



# California Regional Water Quality Control Board Los Angeles Region



Winston H. Hickox  
Secretary for  
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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>

February 4, 2003

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7002 2410 0006 3316 2230

Dear Mr. Koss and Mr. Kozak:

**WASTE DISCHARGE REQUIREMENTS AND TIME SCHEDULE ORDER FOR MALIBU COUNTRY MART I, 3835 CROSS CREEK ROAD, MALIBU, CALIFORNIA (FILE NO. 00-75, CI-8518)**

Our letter of December 24, 2002, transmitted a tentative Waste Discharge Requirements Order (TWDR) including Monitoring and Reporting Program (TMRP) and an accompanying tentative Time Schedule Order (TTSO) for Malibu Country Mart I. The Regional Board's follow-up letters of January 10 and January 16, 2003, included change sheets which detailed the minor revisions to these Orders.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public meeting held on January 30, 2003, reviewed the tentative Waste Discharge Requirements and tentative Time Schedule Order, considered all factors in the case, and adopted WDR Order No. R4-2003-0029 and TSO Order No. R4-2003-0030 (copies enclosed) relative to this discharge. The Monitoring and Reporting Program is CI-8518. Standard Provisions, which are a part of the WDRs, are also enclosed.

If you have any questions or need additional information, please call Dr. Kwang-il Lee at (213) 620-2269 or Gary Schultz at (213) 620-2264.

Sincerely,

Paula Rasmussen, Section Chief  
Enforcement and Groundwater Permitting

Enclosures:

1. Board WDR Order No. R4-2003-0029
2. Monitoring and Reporting Program No. CI-8518
3. Board TSO Order No. R4-2003-0030
4. Standard Provisions applicable to Waste Discharge Requirements (addressee only)

cc: See Attached Mailing List

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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. 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  
Ms. Marianne Yamaguchi, Santa Monica Bay Restoration Project  
Mr. Victor Peterson, City of Malibu  
Mr. Larry Young, City of Malibu  
Dr. Mark Gold, Heal the Bay  
Dr. Mitzy Taggart, Heal the Bay  
Mr. Mark Abramson, Heal the Bay  
Mr. Steve Fleischli, Santa Monica BayKeeper

***California Environmental Protection Agency***

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

ORDER NO. R4-2003-0030  
ISSUANCE OF A TIME SCHEDULE  
DIRECTING  
MALIBU COUNTRY MART, LTD.  
TO COMPLY WITH THE REQUIREMENTS PRESCRIBED IN  
WDR ORDER NO. R4-2003-0029  
(Malibu Country Mart I, File No. 00-75, CI-8518)

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

1. Malibu Country Mart, Ltd. (hereinafter Discharger) operates the Malibu Country Mart I (MCM-I), a shopping center located at 3835 Cross Creek Road, Malibu, California. MCM-I is comprised of 28 retail and commercial businesses including two sit-down and three fast food restaurants, and a hair salon. Businesses include Nobu, John's Garden, Tradinoi, Coffee Bean and Tea Leaf, Howdy's, and Malibu Mutt.
2. The MCM-I site is located in an unsewered area of the City of Malibu (City). No public sewers have been scheduled for construction in the vicinity of the site. The City currently does not provide wastewater collection and treatment utilities; rather, the City primarily relies upon subsurface disposal systems for disposal of domestic, commercial, and industrial wastewater.
3. The Discharger has never had waste discharge requirements (WDR) from this Regional Board for MCM-I. On February 4, 2000, the Discharger filed a report of waste discharge pursuant to a request from the Regional Board.
4. The Discharger does not currently have meters for MCM-I wastewater flow, only for total water consumption. MCM-I water usage averages approximately 12,000 gallons per day (gpd) with the average maximum usage rate estimated at approximately 14,000 gpd.
5. The Discharger has indicated that the existing septic system for MCM-I has a maximum capacity of approximately 18,000 gpd. The septic system consists of a number of different components which form an interconnected septic system network. These components are:
  - a) Five leach fields ranging in size from 375 square feet to 2960 square feet, for a total of 6750 square feet.
  - b) Eight septic tanks ranging in capacity from 1000 gallons to 6000 gallons, having a total capacity of 18,000 gallons. Biotube effluent filters are installed on the exit T of every septic tank.
  - c) Six pump stations and three grease traps for restaurant facilities.
6. Discharges from MCM-I existing septic tank system infiltrate groundwater through the five leachfields. The wastewater disposal fields are approximately 500 feet from Malibu Creek and Malibu Lagoon and approximately 1400 feet from the Pacific Ocean.

January 30, 2003

Groundwater at the MCM-I site could be in hydraulic connection to Malibu Creek, Malibu Lagoon and the Pacific Ocean. Malibu Creek and Malibu Lagoon are recognized as impaired by both nutrients and bacteria, as detailed in the State of California's 303D listing. Groundwater monitoring is being required since groundwater can eventually be discharged to Malibu Creek, Malibu Lagoon and the Pacific Ocean. The Discharger must also upgrade the existing septic system and implement disinfection in order to meet the effluent discharge limits prescribed in WDR Order No. R4-2003-0029.

7. WDR Order No. R4-2003-0029 contains waste discharge effluent requirements for the Discharger regulating discharge of waste from the septic system. These requirements include the following effluent limitations:

*Wastewater discharged from the secondary/tertiary wastewater treatment system with disinfection to the leachfield system shall not contain constituents in excess of the following limits:*

<u>Constituent</u>	<u>Units*</u>	<u>Monthly Average</u>
BOD <sub>5</sub>	mg/L	30
Oil and grease	mg/L	15
Total suspended solids	mg/L	30
Total nitrogen <sup>(a)</sup>	mg/L	10
Fecal coliform**	MPN/100 ml	200
Enterococcus	MPN/100 ml	24

\* mg/L: milligrams per liter. MPN: most probable number ml: milliliter

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

\*\* 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.

8. The Discharger may not be able to achieve immediate compliance with the above-listed limitations. In addition, there are specific actions that must be completed in order for the MCM-I system to meet all requirements noted in the WDR Order. Therefore, in order for the Discharger not to be in immediate violation of requirements in the WDR Order, the Regional Board has included this Time Schedule Order (TSO) that will allow the Discharger to complete all needed upgrades of the existing septic system within a timeframe specified herein.
9. 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.”

10. This enforcement action is being taken for the existing facility and the environment, 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 the Discharger, Malibu Country Mart, Ltd., shall comply with the following:

1. The Discharger shall submit by March 1, 2003, a spill response plan with 24-hour availability phone numbers for complaints. The Discharger shall, by March 8, 2003, inform all tenants of MCM-I of the 24-hour phone number and shall acknowledge to the Regional Board Executive Officer (Executive Officer) that the tenants have been duly informed.
2. The Discharger shall submit by March 31, 2003, for approval by the Executive Officer a workplan with schedule for implementing a groundwater monitoring program at the MCM-I site.
3. The Discharger shall submit by April 1, 2003, for Executive Officer review and approval, a plan with schedule to deal with operational and maintenance problems experienced at MCM-I. The plan shall include measures to address storage capacity needed at the site, remote paging and response capabilities with onsite and remote alarms, and backup or auxiliary facilities/measures needed to prevent spills in the event of power failures.
4. The Discharger shall have the existing septic system inspected by April 15, 2003. The inspector shall assess the condition of the septic tanks and leachfields and ascertain the corrections needed. The inspector shall also assess the capacity of the septic system. National Sanitation Foundation criteria should be applied where possible to the inspection. The Discharger shall submit a report with the inspection information by June 15, 2003. The report is to also include as-built plans and shall also include information regarding separation distance between groundwater and the leachfield, shall discuss actions needed to ensure that the capacity of the disposal area is adequate for the discharge, and list actions that are needed to prevent system failures or that are needed to deal with loss of assimilative capacity of the soils.

5. The Discharger shall submit by April 30, 2003, a preliminary proposal detailing how the limitations contained in WDR Order No. R4-2003-0029 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 the following schedule:
- 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. R4-2003-0029.
  - C. Quarterly progress reports on the status of the upgrade plan shall be submitted according to the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January - March	April 15
April - June	July 15
July - September	October 15
October - December	January 15

6. In the event that the Discharger experiences delays in implementing scheduled activities of this Time Schedule Order, and Discharger submits extension request(s) with justification, the Executive Officer may, at his discretion, extend any specified time period by a period not to exceed 9 months to achieve compliance with these requirements.
7. The Discharger shall submit quarterly and annual progress reports for the project activities outlined in the time schedule above in conjunction with self-monitoring reports required under Monitoring and Reporting Program No. CI-8518.

8. 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.

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 January 30, 2003.



Dennis A. Dickerson  
Executive Officer

/GS