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May 19, 2010

Attn: Honorable Chair Mary Ann Lutz
State Water Resources Control Board Los Angeles Region
320 W. 4th Street, 5th Floor Los Angeles, California

Re: Comments on Tentative Waste Discharge Requirements ("WDRs" and Water Reclamation Requirements ("WRRs"); File# 08-101; Malibu La Paz Ranch, LLC

Honorable Chair Lutz and Board Members:

I am writing to you today to offer my support for the Malibu La Paz Project, and ask that you approve the above-referenced tentative WDR/WRR.

I worked for the U.S. Environmental Protection Agency's Office of Research and Development for 37 years. Before I retired earlier this decade, I was in charge of research and development for innovative and alternative technologies and for small community wastewater collection, treatment, and reuse. In that capacity, and as Chair of the Water Environment federation's Small Community Committee, I became quite familiar with most of the technologies that are now taking over the field of environmental engineering, particularly wastewater conceptual approaches and technologies, and can discern the contexts where they can be best applied. As the primary technical author for USEPA Office of water publications on management of advanced decentralized and distributed wastewater systems, I believe that the Malibu La Paz project offers a valuable prototype for the State of California.

I. Technical Assessment

The Malibu La Paz Project's wastewater system proposes to use an enhanced virtually identical version of the technologies used at the nearby Malibu Village Plaza in order to meet Title 22 standards for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water. The Malibu Village Plaza Annual Report Status of Sampling, Wastewater Treatment & Dispersal System indicates that the Malibu Village treatment system has been regularly achieving the key Title 22 Disinfected Tertiary Recycled Water standards, even though not designed to achieve nor required, of:

Turbidity	< 2 NTU average and < 10 NTU max
Total Coliforms	< 2.2 MPN/100 ml average and 23 MPN max

as well as achieving permit compliance for all constituents, especially of note for

Total Nitrogen < 10 mg/l permit and effluent averaging < 3 mg/l

As evidenced by the attached CA DPH approval of the LaPaz Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water and the documented performance of the very similar Malibu Village Plaza wastewater system, I expect the Malibu LaPaz treatment system will meet or exceed all design expectations.

It is noted that the LaPaz no wastewater discharge system is achieved by internal reuse for restroom nonpotable purposes, which will use 45% of the Title 22 Recycled Water. The other 55% is used for landscape irrigation. Additional potable water is needed to satisfy landscape irrigation needs. Storage is provided for periods of low irrigation demand, and these balancing tanks are sized according to Title 22 standards and prudent engineering practices.

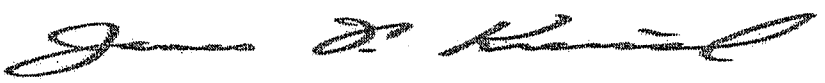
The Malibu La Paz Project provides an excellent example of how such development facilities can be designed. It is an example of a sustainable approach that accounts for the human needs and the ecological needs of the local environment. This wastewater system design is based upon sound, well established engineering principles and has the required safeguards to ensure consistent, reliable, permit compliant treatment.

More importantly to the State is that this design is a prototype that proves that sustainable designs can successfully meet treatment and social objectives in an affordable manner. The Malibu La Paz design includes also includes ozone treatment that can disinfect, but also destroy contaminants of emerging concern.

No discharge of wastewater would occur with the subject Plan as the annual non-potable water demand for the site exceeds the annual volume of wastewater generation. Sufficient storage capacity has been provided for the periods when non-potable water demand is lower than the rate of wastewater generation. A highly efficient water reuse system in the arid Malibu environment should be applauded as an example of sustainable water management that should be emulated.

Thus, I again respectfully request that the Board grant La Paz's petition and approve this project. I thank you for the opportunity to present my comments.

Sincerely,



James F. Kreissl
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June 4, 2010

Ms. Rebecca Chou, PhD, P.E.
California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Chou: Re: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101 Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

In response to the LARWQCB May 12, 2010 Tentative Waste Discharge Requirements and Water Recycling Requirements for Title 22 Recycled Water issued to Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA 90265 (Order No. R4-2010-xxx, File No. 08-0101), on behalf of the Owner, La Paz Ranch, LLC, Lombardo Associates, Inc. (LAI) submits the following comments.

La Paz comments following in italics and bold. Our comments generally fall in the following categories

1. Permit – a WRR is requested not a WDR, as the project is comparable to those permitted under Water Quality Order No. 2009-0006-DWQ General Waste Discharge Requirements For Landscape Irrigation Uses Of Municipal Recycled Water. Also there is no discharge proposed so WDR does not apply. As stated in footnote 3 of Attorney Ogata's May 24, 2010 letter, copy attached, to the State Water Resources Control Board on the Regional Board's Response on SWRCB/OCC File A-2087, LaPaz is a no discharge project. Numerous references to discharge in Order need to be removed as no effluent discharge of waste is proposed. (1)

2. Numerous non-applicable provisions and references need to be removed. Examples are TOC monitoring (Effluent Requirements – No. 5c), chlorine CT (contact time) issues (Recycled Water Requirements – No. 2), when chlorine disinfection is not proposed. Title 22 turbidity standard for membrane filtration is used when media filtration is proposed (Effluent Requirements – No. 6). (2)

3. Numerous narrative provisions regarding groundwater impacts need to removed or quantitatively revised as they are onerous and not applicable since no liquid discharge is proposed. Salts are to be addressed by Salt Management plan. Examples are - such as "precluding changes to groundwater quality and elevation" (3)

4. LaPaz looks forward to being a participant in the Malibu Valley Basin Salt Management Plan, which we understand from Executive Director's Rice's August 28, 2009 (copy enclosed) memo on Role of Regional Water Boards in Implementation of Recycled Water Policy, that the LARWQCB will invite stakeholders to a Regional Board workshop on the topic. It is noted that Malibu Valley is not one of the 116 of the 472 DWR defined Priority Basins in the CA Groundwater Ambient Monitoring and Assessment (GAMA) program. Furthermore as stated in Section 6(a)2 of the Recycled Water Policy "The State Water Board finds that the appropriate way to address salt and nutrient issues is through the development of regional or subregional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects." (complete copy of Policy enclosed). (4)

5. As ED Rice's memo states on page 3, "The Policy discusses basin/sub-basin groundwater monitoring in two sections. Section 6.b.(3)(a) discusses monitoring plans for implementation of salt/nutrient management plans. Section 7.b.(4) states that project-specific groundwater monitoring for projects eligible for permit streamlining is not required, provided the project proponent participates in the development of a salt/nutrient management plan, including basin/sub-basin groundwater monitoring." From our reading of ED Rice's memo and the State's Recycle Water Policy, LaPaz is of the opinion that project specific groundwater monitoring is not required for LaPaz as we are willing to participate in the development of a salt/nutrient management plan and anxiously await the Board's invitation to a meeting. (5)

6. Effluent sampling and compliance requirements are excessive and applicable for **drinking water supply after treatment !** Given that this is a no discharge system, applying finished drinking water standards to recycled water that will not be discharged to groundwater is inappropriate. (6)

7. Definition of when irrigation is not allowed needs to be stated using industry accepted appropriate technical terms. It is noted that LaPaz proposes to irrigate recycled water precisely in accordance with ED Rice's memo and the State's Recycled Water Policy – all described in detail in the May 6, 2009 Malibu La Paz Development Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water, which has been approved by CADPH. It is noted that LaPaz proposes irrigation in accordance with evapotranspiration (ET) demands which are agronomic rates. (7)

Purpose of Order – No. 1

"Malibu La Paz Ranch LLC. (hereafter Discharger) seeks to build about 100,000 square feet of offices, retail and restaurant facilities at 3700 La Paz Lane in the Civic Center area of Malibu (hereafter La Paz) on two to three parcels totaling 13 to 15[1]acres (Figures 1,2 and Map 1)" (8)

Should state:

"Malibu La Paz Ranch LLC. (hereafter permitee) seeks to build about 132,058 square feet of offices, retail and restaurant facilities at 3700 La Paz Lane in the Civic Center area of Malibu (hereafter La Paz) on two to three parcels totaling 13 to 15.3[1]acres (Figures 1,2 and Map 1)"

Page 1 – Footnote 1

> "[1]The development on one of the parcels (Parcel C, APN #4458-022-025) of 2.3 acres is not included in this WDR/WRR. A development agreement was granted by the City of Malibu for municipal facilities on the parcel, but design details for the structure were not included in the ROWD."

(9)

The flows for Parcel C (2,000 gpd of average flow, approximately 10% of total) were included in the ROWD application, the system design as stated in the CA DPH Title 22 Engineering Report and 2008 LaPaz Wastewater Master Plans. This footnote is inaccurate.

Background – No. 8

"These WDRIWRRs have been written in order to preclude any changes in the elevation or quality of the groundwater. These restrictions are necessary because the Discharger reports irrigation may cause elevation of the groundwater table. Further, the water table intersects the ground surface, causing ponding, in the Malibu Civic Center on both sides of Pacific Coast Highway under critical conditions."

(10)

Should be changed to

"These WDRIWRRs have been written in order to avoid any materially significant detrimental changes in the elevation of the groundwater considering the numerous factors that affect groundwater elevation and their prospective changes, such as sewering of the Civic Center, in the future.

Facts in support of our position are as follows:

- ***As irrigation will only be applied at rates as dictated by the evapotranspiration (ET), i.e. agronomic rates, requirements of the landscape vegetation, no excess water will be applied and therefore no impact on groundwater elevation will occur***

'Critical conditions' need to be defined. Malibu LaPaz is unaware of any recorded or documented incidences of ponding or effluent daylighting at properties downgradient of the project site. Regardless, LaPaz' treatment facility will not contribute to a rise in groundwater beneath, adjacent to or downgradient of the project site . Notwithstanding this fact, the performance or non-performance of treatment systems on nearby properties is not La Paz' responsibility and it would be inappropriate to condition La Paz' WRR upon "off-site" critical conditions. Each discharger/ water recycler is solely responsible for complying with the terms of their own individual permits. La Paz understands that the Malibu County Mart (adjacent property) continuously violates the terms and conditions of its waste discharge permit; yet this permittee continues to operate several restaurants on-site and discharge wastewater in violation of its WDR (unabated for many years now.) La Paz maintains strongly that it is in no way responsible for its neighbors' current or future violations or system malfunctions or the general and irresponsible manner in which the Country Mart in particular has gone about producing and managing its wastewater.

Background – No. 8 (Cont.)

DELETE

"These restrictions are necessary because the Discharger reports irrigation may cause elevation of the groundwater table. Further, the water table intersects the ground surface, causing ponding, in the Malibu Civic Center on both sides of Pacific Coast Highway under critical conditions."

(11)

This statement is inaccurate. The Permitee has never stated that irrigation will increase groundwater elevations; rather, the permitee predicted temporary minor groundwater elevation increase during brief periods of off specification discharge to drain fields. La Paz has removed its off spec drain fields and now proposes to store, retreat and reuse its off specification effluent or transport it to a licensed treatment facility should the need arise. La Paz has maintained and continues to maintain that its irrigation system will NOT cause groundwater levels to rise. The above paragraph should therefore be stricken.

Background – No. 9

> "Groundwater was consumed from Malibu Valley as recently as the 1960's and remains a potential drinking water source. The aquifer now contains nitrogen and pathogens at concentrations above drinking water limits."

(12)

"nitrogen and pathogens should be replaced with "salts and pathogen indicator organisms". Also the following should be added after "drinking water limits" at the end

"and excess salts from sea water intrusion, soils weathering and anthropogenic activities as documented in the CA Water Resources Bulletin 118 and at http://www.water.ca.gov/pubs/groundwater/bulletin_118/basindescriptions/4-22.pdf which states " *Seawater intrusion occurred in 1950, and again in 1960, when seawater advanced 0.5 miles inland (DWR 1975). In December 1954 and April 1969, chloride concentrations exceeding 100 mg/L were found in groundwater in the coastal part of the basin and analysis of water from one well sampled in 1967 shows a TDS content of 1,310 mg/l (DWR 1975)." These salt concentrations exceed the the drinking water secondary maximum contaminant level of 500 mg/l*

Background – No. 11

> "Malibu La Paz is within the prohibition boundaries and, along with all users, would be required to cease discharge through onsite wastewater discharge systems no later than November 5, 2019."

(13)

This should be deleted as Malibu LaPaz does not propose to discharge waste through an onsite wastewater discharge system (zero "waste" discharge permitted and zero gpd discharge proposed) and therefore the Prohibition does not apply. Moreover, the date provided in the WDR/WRR for implementation of the Prohibition applies to "residential" systems not commercial OWTS. The Basin Plan Amendment (Prohibition—see LARWQCB Resolution# R4-2009-007 states that all Commercial OWTS' must cease "discharging" [waste] by November 5,, 2015. The La Paz Tentative WDR/WRR states that as of November 5, 2015 (when the City's Treatment Plant is anticipated to come online,

that La Paz will be required only to send its off-specification effluent to the City's treatment plant and then only in the event that La Paz may exceed its storage, treatment and reuse capacities. Therefore because La Paz proposes and is permitted, under the tentative order, zero gpd of discharge (prohibition applies only to "discharges" of waste) and because the terms of the WDR/WRR expressly permit the ongoing use of the La Paz OWTS for water reuse after the onset of the Commercial Prohibition, the terms of the Prohibition therefore do not apply to La Paz.

Description of Facility & Treatment Process – No. 12

> "The Discharger estimates that activities at the facilities will generate an average of 19,000 gpd of waste for application to landscaping."

Should be changed to

"The Permitte estimates that activities at the facilities will generate an average of 19,000 gpd of Title 22 recycled water with 8,540 gpd being reused within the buildings for non-potable purposes, i.e. toilet flushing, and 11,460 gpd being used for landscape irrigation.

Description of Facility & Treatment Process – No. 12

"The site requires irrigation at a rate averaging 14,200 gallons per day (gpd) os waste and as much as 3.760 gpd of potable water"

Replace with

"...The site requires irrigation at a rate averaging 14,200 gallons per day (gpd) satisfied by using 11,460 gpd of recycled water and as much as 3,760 gpd from potable water supplies.

> "If all of the discharge reaches the groundwater, it will increase liquid wastes in the Civic Center area (currently estimated to total 270,000 gpd) by about 10%. Indoor recycling (e.g. toilet recycling) may reduce the volume to be discharged through evaporation and reduce the volume of imported water required by the project. Outdoor recycling (e.g. irrigation) is expected to further reduce the discharge volume through evapotranspiration (ET)."

Should be deleted for the following reasons:

- ***No discharge is proposed so conjecturing about a discharge is spurious.***
- ***Indoor recycling does not reduce the volume to be discharged <u>through evaporation.</u>***
- ***No discharge with irrigation will occur as irrigation will only satisfy landscape ET demand and the Order does not allow any discharge of liquid waste to groundwater.***

Description of Facility & Treatment Process – No. 13

> "The treatment system consists of grease interceptors and tanks which supply a pressurized treatment system."

Should be changed to

"The collection and treatment system consists of grease interceptors and septic tanks which supply clarified effluent to a pressurized collection system that discharges to an equalization tank that feeds the treatment system on an equal flow basis throughout the day." (16)

"Ozone disinfection and if necessary, ultraviolet disinfection and chlorination and dechlorination will be used during storage and building re-use and before irrigation." (17)

Should be changed to

"Ozone disinfection and if necessary, ultraviolet disinfection are used for disinfection. Chlorination will be used during storage prior to building re-use and before irrigation to maintain a residual chlorine to prevent bacterial growth in the distribution system as is used in all municipal water supply systems."

Description of Facility & Treatment Process – No. 14

"In addition, during conditions where landscape and on-site recycling are not sufficient, a portion of the influent will be held in tanks for discharge to tankers that will truck the influent to a sanitary sewer." (18)

Change to

"In addition, during conditions where landscape and on-site recycling are not sufficient and insufficient storage capacity exists for anticipated conditions, a portion of the influent will be held in tanks for discharge to tankers that will truck the influent to a sanitary sewer."

Description of Facility & Treatment Process – No. 16

16. The filters at La Paz remove bacteria and nutrients but not salt. Without a salt management plan, irrigation with the effluent is reasonably expected to provide salt loading to the underlying groundwater. Leachate entering the groundwater may exceed the limits for Malibu Valley of 2,000 mg/L for total dissolved solids; 500 milligrams per liter (mg/L) for chloride; 500 mg/L for sulfate and 2 mg/L for Boron. Therefore, these limits shall be met before recycling.

This should be deleted as this issue would be addressed in the to be developed Salt Management Plan. From a practical perspective, impact can only be assessed on a Basin-wide perspective, not individual projects, as stated in Section 6(a)2 of the Recycled Water Policy "The State Water Board finds that the appropriate way to address salt and nutrient issues is through the development of regional or subregional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects." (19)

Also CWC section 13523.5 on water recycling requirements states that a Regional Board may not deny issuance of water recycling requirements to a project that violates only

a salinity standard in a basin plan.

To impose restrictions on salts when the objective of the Salt Management Plan is to determine the appropriate management techniques, especially as Executive Director Rice states there should be incentive for greater water recycling, inappropriately constrains the Salt Management Planning Process. Furthermore, leachate entering the groundwater is affected by soils weathering, ocean mist and other factors unrelated to wastewater and most significantly mass balances for the entire Basin need to be examined rather than concentrations from one site. Very critically there is significant uncertainty about the future salt discharges to the Malibu aquifer as a Civic Center sewer system and its effluent management will significantly affect salt discharges and therefore the appropriate Salt Management Plan.

Also as provided for in Section 6(b)1(b) of the State's Recycled Water Policy on the Salt and Nutrient Plans, salts, nutrients and other constituents could be addressed in the to-be-developed Salt-Nutrient Management Plan in which constituents other than salt and nutrients that impact water quality in the Basin can be included.

Furthermore as recycling includes indoor recycling there is no effluent that qualifies as "before recycling".

Description of Facility & Treatment Process – No. 17

"The Discharger predicts that low evapotranspiration rates will preclude irrigation for 20 days under critical conditions."

Should be deleted. This statement was made by others, Bruce Malinowski, Landscape Architect years ago, and was superseded by the detailed 17 years of record of simulation of irrigation requirements as provided in Section 2.2.5 and Appendix C of the 2008 LaPaz Wastewater Master Plans and 2009 Title 22 Engineering Report

(20)

Applicable Plans, Policies & Regulations – No. 26

> "Executive Officer Dorothy Rice directed the Regional Boards to comply with her August 28, 2009 memo which specified the provisions to be included in landscape irrigation projects such as this WDRIWRR."

Executive Director Rice's August 28, 2009 memo references Section 7.c.(2) of the Recycled Water Policy, which states that "irrigation is to be applied in amounts and at rates needed for the landscape (i.e. at agronomic rates and not when soil is saturated, which is the design basis of Malibu LaPaz.)"

(21)

Applicable Plans, Policies & Regulations – No. 28

"CWC section 13523.5 on water recycling requirements states that a Regional Board may not deny issuance of water recycling requirements to a project that violates only a salinity standard in a basin plan. In 1985, soon after this provision was added to the Water Code, the State Board Office of Chief Counsel issued a legal opinion concluding that this provision does not apply, to waste discharge requirements. Hence, waste discharge requirements for recycled water

(22)

projects may contain effluent and other limitations' on discharges of salts as necessary to meet water quality objectives, comply with the Antidegradation Policy, or otherwise protect beneficial uses. Hence, waste discharge requirements for recycled water projects may contain effluent and other limitations' on discharges of salts as necessary to meet water quality objectives, comply with the Antidegradation Policy, or otherwise protect beneficial uses."

La Paz does not take issue with the Board's legal opinion as stated above; however, this opinion does not pertain to La Paz. There is no basis for the Board to require or issue La Paz WDRs. It follows that if there is no discharge of waste then there is no legal nexus for the Board to issue La Paz waste discharge requirements. This proposed issuance of WDRs is nothing more than bootstrapping; applying an order of Waste Discharge Requirements requiring zero discharge (counterintuitive and a nullity) so that the Board might retain the ability to apply stricter regulatory standards to La Paz in excess of Executive Officer Rice's August 29, 2009 Memo. La Paz requests a WRR; not a WDR.

The conclusions presented after "Hence" are, in stark conflict with Water Quality Order No. 2009-0006-DWQ General Waste Discharge Requirements For Landscape Irrigation Uses Of Municipal Recycled Water which states that salt discharges are to be addressed as determined in the to be developed Malibu Basin's Salt Management Plan.

Furthermore, section 6(3)f of the State's Recycled Water Policy states that the anti-degradation analysis to demonstrate compliance with Anti-Degradation Policy Resolution 68-16 is to be performed as part of the Salt Management Plan, From a practical perspective, anti-degradation can only be assessed on a Basin-wide perspective, not individual projects, as TMDL analysis is used to determine effluent requirements.

A. Pretreatment Requirements – No. 3

> "Water Conservation: Water conservation technology and practices shall be used by tenants and customers to decrease the addition of potable water to Malibu Valley Groundwater Basin and the impact on the water balance."

This is a no discharge system so there is no addition of potable water to the Malibu Valley Groundwater Basin. Furthermore water conserving devices such as waterless toilets have no impact on potable water demand as the reduction in water use will be offset by the increased landscape water demand due to the lowered available recycled water for irrigation. Also the nutrients from urinals are offsetting landscape fertilizer requirements, as well as recycled water is used for urinal flushing, so no potable water is proposed for this purpose. Text should be changed to read:

"Water Conservation: Water conservation technology and practices, if required by law, shall be used by tenants and customers to decrease the amount of potable water required by the project."

B. Influent Requirements – No. 3

> "No water softener or garbage disposal discharge is allowed into the collection systems that flow to the treatment unit."

The prohibition of garbage disposal should be removed as the septic tanks are specifically designed to operate with garbage disposals. (24)

C. Effluent Requirements – No. 3

"Treated and untreated effluent and potable water shall not be stored in the same container." (25)

This should be deleted as potable water storage is not proposed. Potable water may be blended with the recycled water via a CA DPH approved air gap during periods when ET exceeds the capacity of the recycled water produced and in storage, all as described in the May 2009 Title 22 Engineering Report. The blended water will be stored, monitored and used in the same manner as recycled water, and is no longer potable.

C. Effluent Requirements – No. 4

Table P1 has daily limits implying that daily sampling is required for all constituents, when only Total Coliform is sampled daily. The Monitoring & Reporting Program (M&RP) specifies weekly and monthly sampling for the same constituents. Table P1 should be revised to match the M&RP, with the revisions as described below. (26)

C. Effluent Requirements – No. 5b

"The monthly average Total Suspended Solids (TSS) concentration does not exceed 15 mg/L. Compliance shall be determined monthly using the average of the analytical results of all 24-hour composite samples taken daily during the month.." (27)

This requirement should be modified to be based upon weekly data and grab samples per the M&RP. Furthermore, effluent turbidity is continuously monitored with Title 22 maximum levels of 2 NTU. This turbidity measurement is more stringent than the TSS requirement of 15 mg/L. As such, TSS monitoring is unnecessary.

C. Effluent Requirements – No. 5c

"The Total Organic Carbon (TOC) concentration does not exceed 16 mg/L for more than two consecutive days, based on 24-hour composite samples taken daily." (28)

This should be deleted. Nowhere else is TOC referenced and TOC is not included in the Monitoring and Reporting Program. This appears to be an editing error in the Tentative Order preparation.

C. Effluent Requirements – No. 6

"Turbidity: The turbidity of the effluent water prior to disinfection shall not exceed 0.2 NTU more than 5 percent of the time within a 24-hour period and 0.5 at NTU at any time." (29)

The limits described above apply to water that has been passed through a microfiltration, ultrafiltration, nanofiltration, or reverse osmosis membrane, which is not proposed for the Malibu La Paz development.

Per Title 22 regulations as stated in 60301.320. Filtered Wastewater, the turbidity of water passed through a bed of filter media, as proposed for the La Paz development, may not exceed

- ***an average of 2 NTU within a 24-hour period or***
- ***5 NTU more than 5 percent of the time within a 24-hour period and***
- ***10 NTU at any time***

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C. Effluent Requirements – No. 7

"Narrative Limits: The wastewater discharged to the disposal system shall not contain salts, metals, nitrogen and phosphorous species, organic chemicals, or priority pollutants at levels that would impact groundwater or surface water that may be in hydraulic connection with groundwater."

30

This should be deleted as there is no waste discharge proposed. Furthermore as provided for in Section 6(b)1(b) of the State's Recycled Water Policy), the Salt and Nutrient Plans may include constituents other than salt and nutrients that impact water quality in the Basin. Therefore these issues should be addressed in the to-be-developed Salt-Nutrient Management Plan.

D. Groundwater Requirements – No. 1

"No Groundwater Impact: The facility is prohibited from altering the quality or elevation of the underlying groundwater of Malibu Valley."

31

Should be changed to

"Groundwater Impact: As the WRR provides that the facility should apply irrigation water in amounts no greater than landscape ET demand (i.e. agronomic rates[1]),and as landscape irrigation demand is greater than available recycled water, the recycled water will not affect groundwater elevation."

D. Groundwater Requirements – No. 2

"Irrigation Impact: The irrigation operation and monitoring plan, which must be approved by the Executive Officer, shall be applied at agronomic rates and shall include equipment to provide daily testing"

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Should be changed to

[1] **Irrigation at agronomic rates is proposed by the Permitee in the Malibu La Paz May 6, 2009 Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water.**

"Irrigation Impact: The irrigation operation and monitoring plan, which shall be approved by the Executive Officer, shall state that the recycled water used for landscape irrigation shall be applied at agronomic rates, i.e. landscape evapotranspiration requirements. The Plan shall include equipment to provide daily monitoring to demonstrate that irrigation is occurring at agronomic rates and no irrigation is occurring when soil moisture equals field capacity."

The Irrigation Operation and Monitoring Plan will include moisture sensors in each of the irrigation zones, with 27 zones identified in the Title 22 Engineering Report with at least two (2) areal per zone and two (2) vadose sensors per areal location.

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D. Groundwater Requirements – No. 3

"The Discharger must demonstrate the presence of a liquid-free vadose zone during landscape watering to verify that discharge is at agronomic rates."

This should be changed to

"The Permitee shall not irrigate with recycled water when soil moisture content is above field capacity in the respective irrigation subzones."

Liquid-free is an erroneous term as soil without any moisture are conditions under which no vegetation could survive, and only occurs in deserts if at all.

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D. Groundwater Requirements – No. 4

"Groundwater Monitoring: Monitoring of the groundwater for water quality parameters limited in the effluent and for the elevation of the water table shall take place according to the requirements of the salt/nutrient management plan, but the facility-specific portion of the plan shall include at least one upgradient and one downgradient well with quarterly testing."

While site specific monitoring is not required under the adopted State Water Recycling Policy, the applicant has volunteered to do so to proactively do its share and assist other stakeholders in preparing the Malibu Valley Salt Management Plan. Consequently, this should be changed to

"Groundwater Monitoring: Permittee shall install at least one upgradient and one downgradient monitoring well with quarterly testing in order to compile data for the required Malibu Valley Basin Salt-Nutrient Management Plan."

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E. Recycled Water Requirements – No. 2

"Chlorine Disinfection: If chlorine disinfection is used, chlorine disinfection shall provide a concentration-time (CT) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on a design flow of 5 mgd. The CT is the product of total chlorine residual and modal contact time measured at the same period. The modal contact time is the amount of time that elapsed between the time that a tracer, such as salt or dye, is injected into the influent at the entrance of the

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chlorination chamber and the time that the highest concentration of the tracer is observed in the effluent from the chamber."

Chlorine disinfection is not being used. Ozone is the disinfection system proposed with chlorine residual added to control biofilm in storage tank and distribution system, as in virtually all water distribution systems.

35

E. Recycled Water Requirements – No. 2c

"For purposes of calculating and demonstrating compliance with the CT requirement, the Dischargers conducted tracer studies under flow rates of 2.5 mgd and 5.0 mgd to determine the respective modal contact time at the chlorine contact basin. The studies followed the protocol outlined in Tracer Studies in Water Treatment Facilities: A Protocol and Case Studies published by the American Water Works Association Research Foundation, 1996. The Regional Board received a final report on the tracer studies on October 18, 2002. The report indicated modal contact times of 300 and 150 minutes for flows of 2.5 and 5 mgd, respectively."

36

This should be deleted as it does not apply to the LaPaz project and appears to have been inadvertedly inserted from another permit.

E. Recycled Water Requirements – No. 2d

"In the event the treatment operation is changed to produce recycled water at flow rates other than 2.5 and 5 mgd, tracer studies shall be conducted to develop a curve for use in estimating the contact times at various flow rates."

37

This should be deleted as it does not apply to the LaPaz project and appears to have been inadvertedly inserted from another permit.

E. Recycled Water Requirements – No. 4

"Priority Pollutants: Priority Pollutants listed in Attachment A-1 to A-7 shall not be discharged in concentrations which exceed the more restrictive of the California Chronic Toxicity Rule or Federal Maximum Contaminant Limits ... The chemicals shall be monitored twice yearly."

38

As there is no waste discharge there is no need for effluent monitoring for Priority Pollutants and Contaminants of Emerging Concern (Attachment X). More critically finished drinking water standards are inappropriate for non-potable recycled water.

As provided for in Section 6(b)1(b) of the State's Recycled Water Policy), the Salt and Nutrient Plans, these constituents could be addressed in the to-be-developed Salt-Nutrient Management Plan in which constituents other than salt and nutrients that impact water quality in the Basin can be included.

From a practical perspective, impact can only be assessed on a Basin-wide perspective, not individual projects.

E. Recycled Water Requirements – No. 7

"The recycled water shall not cause a measurable increase in organic chemical contaminants in the groundwater."

This should be deleted. Organic chemical contaminants are not defined. These standards are not finite or objective; such broad language is not useful or appropriate. Again, La Paz is a "No Discharge" project and hence, no discharge of waste to groundwater will occur; therefore no nexus exists for the proposed condition.

As provided for in Section 6(b)1(b) of the State's Recycled Water Policy on the Salt and Nutrient Plans, these constituents could be addressed in the to-be-developed Salt-Nutrient Management Plan in which constituents other than salt and nutrients that impact water quality in the Basin can be included.

From a practical perspective, impact can only be assessed on a Basin-wide perspective, not individual projects, as stated in Section 6(a)2 of the Recycled Water Policy "The State Water Board finds that the appropriate way to address salt and nutrient issues is through the development of regional or subregional salt and nutrient management plans rather than through imposing requirements solely on individual recycled water projects."

39

I. Provisions – No. 9F

"The Discharger must document the appropriate use of fertilizer that takes into account the nutrient levels in the recycled water.

As noted on page 41 of the May 6, 2009 LaPaz Title 22 Engineering Report, landscape nutrient needs are greater than contained within the wastewater. Consequently wastewater nutrients should be allowed to the maximum extent to offset fertilizer demand without fertilizing in excess of landscape requirements

40

I. Provisions – No. 11

"The discharge from this facility, and resultant changes in discharge from adjacent facilities, shall not cause continuing impairment of beneficial uses in the waterbodies adjacent to the site."

There is no waste discharge from this facility, thus this condition is inappropriate. Additionally, the performance of or discharges from adjacent facilities is not relevant to La Paz' permit (see also comment #s 11, 28 and others above). La Paz has no ownership or control over off-site wastewater treatment facilities or their performance. Thus, the performance of or discharges from such adjacent facilities is not properly considered or addressed in La Paz' permit

41

I. Provisions – No. 19

"Material change includes the failure to use the permitted discharge system for the majority of the effluent"

42

There is no proposed discharge so this sentence should be deleted. La Paz proposes a water reuse system, not a "discharge system." Water reuse does not constitute discharge. Such an interpretation of water reuse would require a WDR for each and every single water recycling permit (WRR)/project up and down the entire State of California and would negate the intent and purpose of the recently issued Water Recycling Policy and Water Quality Order No. 2009-0006-DWG, General Permit for Landscape Irrigation Uses of Municipal Recycled Water, by the State Water Board which clearly distinguishes between WRRs and WDRs (not all WRRs requiring WDRs). Again, La Paz strongly objects to the term "discharge" wherever that term may be used in its permitting documents and maintains its need for a WRR only. (42)

J. Prohibitions – No. 1

> "Sewer Connection: Effluent which cannot be stored or used for irrigation or which results from system upset must be discharged..." (43)

should be changed to

> ***"Sewer Connection: Effluent from system upset which cannot be stored for retreatment and reuse must be discharged ..."***

J. Prohibitions – No. 3

> "Waste Characteristics: Wastes discharged shall not impart tastes, odors, color, foaming or other objectionable characteristics to the receiving groundwater." (44)

The entire sentence should be deleted as there is no discharge of waste to the groundwater and language on conditions is so vague so as to impart no meaning and provides no guidance to the permittee or regulators.

J. Prohibitions – No. 4

> "form" (45)

Replace with "from".

Reports Required Within 30 days of Issuance of Order

Pretreatment Requirements – No. 1e Pretreatment Education Materials

> "Documentation of the pretreatment educational materials and/or lease provisions shall be included in a report on water conservation and recycling/recycling to be provided within 30 days of adoption of this Order." (46)

A 60 or 90 day period is more appropriate for this Report.

Pretreatment Requirements – No. 2b – Operations & Maintenance Plan for Restaurants (47)

"Documentation of the operation and maintenance plan for all restaurants and food services establishments with a report on restaurant waste management within 30 days of adoption of this order."

A 60 or 90 day period is more appropriate for this Report.

Pretreatment Requirements – No. 3 – Water Conservation Report

"Water Conservation report...shall include the number and flow standards of all plumbing fixtures and water usage assumptions, submitted within 30 days of adoption of this Order, and updated annually."

This information is contained within section 2.4.11.1 of the Malibu LaPaz May 6, 2009 Engineering Report for the Production, Distribution & Use of Title 22 Disinfected Tertiary Recycled Water. A 60 or 90 day period is more appropriate for any additional information.

Monitoring and Reporting Program (M&RP) Cl. No.XXXX

I. Reporting Requirements

A. "For the initial 12 weeks of operation of the advanced onsite wastewater treatment system, weekly sampling results shall be submitted monthly on the 15th of the following month with the first monthly report due August 15, 2010."

As the system will not be operational in 2010, change last words to "first monthly report due within forty-five days of system substantial completion."

"The first quarterly monitoring report under this Program, for July- September 2010, shall be received at the Regional Board by October 15, 2010."

Should be deleted as the system will not be operational in 2010.

II. Water Quality Monitoring Requirements

C. Effluent Monitoring

4. Program

Total Nitrogen	Minimum frequency of analysis	daily

Should be changed to Organic Nitrogen as Total Nitrogen is not measured. Rather Total Nitrogen is the sum of organic nitrogen, ammonia-N, nitrite-N and nitrate-N, that are measured. Organic nitrogen should be monitored weekly as other nitrogen constituents. Daily monitoring is excessive/inappropriate

E. Groundwater Monitoring

"1. Irrigation Impact: There will be daily testing of the depth of soil moisture during irrigation. The results shall be presented in tabular form identifying the presence of a liquid-free vadose zone

during landscape watering to verify that discharge is at agronomic rates for every day of irrigation."

Change to

"1. Irrigation Monitoring (Soil Sensors): There will be daily monitoring of soil moisture at various depths during irrigation. The results shall be presented in tabular form identifying the presence of a vadose zone in which soil moisture is below field capacity during landscape watering to demonstrate that irrigation does not exceed landscape ET demand rates for every day of irrigation."

Liquid-free is an erroneous term as soil without any moisture are conditions under which no vegetation could survive, and only occurs in deserts if at all.

(51)

Malibu LaPaz makes this submission without prejudice to and without waiver of any of its rights in its pending or previous appeals (Petitions A-2087 & A-2036 respectively) before the State Water Resources Control Board.

If you have any questions or comments on these matters, please do not hesitate to contact me by telephone (617) 964-2924 or E-mail Pio@LombardoAssociates.com.

Yours truly,

Pio S. Lombardo, P.E.
President

cc: Sam Unger, LARWQCB Interim Executive Officer
Elizabeth Erickson, LARWQCB
Don Schmitz, Schmitz and Associates
Chris Deleau, Schmitz and Associates
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COMMITTEES:
VICE CHAIR
JUDICIARY

MEMBER
BANKING AND FINANCE
GOVERNMENTAL ORGANIZATION

June 8, 2010

Ms. Mary Ann Lutz
Chair, California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA 90013

RE: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

SENT VIA U.S. MAIL & E-MAIL

Honorable Chair Lutz:

We are writing to you to voice my support for the Malibu La Paz Project and ask that you approve the above referenced WDR/WRR at your July hearing.

The Malibu La Paz Project is unique from a water quality and conservation standpoint in that it proposes to accomplish what no other private development project has done to date in this State, which is to *treat and beneficially reuse 100% of a project's wastewater onsite* while effectively protecting groundwater quality. The petitioners propose the construction of a $5,000,000 Title 22 Wastewater Treatment Facility on its property to serve its project. This state of the art facility is designed to treat approximately 20,000 gallons per day and provide "tertiary" treatment of the wastewater (unrestricted water reuse standards) so the water quality is exceptional. Most public sewage treatment plants do not treat wastewater to these levels. The wastewater will be divided with about half going back to the buildings for in-building reuse for toilet and urinal flushing. The remainder of the water will be allocated towards landscaping on site. **Reuse is estimated to reduce potable water consumption for the project by 60% annually.**

In addition, the project will utilize a million gallon storage tank so as to store reclaimed water during the wet season for later reuse during warmer months when irrigation demand is high. A State-of-the-Art advanced irrigation system will monitor real-time climatological data along with soil moisture sensors in order to maximize irrigation efficiency and minimize water use. The irrigation systems will use only as much water as is needed to keep the plants healthy. This represents an unprecedented commitment by the applicant to conserverving water.

As you are well aware State Recycled Water Policy, on February 3, 2009, stating in pertinent part,

"California is facing an unprecedented water crisis...We strongly encourage local and regional water agencies to move towards clean, abundant, local water for California by emphasizing appropriate water recycling, water conservation, and maintenance of supply infrastructure...these sources of supply are drought-proof, reliable and minimize our carbon footprint and can be sustained over the long-term...To this end we adopt the following goals for California: Increase the use of recycled water over 2002 levels by at least one million acre/feet per year (afy) by 2020 and by at least two million afy by the year 2030...Included in these goals is the substitution of as much recycled water for potable water as possible by 2030.

La Paz meets and exceeds these goals, today. In fact, no private project in California to date has proposed to treat and reuse 100% of its wastewater on site. La Paz is the first to propose such advanced treatment (water quality) and extensive reuse (conservation). The project was designed to meet and exceed all goals and expectations stated in the State's Water Recycling Policy, and does so in dramatic fashion.

The Malibu La Paz project is the high water mark for development in California. The applicant's have exceeded all goals California has set much less all requirements, and has already been approved by the Malibu City Council, the California Department of Public Health, and the California Coastal Commission. It is now incumbent on the Los Angeles Regional Water Quality Control Board to also approve this outstanding project and set the example for future projects in this State. In a time where our State is facing drought and growing concern over the future of water and our natural resources we must promote projects like Malibu La Paz in any and all ways possible.

Sincerely,

Assemblyman Van Tran

Assemblyman Anthony Adams

Assemblyman Cameron Smyth

Assemblyman Mike Villines

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Tamar C. Stein
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June 11, 2010

File No. 47864

VIA E-MAIL

Ms. Mary Ann Lutz, Board Chair
Honorable Members of the Board
Attn: Dr. Rebecca Chou
Ms. Elizabeth Erickson
Los Angeles Regional Water Quality Control Board
320 West 4th Street
Los Angeles, CA 90013

Re: *Tentative Order No. R4-2010-00xxx for Waste Discharge Requirements/Water Recycling Requirements for Title 22 Recycled Water for Malibu La Paz Ranch, LLC; File No. 08-0101; Hearing Date: July 8-9, 2010*

Dear Chair Lutz and Honorable Board Members,

I represent Malibu La Paz Ranch, LLC ("La Paz"), with respect to the above-referenced Tentative Order ("Tentative Order"). This letter addresses certain legal issues with respect to the Tentative Order. [1] This letter supplements the June 4, 2010 submission of Lombardo and Associates, Inc.

A. The Permit To Be Issued Is A WRR Not A WDR

The Los Angeles Regional Water Quality Control Board's ("Regional Board") Tentative Order imposes Waste Discharge Requirements ("WDRs") and Water Recycling Requirements ("WRRs") on La Paz. However, the imposition of WDRs is inappropriate because La Paz's project has been modified to eliminate any discharge. Water Code § 13260 (a)(i) defines the persons required to file a Report of Waste Discharge (ROWD) as "Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system." Although we could not find a definition of "discharge" in the Water Code nor Title 23 of the California Code of Regulations, the federal Clean Water Act defines "discharge" as "the addition of any pollutant to [navigable] waters," *see* 33 U.S.C. § 502 (12), (16). Here, it is undisputed that La Paz is a 100% recycling facility which has

[1] La Paz makes this submission without prejudice to, and without waiver of, any of its rights in its pending or previous appeals (Petitions A-2087 and A-2036, respectively) before the State Water Resources Control Board.

eliminated discharge to groundwater, see Tentative Order, Findings 4, 17. The project before Regional Board now is a "no discharge" project for which only WRRs are required.

B. La Paz Cannot Be Required to Implement A Facility-Specific Salt Management Plan

The Tentative Order purports to impose a facility-specific salt management plan on La Paz, to be submitted according to the requirements of the State's Recycled Water Policy, see Finding 27. However, the State's Recycled Water Policy flat-out prevents the Regional Board from imposing salt management requirements on individual recycled water projects, such as the La Paz project. Water Code § 13523.5 states that the regional boards may not deny issuance of water recycling requirements to a project that violates only a salinity standard in a Basin Plan. The Tentative Order tries to evade the mandate of Water Code § 13523.5 by relying on a very old State Board Chief Counsel legal opinion which concluded that §13523.5 does not apply to issuance of WDRs. However, as noted above, the La Paz project requires only WRRs, which are subject to Water Code § 13523.5. Therefore, since La Paz is a no discharge project, the Regional Board cannot regulate nutrients and salts.

C. The Prohibition Cannot Be Imposed On La Paz

The Tentative Order states at Finding 11 that La Paz is subject to the prohibition of on-site wastewater treatment disposal systems in the Malibu Civic Center Area adopted on November 5, 2009 by the Regional Board as an amendment to the Basin Plan (Resolution R4-2009-007). However, the prohibition has not yet been approved by the State Water Resources Control Board (SWRCB) and, therefore, is not in effect. Water Code § 13245 plainly states, "[A] water quality control plan, or a revision thereof adopted by a regional board, shall not become effective unless and until it is approved by the state board." Even were the prohibition ultimately adopted, it would not apply to La Paz. La Paz does not propose to discharge waste through an on- site wastewater treatment disposal system. Therefore, by its terms, the prohibition would not apply. The prohibition states that all commercial on-site wastewater treatment disposal systems must cease discharging by November 5, 2015. However, the Regional Board's Tentative Order requires of La Paz only that as of November 5, 2015, La Paz will be required to send its off-specification effluent to the City of Malibu's anticipated treatment plant, in the event that La Paz exceeds its storage, treatment and reuse capacities. The Tentative Order allows La Paz zero gallons per day of discharge, but expressly permits the ongoing use of the La Paz system for water reuse. Accordingly, the Tentative Order acknowledges that the prohibition cannot be applied to La Paz.

Very truly yours,

Tamar C. Stein

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June 11, 2010

Mr. Sam Unger
Acting Executive Officer
LA Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Via Email: sunger@waterboards.ca.gov

Re: Draft Waste Discharge Requirements and Water Recycling Requirements for Malibu La Paz Ranch, LLC.

Dear Mr. Unger:

On behalf of Heal the Bay, we submit these comments on the Draft Waste Discharge Requirements and Water Recycling Requirements for Malibu La Paz Ranch, LLC ("Draft WDRs" or "Draft Permit"). For nearly 20 years, Heal the Bay has been actively involved in water quality and habitat restoration issues within the Malibu Creek Watershed.

The City of Malibu faces many water quality challenges. As stated in the Draft WDRs, Malibu Creek and Lagoon are listed on the State's 2006 303(d) List as impaired by numerous pollutants, and TMDLs have already been adopted for bacteria and nutrients. On November 5, 2009 the Regional Board adopted a prohibition on on-site wastewater disposal systems ("OWDS") in the Civic Center area, as they determined that these systems are a significant source of pollution to the impaired waterbodies.

Given the existing TMDLs and the adopted Prohibition, we are extremely perplexed and concerned by the fact that the Regional Board would consider WDRs for La Paz at this time. In fact, we believe that adopting the Draft WDRs would be an enormous mistake from an environmental, political, economic and legal perspective. These concerns are further discussed below.

The Draft WDRs Conflict with the Prohibition

The Draft WDRs conflict with the Regional Board's adopted Amendment to the Basin Plan to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area, Resolution No. R4-2009-007 ("Prohibition") and should not be brought forward at this time. The Prohibition is clear in its intent – "...the Regional Board hereby adopts and amends the Basin Plan to include a prohibition on discharges from on-site wastewater disposal systems in the Civic Center area." The exceptions to this prohibition are narrow, and as stated in the Draft WDRs, do not apply to the applicant. Although the Prohibition is pending before the State Board[1], the Regional Board

[1] Of note, Public Comments on the Prohibition are due to the State Board on June 29, 2010, only 10 days before the hearing for La Paz.

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has decisively determined that OWDS should be phased out in the Civic Center area. In fact, Regional Board staff recently rejected the City Malibu's request to reconsider the Prohibition. Thus, moving forward with the Draft WDRs is illegal, in total conflict with Regional Board policy, and completely unjustified.

As stated in the Prohibition, staff demonstrated that "discharges of wastewater from OWDSs in the Civic Center area fail to meet water quality objectives established in the Basin Plan, contribute to impairments of present or future beneficial uses of water resources, and cause pollution, nuisance or contamination." Prohibition at 2. After reaching this conclusion, it would be hypocritical and illegal for the Regional Board to adopt any WDRs allowing discharge to the Civic Center area.

The Regional Board Should Clarify Discharger Expectations

The Draft WDRs discuss the Prohibition and appear to indicate that La Paz would need to phase out discharge. Of note, the Draft WDRs erroneously suggest that La Paz would need to cease discharge in 2019. However, the Prohibition only allows commercial facilities until 2015 to cease discharge: "Prohibit discharges from existing systems within six years in commercial areas..." Prohibition at 5. Does the Regional Board expect that La Paz will complete their development and proposed OWDS before 2015 simply to cease operations soon thereafter in 2015? If so, the incremental cost of building a new onsite system in 2-3 years and then subsequently connecting to a new sewer two years later to subsequently pay sewer hook-up and sewer service charges would be cost prohibitive. Do the ROWD and engineering plans include a proposal to cease discharge in 2015 as required under the Prohibition? It is nonsensical to approve a discharge on a yet to be built project when the adopted Prohibition is directing discharges to be phased out. Obviously, the discharger is trying to push through WDRs without thought for the context of the situation. Thus, the Regional Board must reject the WDRs and at a minimum clarify expectations that absolutely no wastewater can be discharged to groundwater, Malibu Creek or Malibu Lagoon under any circumstances short of a 100 year storm or 100 year storm year.

Impaired Waterbodies will be Further Impacted by the Discharge

The proposed project would produce an average of 19,000 gpd with a peak flow of approximately 25,000 gpd. The majority of the treated discharge would be used for irrigation on the property. The addition of discharge to the already over-taxed system will lead to further water quality degradation and contribute to continued bacteria and nutrient impairments, which is illegal under TMDL requirements and the Prohibition. Any addition of water could push the current groundwater pollutants into the impaired surface waters. New sources will absolutely cause or contribute further violations of water quality standards and TMDL requirements at a time when the City is legally obligated to reduce its nutrient and fecal bacteria contributions.

As discussed in the Draft WDRs, WDRs that prohibited discharge were issued for Malibu La Paz Ranch on February 4, 2010. The Draft Permit states that "This tentative WDR/WRR is proposed because the ROWD has been modified to eliminate any discharge to the groundwater," Draft

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WDRs at 1. How can the Regional Board logically reach this conclusion when up to 25,000 gpd may be discharged via irrigation? Certainly all of this water is not evapotranspired.

Further, the Findings provided in Draft WDRs do not logically lead to staff's decision to issue WDRs. The Findings indicate that the discharge would, in fact, impact groundwater : "These WDR/WRRs have been written in order to preclude any changes in the elevation or quality of the groundwater. These restrictions are necessary because the Discharger reports irrigation may cause elevation of the groundwater table." Draft WDRs at 2. "If all of the discharge reaches groundwater, it will increase liquid wastes in the Civic Center by about 10%." Draft WDRs at 3. Staff is proposing to adopt WDRs that allow discharge despite the fact that the proposed discharge won't meet the WDR's requirements: "The facility is prohibited from altering the quality or elevation of the underlying groundwater of Malibu Valley." Draft WDRs at 9. Again, the Regional Board must reject the Draft WDRs.

The Draft WDRs may Impact Malibu's Current Wastewater Management Plan

It is our understanding that the Draft WDRs do not plan to exempt La Paz from the Prohibition; however as discussed above, the expectations are unclear. As discussed in detail, we strongly believe that the WDRs should not be issued and most certainly should not exempt La Paz from the Prohibition's requirements. However, the Regional Board should keep in mind that the City of Malibu's current wastewater management plans depend on La Paz hooking into the sewer and the resulting revenue from the hook-up and sewer service charges. Regional Board staff was present at two separate City of Malibu presentations that made it clear that La Paz wastewater is expected to be discharged to the new civic center recycled water plant, and revenues from the hook-up and the sewer service charges would help pay for the new facility and sewer system. If La Paz does not connect to the sewer in 2015, this would greatly impact the financing of these current plans and calls into question whether Malibu will truly move forward to construct a water recycling plan for the civic center wastewater discharges. The Regional Board needs to address how this discharge would impact plans for the future civic center recycled water plant.

Nutrient and Bacteria Limits Should be More Protective

The Draft WDRs provide effluent limits for a handful of pollutants including total nitrogen and total coliform. If the Regional Board does move forward with these WDRs, any effluent limits for these constituents other than "zero" are inappropriate, as the effluent could cause or contribute to an exceedance of the TMDLs. The location of the effluent discharge is proximate to the creek; far closer than other onsite systems that Regional Board staff has found in violation of WDRs and causing or contributing to Malibu creek and Lagoon impairment. Thus, the Draft WDRs should be modified accordingly.

At a minimum there is no reason for total nitrogen effluent limits to be more than 3 mg/L, which is required in the Malibu Lumber WDRs. Also, an ammonia limit should be included in the WDRs. The Draft Permit includes a total bacteria concentration of 2.2/100 MPN, yet states that "[t]hese bacteria concentrations are above the water quality objective of 1.1 MPN/100 mL in the Basin Plan..." At a minimum, the WDRs should include a water quality objective for total

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coliform of 1.1 MPN/100 mL to be consistent with the Basin Plan and sufficiently protective.

Priority Pollutant Monitoring Frequency Should be Clarified

The Draft WDRs state that "The chemicals [priority pollutants] shall be monitored twice yearly." Draft WDRs at 11. However, the Monitoring and Reporting Program indicates that monitoring will take place annually. Draft WDRs at T-5. The Regional Board should clarify that priority pollutant monitoring is required twice yearly.

The scientific facts are clear: discharges of wastewater in the Civic Center area have the reasonable potential to cause or contribute to impairments of existing or potential beneficial uses. The Regional Board echoed this finding with the adoption of the Prohibition on November 5, 2009. The Regional Board has no reason to reverse this finding, especially given the proposed large volume of discharge (up to 25,000 gpd) for the La Paz project. Also, making a decision to violate the Prohibition before the State Water Board rules on the decision is horrible policy and puts impaired water bodies at augmented risk of continued degradation. Thus we urge the Regional Board to reject the Draft WDRs.

Thank you for your consideration of these comments. Feel free to contact us at 310-451-1500.

Sincerely,

Mark Gold

Mark Gold, D. Env.
President
Heal the Bay

Kirsten James

Kirsten James
Water Quality Director
Heal the Bay

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June 10, 2010

Ms. Mary Ann Lutz
Chairman California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA

RE: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

SENT VIA U.S. MAIL & E-MAIL

Honorable Chair Lutz:

CBPA is the designated legislative advocate for the International Council of Shopping Centers (ICSC), the California chapters of the Commercial Real Estate Development Association (NAIOP), the Building Owners and Managers Association of California (BOMA), the Retail Industry Leaders Association (RILA), the Institute of Real Estate Management (IREM), the California Downtown Association (CDA), the Commercial Real Estate Women (CREW), the Association of Commercial Real Estate – Southern California (ACRE) and the Certified Commercial Investment Members Institute (CCIM). CBPA currently represents over 12,000 members, making it the largest consortium of commercial real estate professionals in California.

Malibu La Paz Ranch (La Paz) is proposing to build a 112,058 sq. ft. of mixed office/retail development on 15.29 acres. There have been additional discussion about including a 20,000 sq. ft. Municipal Building on 2.3 acres of land donated to the City by the projects applicants. The projected construction costs is approximately $100 million. The impact of these jobs to the surrounding economy and the larger impact to the State cannot be underestimated.

La Paz is unique from a water quality and conservation standpoint in that it proposes to *treat and beneficially reuse 100% of a project's wastewater onsite* while effectively protecting groundwater quality. The applicants propose the construction of a $5,000,000 Title 22 Wastewater Treatment Facility on its property to serve its project. This state of the art facility is designed to treat approximately 20,000 gallons per day and provide "tertiary" treatment of the wastewater (unrestricted water reuse standards) so the water quality is exceptional. Most public sewage treatment plants do not treat wastewater to these levels. The wastewater will be divided with about half going back to the buildings for in-building reuse for toilet and urinal flushing. The remainder of the water will be allocated towards landscaping on site. Reuse is estimated to reduce potable water consumption for the project by 60% annually.

This project has received near universal acclaim and support. It was approved by the Malibu Planning Commission on a 4-1 vote, and by the Malibu City Council 5-0. The California Department of Public Health approved the project and praised its state of the art use of green technology and water recycling, and recently the California Coastal Commission unanimously approved the project and La Paz has been nominated to receive a Gold certification from LEEDS (Leadership in Energy and Environmental Design).

The Malibu La Paz Ranch project is one that should be held up as the way development in this State should be conducted. It sets the bar for its use of green technology and at a time when the State is experiencing record unemployment will provide jobs and millions of dollars in economic stimulation. We urge your support and will be happy to discuss this further with you if need be.

Sincerely,

Rex Hime
President & CEO

SANTA MONICA BAYKEEPER

June 14, 2010

Mr. Sam Unger, Interim Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013

Re: Comments on the Tentative Waste Discharge Requirements/Water Recycling Requirements and Monitoring and Reporting Program for Malibu La Paz Ranch LLC at 3700 La Paz Lane, Malibu, California (File No. 08-101)

Dear Mr. Unger:

Thank you for the opportunity to comment on the tentative waste discharge requirements/water recycling requirements ("WDR/WRR") and the monitoring and reporting program for Malibu La Paz Ranch ("Discharger"). Santa Monica Baykeeper ("Baykeeper") has been involved in water quality issues in the region since 1993 and actively engages in the regulatory process to ensure that state and federal laws are upheld and that water quality is protected for public health and ecosystem integrity.

Baykeeper has several concerns with the tentative WDR/WRR, including the adequacy of the facility's storage capacity, the continued wet weather discharges, and the inadequate limits to protect existing and future water quality objectives. In addition, provisions related to salt management and the monitoring and reporting program require significant improvements. Most notably, however, this WDR/WRR is proposed for an already heavily impacted area adjacent to waterbodies determined to be impaired for several key pollutants and is contrary to the Regional Board's recently passed prohibition on on-site wastewater disposal systems ("OWDS") in the Civic Center area. The issuance of this WDR/WRR would only further exacerbate water quality issues in Malibu Creek, Malibu Lagoon, and Surfrider Beach. These concerns are explained in detail below.

<u>The La Paz Treatment Facility Would Require Increased Storage Capacity</u>

The Discharger estimates an average of 19,000 gallons per day ("gpd") will be generated for irrigation, with a peak flow of 24,870 gpd. The WDR/WRR states that the site "requires irrigation at a rate averaging 14,200 gpd of waste and as much as 3.760 [sic] gpd of potable water." WDR/WRR at 3. However, the WDR/WRR fails to include any analysis or background information on how the irrigation needs of the site were determined. This information is crucial because the WDR/WRR requires: "[r]ecycled water shall be applied at such a rate and volume as not to exceed vegetative demand and soil moisture conditions." *Id.* at 13. Also, the estimated supply exceeds the estimated demand. Thus, the storage facilities will be utilized. However, the storage is inadequate. Paragraph 17 of the WDR/WRR states

that although the Facility design is for 100% recycling, storage is available where low evapotranspiration ("ET") rates preclude irrigation for up to 20 days in critical conditions. *Id.* at 4. However, paragraph 17 also states that the facility's storage capacity is only 350,000 gpd or "about 14 days of maximum discharge." *Id.* Thus, on its face, the WDR/WRR admits that the facility does not have the storage capacity to hold excess water in critical conditions. The Discharger would then most likely discharge to the sewer system or export the discharge "out of the Malibu Valley groundwater basin." *Id.* Thus, the discharge would presumably be discharged in an alternative location. This practice does support statements that this facility is "zero discharge" and will have no impact on area waters. If a WDR/WRR is issued, the facility must have adequate storage capacity in the event of system malfunction or other complications.

In addition, if the WDR/WRR is issued, the Regional Board should require enough storage capacity to avoid irrigation during winter months when groundwater levels are highest and the demand for water by vegetation at the site is lowest and often unnecessary. For example, it is possible that rainfall would make irrigation unnecessary for more than four months in the winter. Thus, storage capacity would need to accommodate approximately four months of wastewater. Further, to prevent discharges to groundwater and subsequent discharges of pollutants to surface waters, the Discharger should not be allowed to discharge during a rain event of greater than 0.1 inches or within 72 hours of an event of that size. The Regional Board routinely uses rainfall of 0.1 inch and the three days following such day as the criteria for defining a rain or wet weather day. *See* Malibu Creek Bacteria TMDL

Prohibiting discharges during winter months would provide an additional benefit. It would allow rainwater to flush the salts from the soils and help the Discharger meet the salt management requirements stated in the permit. If issued, the WDR/WRR should be amended to prohibit discharges during rain events and require storage capacity for up to four months of wastewater.

<u>The WDR Must Require the Discharger to Meet Basin Plan Water Quality Standards and TMDLs for Surface Waters</u>

The WDR/WRR must require that wastewater discharged from the La Paz Facility meet numeric water quality standards and applicable total maximum daily loads ("TMDL"). *See* Cal. Water Code §13263 (requiring WDRs to implement Basin Plan requirements). Despite this state law requirement, the WDR includes narrative limits that are inadequate. *See* WDR/WRR at 9. Narrative limits do not assure that potential discharges to groundwater will not impact the impaired surface waters of Malibu Creek, Malibu Lagoon and Surfrider Beach. Further, provisions prohibiting discharges during rain or to surface waters have no specific mechanisms of enforcement. Thus, if issued, the WDR/WRR must require compliance with numeric water quality standards and TMDLs and, as explained above, must prohibit discharges during winter months (i.e. Dec.-April 15).

In addition, waste discharge limits included in the Regional Board's WDR for the Lumber Yard in the Civic Center area should also be included here. For example, there is no reason

for total nitrogen effluent limits to exceed 3 mg/L, as required in the Malibu Lumber Yard WDRs. Additionally, the WDR/WRR does not include a bacteria limit that is protective of water quality and public health. It includes a total bacteria concentration of 2.2/100 MPN, yet states that "[t]hese bacteria concentrations are above the water quality objective of 1.1 MPN/100 mL in the Basin Plan" and that "[a]dditional destruction of bacteria is anticipated during application of the recycled water to the landscape." WDR/WRR at 3-4. The WDR/WRR provides no explanation for these statements. Thus, the WDR/WRR should include a water quality objective for total coliform of 1.1 MPN/100 mL to be consistent with the Basin Plan and protective of water quality.

The Regional Board is well aware that groundwater in this area is connected hydrologically to surface waters that are impaired for Nitrate-Nitrogen and Phosphate as well as bacteria. The TMDL limits must be maintained in the surface waters. Thus, the WDR/WRR should require much more protective standards that meet the future TMDL water quality standards for Malibu Creek and Lagoon. Additionally, to adequately assess and monitor the impact of the La Paz Facility, the WDR/WRR should consider "reference condition" groundwater sampling at the most unimpacted areas of the building site. This would provide a means of comparison to ensure that discharges to groundwater are not causing elevated pollution levels above background conditions.

The Tentative WDR/WRR Provisions on Irrigation Should Be Strengthened

To determine compliance with Section G.8, how will the Regional Board ensure that the use of recycled water will not exceed vegetative demand and soil moisture conditions? As mentioned above, no details of the vegetation at the site and irrigation needs have been provided. The irrigation plan must include also a list of plants that La Paz LLC proposes to plant on the site, as well as data showing soil moisture, rainfall rates, etc. It should also be circulated for public review and comment.

In Section G.8.d., the WDR/WRR states that "minor amounts of irrigation return water from peripheral areas shall be considered a violation of this Order." WDR/WRR at 13. However, the Regional Board provides no justification for suggesting that some discharges are exempt from water quality requirements.

Under Section I.3, the irrigation operations and management manual should be submitted to the Regional Board Executive Officer *and* be circulated for public review and comment due to the importance of this project and the severely impaired status of Malibu's groundwater and surface waters. The operations and management manual should also include a list of the plants that will be planted on site.

The Discharger Should Not Be Allowed to Discharge Until a Salt Management Plant is Developed

The WDR/WRR states that salt leaching is a serious problem and that the Discharger's system does not treat for salt. WDR/WRR at 5. However, the salt management plan is not

required until February 2016. This is unacceptable. The salt management plan should be developed before the facility starts discharging. There should be a clear provision in the WDR/WRR that unless the salt management plan is prepared by the Discharger, submitted for approval and approved by Regional Board, the facility may not become operational. As the WDR/WRR points out, the Regional Board may condition the issuance of a WDR/WRR on the preparation of a salt management plan because the Regional Board has the authority to impose effluent and other limitations on discharges of salts as necessary to meet water quality objectives, comply with the Antidegradation Policy or otherwise protect beneficial uses. *Id.* at 5-6.

The Monitoring and Reporting Program of the Tentative WDR Must Be Improved

First, effluent monitoring under the WDR/WRR must include all constituents for which there is a Basin Plan surface water and groundwater limit and/or TMDL (see discussion above). Also, given the severity of the current impairment of beneficial uses of Malibu Creek, Malibu Lagoon, and Surfrider Beach, it makes no sense to require surface water sampling only after the Executive Officer determines that a discharge to surface waters has occurred. *See* Monitoring and Reporting Program, Section II.D. Instead, to adequately document the impact of La Paz's discharge on surface waters via subsurface irrigation, surface water monitoring should be conducted with the same frequency as effluent water monitoring. Only then can the Regional Board and the public evaluate the effect of La Paz's discharge on surface waters.

Lastly, the WDR/WRR requires groundwater monitoring "according to the requirements of the salt/nutrient management plan." WDR/WRR at 10. However, as mentioned above, the WDR/WRR does not require the Discharger to complete the salt management plan until February 2016. It is unacceptable to delay groundwater monitoring until 2016. If the WDR/WRR is issued, groundwater monitoring should be required immediately and should include reference condition sampling as suggested above.

Santa Monica Baykeeper urges the Regional Board Staff to consider the comments and concerns included here and reconsider its issuance of the WDR/WRR. This proposed project would have a significant impact on an already heavily impacted area and seriously impaired waterbodies.

Sincerely,

Liz Crosson, Esq.
Executive Director
Santa Monica Baykeeper

MERIT SHOP
ROUNDTABLE

June 10, 2010

Ms. Mary Ann Lutz
Chairman California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA

RE: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

SENT VIA U.S. MAIL & E-MAIL

Honorable Chair Lutz:

On behalf of the Merit Shop Roundtable, a statewide association of merit shop contractors, I am writing to you to voice our support for the Malibu La Paz Project and ask that you vote to approve the WDR/ WRR for this project.

The project proposes to construct 112,058 sq. ft. of mixed office/retail development on 15.29 acres + 20,000 sq. ft. Municipal Building on 2.3 acres of land donated to the City to construct municipal facilities. At an estimated $100 million in total construction costs, including the municipal uses, this project represents thousands of potential construction jobs at a time where our economy, and the construction industry, so desperately needs them. These are hard working men and women with families. The impact of these jobs to the surrounding economy and the larger impact to the State cannot be underestimated.

This project has received near universal acclaim and support. It was approved by the Malibu Planning Commission on a 4-1 vote, and by the Malibu City Council 5-0. The California Department of Public Health approved the project and praised its state of the art use of green technology and water recycling, and recently the California Coastal Commission unanimously approved the project. La Paz has also been nominated to receive a Gold certification from LEEDS (Leadership in Energy and Environmental Design).

The Malibu La Paz project is the high water mark for development in California. The applicant's have exceeded all goals California has set for water conservation and utilization of green technology much less all requirements, and has already been approved by the Malibu City Council, the California Department of Public Health, and the California Coastal Commission. It is now incumbent on the Los Angeles Regional Water Quality Control Board to also approve this outstanding project and set the example for future projects in this State. In a time where our State is facing drought and growing concern over the future of water and our natural resources we must promote projects like Malibu La Paz in any and all ways possible.

Sincerely,

Gared Larson
Executive Director

3775 Industrial Blvd Suite 980722 West Sacramento, CA 95691

CITIZENS FOR A GOLDEN STATE
921 11TH STREET SUITE 600
SACRAMENTO, CA 95814

June 8, 2010

Ms. Mary Ann Lutz
Chairman California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA

RE: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

SENT VIA U.S. MAIL & E-MAIL

Honorable Chair Lutz:

On behalf of Citizens for a Golden State (CFGS) I am writing to express out support for the Malibu La Paz project in Malibu California and request that you approve the project in the petitioners request.

CFGS is a statewide organization dedicated to protecting California's natural resources in the context of providing safe, sustainable communities for our citizens. We seek, in circumstances like La Paz, developments that meet the needs of a given community while protecting the environment around said project. In the La Paz project we have found a developer and project that accomplishes both and at a level heretofore unseen in the State.

The project seeks to construct a roughly 112,00 square foot mixed use commercial/retail development on 15. 29 acres, which has sat unused for a number of years. In addition, the developer is donating 2.3 acres of to the City of Malibu to be used to construct municipal offices for the City. Aside from providing need office and retail space, La Paz has been designed to promote community connectivity by using pedestrian walkways, bike paths, and rack in such a manner that encourages use within the project as well as to the Malibu Pacific Trail. The inclusion of electric vehicle designated parking spaces and recharge stations provides an additional service to the community.

The Project proposes to recycle and reuse 100% of its water, approximately 7 million gallons of tertiary treated wastewater thus reducing the project's potable water needs (landscaping and in-building reuse) annually by that same amount (21.28 Acre/ft per year). No private project in California to date has proposed to treat and reuse 100% of its wastewater. This reuse is estimated to reduce potable consumption by a remarkable 60%. Each year California spends millions of dollars and a substantial amount of energy to simply move potable water supplies from point A to point B, from the Delta to Southern California. It takes remarkable amounts of energy (strain on the power grid) to maintain the California Water Project; to provide ongoing service to some 20,000,000 Californians and to irrigate approximately 660,000 acres of farmland.

Our water and our Power are precious resources that need to be protected. The Malibu La Paz project does just that and should be held up as an example for future private projects and approved.

Sincerely,

David Durham
Executive Director

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California State Senate

SENATOR JENNY OROPEZA
TWENTY-EIGHTH SENATE DISTRICT
CHAIR, SENATE MAJORITY CAUCUS

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INTEGRITY OF ELECTIONS, CHAIR
PUBLIC HEALTH & ENVIRONMENT, CHAIR

SUBCOMMITTEES
CALIFORNIA PORTS & GOODS MOVEMENT

June 9, 2010

Ms. Mary Ann Lutz
Chairman California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA

RE: May 12, 2010 Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

Dear Chairwoman Lutz:

I am writing to offer my support of the Malibu La Paz Ranch project and to ask that you may grant the petitioner's requests as stated in the above-referenced petition.

The project proposes to construct 112,058 sq. ft. of mixed office/retail development on 15.29 acres + 20,000 sq. ft. Municipal Building on 2.3 acres of land donated to the City to construct municipal facilities. At an estimated $100 million in total construction costs, including the municipal uses, this project represents thousands of potential construction jobs at a time where our economy, and the building trades, so desperately needs them. These are hard working men and women with families. The impact of these jobs to the surrounding economy, my district in particular, and the larger impact to the State cannot be underestimated.

The Malibu La Paz Project is unique from a water quality and conservation standpoint in that it proposes to accomplish what no other private development project has done to date in this State, which is to *treat and beneficially reuse 100% of a project's wastewater onsite* while effectively protecting groundwater quality. The petitioners propose the construction of a $5,000,000 Title 22

Wastewater Treatment Facility on its property to serve its project. This state of the art facility is designed to treat approximately 20,000 gallons per day and provide "tertiary" treatment of the wastewater (unrestricted water reuse standards) so the water quality is exceptional. Most public sewage treatment plants do not treat wastewater to these levels. The wastewater will be divided with about half going back to the buildings for in-building reuse for toilet and urinal flushing. The remainder of the water will be allocated towards landscaping on site. **Reuse is estimated to reduce potable water consumption for the project by 60% annually.**

This project has received near universal acclaim and support. It was approved by the Malibu Planning Commission on a 4-1 vote, and by the Malibu City Council 5-0. The California Department of Public Health approved the project and praised its state of the art use of green technology and water recycling, and recently the California Coastal Commission unanimously approved the project. In addition, La Paz has been nominated to receive a Gold certification from LEEDS (Leadership in Energy and Environmental Design).

The La Paz project is representative of the types of projects that must be encouraged and approved in order for the State of California to meet the goal of 20% reclaimed water use statewide by year 2020. It should be held up as the way all development in this State should be conducted. It sets the bar for its use of green technology and at a time when unemployment is high and our State's economy is lagging will provide thousands of much needed jobs and millions of dollars in economic stimulation.

For the above reasons, you can count on me to support this project and I would urge your approval of the aforementioned petition. Should you or your staff need any additional information, please feel free to contact my office at 916-651-4028.

Sincerely,

JENNY OROPEZA
Senator, 28th District

Rebecca Chou - RE: La Paz Revised Tentative WDR/WRR

From: Pio Lombardo <Pio@lombardoassociates.com>
To: "Rebecca Chou" <Rchou@waterboards.ca.gov>
Date: 6/23/2010 12:48 PM
Subject: RE: La Paz Revised Tentative WDR/WRR

Rebecca

Following are our initial review comments. I will call to discuss

Pio

Pio Lombardo, P.E. | Lombardo Associates, Inc. | Environmental Engineers Consultants | Tel: 617-964-2924 | Cell: 617-529-4191| Fax: 617-332-5477
Email: Pio@LombardoAssociates.com | www.LombardoAssociates.com

Ms. Rebecca Chou, PhD, P.E.
California Regional Water Quality Control Board
Los Angeles Region (LARWQCB)
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Chou:

Re: June 22, 2010 Revised Tentative Waste Discharge Requirements & Water Recycling Requirements for Title 22 Recycled Water Order No. R4-2010-xxx, File No. 08-0101
Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA

In response to the LARWQCB June 22, 2010 Revised Tentative Waste Discharge Requirements and Water Recycling Requirements for Title 22 Recycled Water issued to Malibu La Paz Ranch LLC, 3700 La Paz Lane, Malibu, CA 90265 (Order No. R4-2010-xxx, File No. 08-0101), on behalf of the Owner, La Paz Ranch, LLC, Lombardo Associates, Inc. (LAI) submits the following comments.

Description of Facility and Treatment Process – No. 12

"If all of the discharge..."

Change to "If all the wastewater..."

"...further reduce the discharge..."

Change to "...eliminate the wastewater..."

Applicable Plans, Policies and Regulations – No. 28

"A facility-specific salt/nutrient management plan shall be submitted according to the requirements of the Recycled Water Policy, before February 3, 2011."

Requirement date is different from other references to in Order

B. Influent Requirements – No. 3

"... into the collection systems that flow into the treatment unit."

Garbage grinders are routinely used. Septic tanks and grease traps need to be properly sized for garbage grinder use. Garbage grinders should not be prohibited

C. Effluent Requirements – No. 6

"The turbidity of the effluent water prior to disinfection shall not exceed an average of 2 NTU within a 24 hour period or 5 NUT more than 5 percent of the time within a 24-hour period and 10 at NTU at any time."

Change NUT to NTU

Allowable Uses of Recycled Water – No. 1

"The disinfected tertiary treated recycled water may be used for surface irrigation in the following"

Add "as well as landscape subsurface irrigation."

Provisions – No. 1

"A facility-specific salt management plan shall be submitted … no later than February 3, 2016."

Should it be 2011 according to Applicable Plans, Policies and Regulations – No. 28 above?

Provisions – No. 3

"The irrigation O&M manual shall be submitted for approval by the Executive Office before discharge and within 6 months of adoption."

Should state adoption of the Order.

Monitoring and Reporting Program (M&RP) CI. No.XXXX

II. Water Quality Monitoring Requirements

C. Effluent Monitoring 4. Program

Total Nitrogen Minimum frequency of analysis daily

Should be changed to

Total Nitrogen Minimum frequency of analysis weekly

If you have any questions or comments on these matters, please do not hesitate to contact me by telephone (617) 964-2924 or E-mail Pio@LombardoAssociates.com.

Yours truly,

Pio S. Lombardo, P.E.
President