

## Objections to Staff's Analysis of Hauling Practices (Tech Memo #5)

No.	Comment	Parties	Page #	Response
29	Inaccurate reference to "Intensive land use"...."prohibition area encompasses 1,410 acres and 90% of the land is open space, undeveloped...."	City	109 § 2	Clarified by Inserting "Relative" in Tech Memo 5 ,Background section. Staff did not average the total existing flow over the entire 2.2 square miles because the commercial dischargers are clustered relatively close to each other as shown in Figure 1 of Tech Memo # 5. Some commercial developments have low Floor Area Ratio (FAR), for example Cross Creek Plaza has 0.54. In spite of the large undeveloped area in the Civic Center area, the flow and hauling data were from the clustered dischargers.
30	"Claim that seepage pits are not serving its purpose... is not supported by evidence or data.."	City	109 § 2	Disagree. The reliance of haulers on hauling large volumes of septic wastes off site is a sign that the seepage pits are no longer serving their purpose. Dischargers' hauling reports submitted to the Regional Board indicate that pumping and hauling were done not as a regular maintenance procedure.
31	Water use "has remained steady.." Staff "should rely on data from LA County Waterworks District #29".... "..last month', the City reduced water usage by nearly 20%.."	City	109 § 4	See Tech Memo # 5, page TM5-24, which shows an increasing trend in water consumption over the past 20 years. Concur that water consumption data from LA County Waterworks District # 29 .should be used - this is indeed what staff did use. On page 109, the City states that it "reduced our water usage in the last month". While such a reduction last month is commendable, staff nevertheless refers to the long term trend.
32	The calculation of the number of residences in the Malibu Civic Center area is inaccurate.	City	110 § 2	Agree. Regional Board staff recalculated the number of residences in the Malibu Civic Center area based on the county assessor's database and revised the Tech Memo accordingly.
33	Hauling data about Cross Creek Plaza was inaccurate.	City	110 § 1	Agree. Tech Memo # 5 was revised to incorporate the correct data.
34	95% of water used within the facility goes to the septic is merely an assumption not supported by fact.	City	110 § 3	The assumption that 95% of the water consumed goes to the sewer <u>is made by the dischargers without flow meters</u> to measure the waste flow. The dischargers assumed that the remaining 5% of the water consumed was used for irrigation and other outdoor activities.

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35	"Spills in the Study Area" is misleading	City WW Advisory Committee	Page 110 § 4 Page 186 § 2	Spill data were deleted from Tech Memo # 5 because most of the spills occurred outside the Malibu Civic Center area. The analysis of the hauling data indicate that dischargers resort to hauling wastewater off site to avoid spills.
36	Drive-through inspection's observations do not indicate waste flow increase or lapses in City's regulatory competency.	City	112 § 2	The drive through inspection was not meant to be a compliance evaluation inspection. Staff observed and documented how much hauling is going on in the Civic Center area on a typical weekday.
37	Carbon Footprint Analysis is irrelevant to increased water flow.	City	112 § 3	The Carbon Footprint Analysis is meant to show that the frequent hauling of septic wastes off site has a potential climate change impact.
38	Appendix A (Septic Waste Flow and Hauling Data) of Tech Memo # 5 contains incorrect values.	Colony Plaza	268 § 4	Disagree. Staff considered new data (page 272), but was unable to resolve conflicting assumptions (See Supplement). <b><u>Staff further analyzed the waste flow trend, ignoring the Colony Plaza flows. This revised trend line still shows an increasing trend.</u></b>
39	Tech Memo #. 5 conclusion that hauled volumes are increasing is incorrect.	Colony Plaza	269 § 3	Disagree. Staff analyzed the hauling trend for 13 permitted facilities. Colony Plaza asserts that its waste hauling is going down. This does not change the trend for the 13 permitted facilities.
40	Regional Board's calculation of daily waste flow was inaccurate.	Gerson	314	Disagree. Technical Memo No. 5 did not include Morton Gerson-Colony Plaza in its analysis of waste flows and hauling because of the small amount of waste flow generated.
41	Supports Technical Memo # 5 as evidence for the Prohibition.	Rosenfield	486	Response acknowledged.

## Supplement to Response 29 Waste Flow Trends

On October 8, 2009, Malibu Bay Company (Colony Plaza) objected to staff's analysis of waste flows (Figure 1). Colony Plaza alleges that Appendix A: Septic Waste Flow and Hauling Data (TM5-12) contained incorrect values related to its facility. Colony Plaza specifically questioned the assumptions made by staff on the waste flows from the facility for 2004 and 2005. Staff's methodology of assumptions is explained in Technical Memo #5, footnote 3. Where data are missing from monitoring reports, staff made reasonable assumptions using best professional judgment.

Integrated Performance Consultants (IPC) on behalf of Colony Plaza adjusted Colony Plaza's waste flows (Figure 2). IPC estimated that in 2004, Colony Plaza discharged 8,946,516 gallons, assuming that between January and August, the facility discharged the same amount of septic waste as it did from September to December 2004 (2,982,172 gallons, shown on Colony Plaza's pumping records). IPC also estimated that in 2005, Colony Plaza discharged 11,753,171 gallons. IPC's estimates were based on pumping records for the first 11 months of the year and best professional judgment, assuming that the volume of waste pumped in December is similar to the volumes pumped during the first 11 months of the year. (This is the same approach that staff used.)

In order to generate complete data sets for the analysis of annual waste flows in the Malibu Civic Center area, staff extrapolated from available data. IPC submitted data on waste flows and annual water consumption. IPC reported that in 2004, 8,946,516 gallons of septic waste were discharged, which is 68% of the 13,126,161 gallons of the water consumed. (IPC did not account for the missing 4,000,000 gallons.) In 2005, IPC reports that Colony Plaza discharged 11,753,171 gallons and consumed 11,7432,673 gallons (higher waste flow than water use). Staff adjusted the waste flow value for 2005 to be consistent with the value reported for 2004, which assumed the waste flow was 68% of the potable water consumed.

Figure 2 varies greatly from Figure 1. Staff estimated waste flows for Colony Plaza using the methodology described on footnote 3 of Tech Memo #5. In 2006, only the waste flow value for the fourth quarter was available. Staff multiplied this value by four to get an estimate for waste flows for the entire year. Staff estimated the waste flow for 2008 based on the data from the first and second quarters, which were available. The sum of waste flows reported for the first two quarters was doubled to provide an estimate for the entire year's waste flow. Using these assumptions, waste flow estimates for years 2006 through 2008 showed a steady annual increase. These values were extrapolated back to years 2005 and 2004, to get an estimated waste flow of 5 million gallons per year. These data were included in Figure 1, which shows the annual waste flow trend for the Malibu Civic Center area.

As staff was not able to reconcile discrepancies, staff also analyzed the trend ignoring Colony Plaza's flows. Colony Plaza is one of thirteen commercial dischargers that were included in the analysis. Colony Plaza is the second largest discharger among the thirteen commercial dischargers (Malibu Water Pollution Control Plant is the largest); therefore, its waste flow has a significant impact on total annual waste flows. This explains the opposite trends shown in Figures 1 and 2. However, **even when the Colony Plaza is eliminated from the analysis, an increasing waste flow trend for the Malibu Civic Center area still remains** (Figure 3).

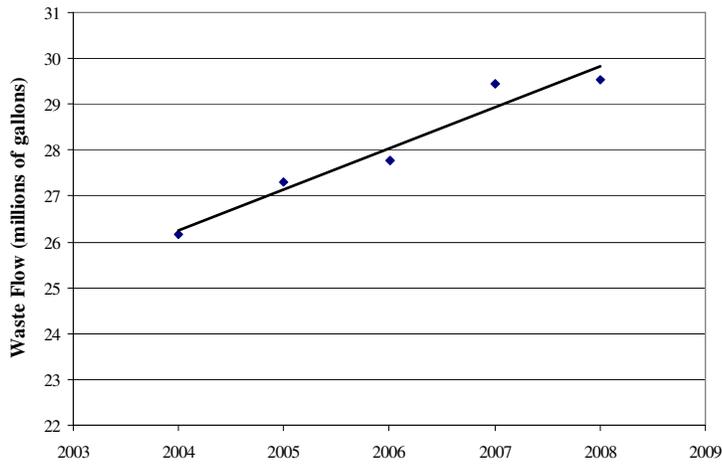


Figure 1. Staff's analysis of the waste flow trend in the Malibu Civic Center area. (Same as Technical Memorandum #5, Figure 2)

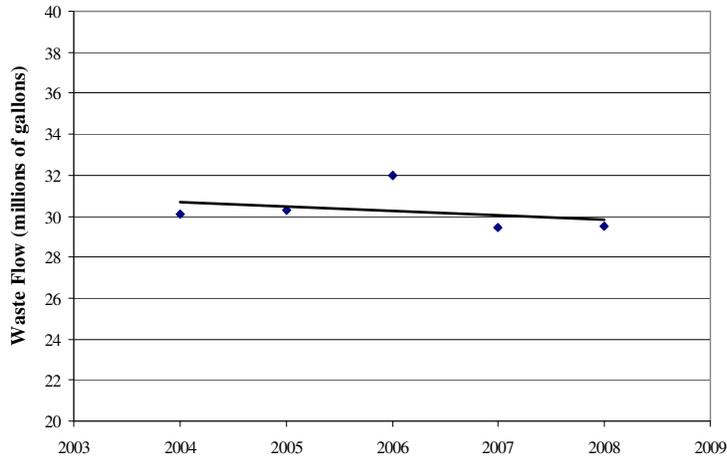


Figure 2. Colony Plaza's adjusted analysis of waste flow trend for the Malibu Civic Center. using waste flow data provided by IPC for Colony Plaza.

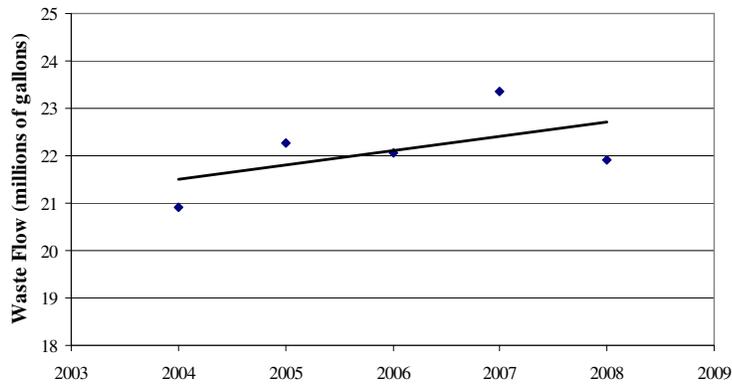


Figure 3. Waste flow trend for the Malibu Civic Center area, excluding waste flows from Malibu Colony Plaza.