



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Secretary for
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 ♦ Fax (213) 576-6640 ♦ Internet Address: <http://www.waterboards.ca.gov/losangeles>

Reply To: Jeffery M. Ogata, Senior Staff Counsel
Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100
Direct: (916) 341-5190 ♦ jogata@waterboards.ca.gov
Office: (916) 341-5161 ♦ Fax (916) 341-5199

Arnold Schwarzenegger
Governor

March 11, 2009.

VIA U.S. MAIL & EMAIL

Mr. Stanley W. Lamport
Cox, Castle & Nicholson, LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284
slamport@coxcastle.com

Dear Mr. Lamport:

NOTIFICATION OF INCOMPLETE APPLICATION FOR WASTE DISCHARGE REQUIREMENTS, MALIBU LA PAZ, 3700 LA PAZ LANE, MALIBU, CALIFORNIA (FILE NO. 08-0101) , AND YOUR LETTER DATED FEBRUARY 12, 2009.

The Los Angeles Regional Water Quality Control Board (Regional Board) staff received your letter of February 12, 2009, stating your view that La Paz's Report of Waste Discharge (ROWD) was complete as of January 1, 2009.

We respectfully disagree because La Paz, contrary to your assertion, still has not submitted all of the information set forth in our letters as described below.

As we informed your client on January 15, 2008 and February 15, 2008, the ROWD for the Malibu La Paz project is not complete until the Department of Public Health (DPH) and our office has approved a Title 22 Engineering Report. Please note that the approval your client must obtain is approval of a final Title 22 Engineering Report (not just approval of a 'conceptual' Title 22 Engineering Report).

In the final Title 22 Engineering Report, we expect that your client will specify all engineering details for the treated wastewater that La Paz proposes to recycle, including the design for the plumbing system to reclaimed-water-flush toilets and for an irrigation disposal system that is capable of full evapo-transpiration (E-T) of the recycled water. While the Regional Board staff and the DPH support La Paz's conceptual approaches, your client has not yet provided critical details, such as the dual piping specifications including back-flow preventers needed for the toilet plumbing system, control features and sampling ports for the recycled water storage, and a model demonstrating the water cycle on the site and that reliance on E-T is realistic under critical conditions (wet seasons). As a specific example of a deficiency in the ROWD, there is only a general discussion, without substantiating evidence, that does not demonstrate that the design is adequate for predicted flows and that the project truly is not releasing any waste to the environment. Alternatively, if the design is not adequate to avoid a release to underlying groundwater

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and your client proposes to pump some amount of groundwater to achieve a 'no net discharge,' that amount of groundwater pumping is not clear to us. Also, La Paz has not clearly demonstrated that it has a reasonable ability to reuse the groundwater it pumps, or, alternatively, if it will need an additional Waste Discharge Requirement for the groundwater it will pump (which would likely contain the wastewater the project will discharge).

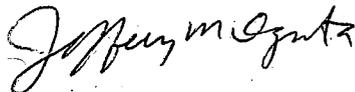
In our letter dated June 11, 2008 to Mr. Don Schmitz, staff again reiterated that "Conceptual approval and preparation of the Waste Discharge Requirements can be considered once CEQA is approved by the City of Malibu **and the Report of Waste Discharge is complete.**" (Emphasis added.) As set forth above, the ROWD is still not complete because your client, despite your assertion to the contrary, has not submitted all of the information detailed in the January 15, 2008 and February 15, 2008 letters.

Also, you stated in your February 12, 2009 to Tracy Egoscue that La Paz submitted a letter to the Regional Board that contained the City's CEQA documentation, informing the Board that "the application was complete in light of the Board's prior correspondence." We have not received a letter from La Paz dated December 2, 2008. Ms. Elizabeth Erickson received an email from Chris Deleau with his assertion on that date, but given all of our prior written correspondence set forth above, he was incorrect.

We are attempting to bring this matter to the Board for action but we still need the information described at the beginning of this letter.

We look forward to your comments and appreciate your assistance in providing the necessary information in a timely fashion. If you have any technical questions, please call Elizabeth Erickson at (213) 620-2264. I may be reached at (916) 341-5190.

Sincerely,



Jeffery M. Ogata
Senior Staff Counsel

Mr. Stanley W. Lamport

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cc **all via email only**

Don Schmitz
Schmitz & Associates

Pio Lombardo
Lombardo Engineering, Inc.

Craig George
Granville Bowman
Andrew Sheldon
Jim Thorsen
City of Malibu

Gordon Innes, Senior Engineer
Division of Water Quality

Tracy Egoscue, Executive Officer
Los Angeles Regional Water Quality
Control Board