, and total nitrogen. These package treatment plants can produce an effluent similar in quality to that produced by secondary treatment processes as required by the U.S. Environmental Protection Agency for publicly owned treatment works (POTWs) treating municipal wastewater. Regulations specified in Part 133.102 of 40 Code of Federal Regulations require the following minimum effluent levels for treatment for POTWs:

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>	<u>7-Day Average</u>
BOD <sub>5</sub>	mg/L	30	45
Total suspended solids	mg/L	30	45

\* mg/L: milligrams per liter.

Small package treatment plants can achieve these levels; they have been used as the effluent limitations in waste discharge requirements adopted by the Regional Board for dischargers in the Malibu area. The reported treatment could substantially reduce total nitrogen levels. Subsequently, these standards have been established as effluent limits herein for any supplementary treatment technology to be employed.

- The City has relied upon a wastewater management strategy that relies primarily on on-site septic tank disposal systems with the City issuing construction permits for commercial or multifamily septic tank disposal systems. On October 28, 2002, the City adopted Ordinance No. 242 that requires tertiary sewage effluent treatment<sup>1</sup> for any new or repair permits for commercial buildings and multiple family dwellings. Ordinance No. 242 became effective on November 1, 2002.

### **APPLICABLE LAWS, PLANS, POLICIES AND REGULATIONS**

- On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) which was amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface waters and groundwater, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Water Resources Control Board (State Board) Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates by reference applicable State and Regional Board plans and policies and other pertinent water quality

<sup>1</sup> Ordinance No. 242 defines tertiary treatment as, "The processing of sewage effluent by means of a treatment device which renders a sewage effluent of 30 mg/L biochemical oxygen demand or less, 30 mg/L total suspended solids or less, 15 mg/L oil and grease or less, 200 MPN/100 mL fecal coliform or less and 104 MPN/100 mL enterococcus or less."

policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

17. On November 16, 2000, the State Board adopted a revised *Water Quality Control Plan for the Ocean Waters of California* (Ocean Plan). The State of California Office of Administrative Law and the USEPA approved the Ocean Plan on July 9, 2001 and December 3, 2001, respectively. The Ocean Plan contains water quality objectives for coastal waters of California. This Order includes receiving water limitations, prohibitions, and provisions that implement the objectives of the Ocean Plan.
18. The Property is located within the Malibu Hydrologic Unit, and the Las Flores Beach Hydrologic Sub-Area; but groundwater is present in limited amounts outside of the alluvium along the bottom of canyons and valleys, and in the fractured volcanic rocks. Basin Plan limitations for groundwater, all of which is assumed to have some potential for domestic or municipal use, do not apply to beach areas lacking significant aquifers. The potential beneficial use (municipal and domestic water supply) of any groundwater that may be found at the site is limited because the land adjacent to the Property is fill, a constructed artificial bluff adjacent to the beach. While the treated effluent will be discharged to land through the existing leachfields, the depth to groundwater is controlled by the tide, and at this location, the receiving water is assumed to be the Pacific Ocean.
19. There is a blue line stream from Las Flores Canyon located to the west of the Property. The stream consists of a channel with runoff to the Pacific Ocean. The distance from the Property's existing leachfield to the property line closest to the blue line stream is about 55 feet. In addition, the shortest distance from the existing leachfield to the ocean is approximately 100 feet. The Property is located on Las Flores Beach. The Basin Plan has the following beneficial use designations:

Surface Waters (Las Flores Canyon Creek)

Existing: Wildlife habitat  
Intermittent: Water contact recreation, non-contact water recreation, warm freshwater habitat  
Potential: Municipal and domestic supply

Coastal Features (Las Flores Beach)

Existing: Navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, Marine habitat, wildlife habitat and shellfish harvesting.  
Potential: Spawning, reproduction, and/or early development.

20. The Water Quality Assessment adopted by the Regional Board on May 18, 1998 identified beaches along the Santa Monica Bay (including the Las Flores Beach) as impaired by pathogens. Although the ultimate receiving water is the ocean, ocean monitoring is not

proposed. Las Flores Beach may also be impacted by discharges from the adjacent private residences and commercial sites, which have standard septic disposal systems. Due to the close proximity of the Property to the ocean, an effluent monitoring program is necessary to evaluate the effectiveness of the treatment system and any impacts from the discharge of treated wastewater to groundwater, which in this location is connected to the Pacific Ocean. The discharged effluent must meet Ocean Plan standards.

21. In accordance with the Governor's Executive Order requiring any proposed activity to be reviewed to determine whether such activity will cause additional energy usage, Regional Board staff believe that implementation of these Wastes Discharge Requirements could cause some increase in energy usage.
22. The requirements contained in this Order are based on the Basin Plan, Ocean Plan, other state plan, policies, and guidelines, and best professional judgment.
23. In September 2002, the Discharger constructed four groundwater monitoring wells. However, the Discharger is not able to quantify potential impacts, if any, that may result from the discharge to groundwater since there is no current groundwater monitoring conducted. The Discharger will be required to upgrade the existing septic system in order to meet the proposed limits in this Order for nitrogen, total and fecal coliform and enterococcus. The Discharger will be required to upgrade the existing septic system to a wastewater treatment system that will produce a disinfected treated wastewater. The Discharger will also be required to monitor for total coliform, fecal coliform, enterococcus bacteria and nitrogen compounds (nitrate, nitrite, ammonia and organic nitrogen) in accordance with Monitoring and Reporting Program No. CI-8514.
24. In order to provide the Discharger time to come into compliance with the limits without being in immediate violation thereof, the Regional Board is including a Time Schedule Order (TSO) R4-2002-0201 that will allow the Discharger to complete all needed disposal system upgrades within a time frame specified in the TSO.

### **CEQA and NOTIFICATION**

25. 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.
26. The Regional Board has notified the Discharger and interested agencies and persons of the intent to issue Waste Discharge Requirements for this discharge, and has provided them with an opportunity to submit their views and recommendations for the requirements.
27. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
28. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Water Resource Control Board (State Board). A petition

must be received by the State Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of the date of the adoption of this Order.

IT IS HEREBY ORDERED that Theodore Polos, Chris Spiros, Georgene Fettis and Duke's Malibu Partnership, LP shall be responsible for and shall comply with the following requirements in all operations and activities at the Property:

**A. INFLUENT LIMITATIONS**

1. Waste discharged shall be limited to domestic and commercial wastewater only.
2. The daily flow to the on-site septic/wastewater treatment system shall not exceed the system's hydraulic capacity. This flow limitation also applies to treated effluent discharged to the leachfield disposal system. The current total maximum design capacity and hydraulic capacity of the septic system is 36,500 gallons per day.
3. No volatile organic compounds are to be discharged into the septic disposal system.

**B. EFFLUENT LIMITATIONS**

1. These limitations are not applicable to the existing septic tank, but to effluent from a secondary/tertiary wastewater treatment system to be employed.
2. Wastewater discharged from the secondary/tertiary wastewater treatment system to the leachfield system shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units</u> *	<u>Mean</u>	<u>Median</u>	<u>Daily Maximum</u>
BOD <sub>5</sub>	mg/L	30	--	--
Total suspended solids	mg/L	30	--	--
Oil and grease	mg/L	15	--	--
Fecal coliform <sup>(a)</sup>	MPN/100mL	200	--	--
Enterococcus <sup>(b)</sup>	MPN/100mL	24	--	104

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

- a) The fecal coliform concentration shall not exceed 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
- b) The enterococcus concentration shall not exceed a geometric mean of 24 organisms per 100 mL for any monthly period. If only one sample is taken in any monthly period, that value shall be considered as the geometric mean for the month.

3. The pH of wastes discharged shall at all times be between 6.0 to 9.0 pH units.

**C. RECEIVING WATER LIMITATIONS**

1. The wastewater discharged shall not exceed or cause the receiving groundwater to contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units *</u>	<u>Mean</u>	<u>Median</u>	<u>Daily Maximum</u>
Total coliform <sup>(a)</sup>	MPN/100mL	--	70	--
Ammonia	mg/L	2.4	--	--
Residual chlorine	µg/L	--	--	<u>8.0</u>

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

- a) If only one sample is taken in any monthly period, that value shall be considered as the median for the month.
2. The wastewater discharged to the receiving groundwater shall not contain salts, heavy metals, or organic pollutants at levels that would impact groundwater in hydraulic connection with surface waters designated for marine aquatic life or body contact recreation.
3. Any wastes that do not meet the foregoing requirements shall be held in impervious containers, and discharged at a legal point of disposal.

**D. PROHIBITIONS**

1. There shall be no sanitary sewer overflows or discharge of partially treated wastes to waters of the State (including storm drains) at any time.
2. No part of the disposal system shall be closer than 150 feet to any water well.
3. No part of the treatment system and the leachfields shall extend to a depth where wastes may deleteriously affect an aquifer that is usable for domestic purposes. At all times, a minimum of 5 feet of vertical separation between the disposal system and the water table must be maintained.
4. Wastes shall not be disposed of in geologically unstable areas or so as to cause earth movement.
5. Wastes discharged shall not impart tastes, odors, color, foaming or other objectionable characteristics to the receiving water.

6. Adequate facilities shall be provided to divert surface and storm water away from the treatment plant and disposal system and from areas where any potential pollutants are stored.
7. The septic tanks, treatment system, sewer collection system and the disposal system shall be protected from damage by storm flows or runoff generated by a 100-year storm.
8. There shall be no onsite disposal of sludge. Any offsite disposal of sewage or sludge shall be made only to a legal point of disposal. For purposes of this Order, a legal disposal site is one for which requirements have been established by a regional water quality control board, and which is in full compliance therewith. Any sewage or sludge handling shall be in such a manner as to prevent its reaching surface waters or watercourses.
9. The treatment system, including the collection system that is a part of the treatment system and the disposal system, shall be maintained in such a manner that prevents sewage from surfacing or overflowing at any location.
10. Sewage odors shall not be detectable.
11. Wastes discharged shall at no time contain any substance in concentration toxic to human, animal, plant, or aquatic life.
12. The discharge of waste shall not create a condition of pollution, contamination, or nuisance. The Discharger shall not make new connections without approval by the Regional Board Executive Officer (Executive Officer).
13. Nutrient materials in the waste discharged shall not cause objectionable aquatic growths or degrade indigenous biota.
14. The waste discharged shall not cause the concentration of organic materials in fish, shellfish or other marine resources used for human consumption to bioaccumulate to levels that are harmful to human health.
15. The direct or indirect discharge of any wastewater to surface waters or surface water drainage courses is prohibited.

E. PROVISIONS

1. The Discharger shall file with the Regional Board technical reports on self-monitoring work performed according to the detailed specifications contained in Monitoring and Reporting Program No. CI-8514 attached hereto and incorporated herein by reference, as directed by the Executive Officer. The results of any monitoring done more frequently than required at the location and/or times

specified in the Monitoring and Reporting Program (MRP) shall be reported to the Regional Board.

2. Currently the Discharger does not monitor surface water (the Pacific Ocean). Due to the hydraulic connection between the groundwater and ocean, a surface water monitoring will be required if groundwater is degraded by sewage disposal.
3. The Discharger shall ensure that the capacity of the disposal area is adequate for the discharge volume, and that adequate steps are taken to accommodate system failures and/or the loss of soil assimilative capacity. Within 60 days of the effective date of this Order, the Discharger shall submit for the Executive Officer's approval a contingency plan addressing the steps that will be taken to deal with any failure of the disposal system which is located under the parking lot.
4. The Discharger shall establish baseline bacteria levels in the effluent from the septic system by monitoring bacteria in wastewater prior to discharge into the leachfields and groundwater.
5. The Discharger shall upgrade the treatment system to include disinfection to meet the nitrogen, fecal coliform, and enterococcus limits contained in C1 above, in accordance with TSO Order No. R4-2002-0201.
6. The Discharger shall cause the septic disposal system to be inspected annually during the term of this Order by an inspector to be retained and suggested by the Discharger but subject to the approval of the Executive Officer.
7. The Discharger shall comply with all applicable requirements of chapter 4.5 (commencing with section 13290) of division 7 of the California Water Code.
8. The Regional Board is currently developing the Total Maximum Daily Load (TMDL) for pathogens in the Santa Monica Bay Beaches. When the study is completed, pathogen-loading rates will be assigned to dischargers. The Discharger shall comply with waste load allocations developed and approved pursuant to the process for the designation of the TMDL for the area. The Regional Board may require that the Discharger meet pathogen discharge limits stricter than those imposed in this Order.
9. The Discharger shall notify the Regional Board within 24 hours, by telephone or electronically, of any bypassing or surfacing of wastes. Written confirmation shall follow within one week and shall include information relative to the location(s), estimated volume, date and time, duration, cause, and remedial measures taken to effect cleanup and measures taken to prevent any recurrence.
10. This Order does not alleviate the responsibility of the Discharger to obtain other necessary local, state, and federal permits to construct facilities necessary for

- compliance with this Order; nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
11. Any discharge of wastewater from the treatment system (including wastewater collection system) at any point other than specifically described in this Order is prohibited, and constitutes a violation of this Order.
  12. After notice and opportunity for a hearing, this Order may be terminated or modified for causes including, but not limited, to:
    - a) Violation of any term or condition contained in this Order;
    - b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;
    - c) A change in any condition, or the discovery of any information, that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  13. The Discharger shall furnish, within a reasonable time, any information the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
  14. Should monitoring data indicate impacts to groundwater or nearby surface water, the Discharger shall submit, within 90 days after determination of the problem, plans for measures that will be taken, or have been taken, to mitigate any long-term effects that may result from the subsurface disposal of wastes. Any water quality impact to surface waters and groundwater such as, but not limited to; risks to human health from pathogens, and accelerated eutrophication of surface waters from nutrients in wastewaters shall be reported.
  15. This Order includes the attached *Standard Provisions Applicable to Waste Discharge Requirements* (Attachment W) which are incorporated herein by reference. If there is any conflict between provisions stated herein and the *Standard Provisions Applicable to Waste Discharge Requirements*, the provisions stated herein will prevail.
  16. The waste discharge requirements contained in this Order will remain in effect for a period of (5) years. Should the Discharger wish to continue discharging to groundwater for a period of time in excess of five years, the Discharger must file an updated Report of Waste Discharge with the Regional Board, no later than 180 days in advance of the expiration date of this Order for consideration of issuance of new or revised waste discharge requirements. Any discharge of waste five years after the date of issuance of this Order without obtaining new Waste Discharge

Requirements from the Regional Board is a violation of California Water Code section 13264. The Regional Board is authorized to take appropriate enforcement action for any noncompliance with this provision including assessment of penalties.

17. In accordance with California Water Code (CWC) section 13263(e), these requirements are subject to periodic review and revision by the Regional Board within a five(5) year cycle.
18. In accordance with CWC section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into the waters of the State are privileges, not rights.

#### F. REOPENER

This Order may be reopened to delete outdated requirements, or to include additional or modified requirements to address pollutant loading problems verified by monitoring data, Discharger workplans or mitigation plans, or TMDL or Basin Plan mandates.

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.

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Dennis A. Dickerson  
Executive Officer