California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

RF

April 24, 2009

Malibu Retail Acquisition Co.
23359 Pacific Coast Hwy #300
Malibu, CA 90265

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1830 0004 3360 6399

DIRECTIVE TO SUBMIT A REPORT OF WASTE DISCHARGE, PURSUANT TO THE CALIFORNIA WATER CODE, SECTION 13260, FOR MALIBU RETAIL ACQUISITION AT 23359 PACIFIC COAST HIGHTWAY #300, MALIBU (FILE NO. 09-044)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the Malibu Retail Acquisition Co.. Sections 13260(a) and 13260 (a) (1) of the California Water Code (CWC), require that a discharger of wastewater which could affect the waters of the State shall file with the Regional Board a Report of Waste Discharge (RoWD)/Form 200 for discharge from an on-site wastewater disposal system (OWDS). The Report of Waste Discharge (RoWD)/Form 200 must be signed by the legal owner of the facility.

Based on the City of Malibu's records and our record, the Malibu Retail Acquisition Co. is allegedly discharging waste from an OWDS to land without having filed a RoWD for Waste Discharge Requirements (WDR) from this Region Board. Section 13260 of the California Water Code (CWC) provides the Regional Board with the authority to require that you furnish information about that discharge.

Enclosed are the Form 200, a copy of the Appendix and Instructions to the Form 200 (Appendix and Instructions) and a copy of the Annual Fee Schedule. In order to provide a complete characterization of your discharge, refer to the Appendix and Instructions for guidance on providing the technical information required. In addition, you are required to attach the following information to your RoWD:

1. A list of all components of the on-site wastewater treatment system, among which may include: septic tanks, leachfields, and seepage pits/cesspools for the businesses located at the subject site. The information on the on-site wastewater disposal system for the above listed properties must include plot plans and drawings of these facilities, depths (top and bottom) of all leachfields, seepage pit dimensions (diameter, cap depth and total depth), and soil permeability and infiltration/percolation data.

2. A characterization of the type of wastewater and measurements or an estimate of the flow of wastewater discharged from your facility.

3. Seasonal (minimum and maximum) vertical separation between the bottom of the leachfields or seepage pits and the shallowest elevation of the water table, and a description of the existing groundwater quality, direction of groundwater flow, and horizontal distance to surface water.

4. An evaluation for any potential adverse impacts to groundwater, including a demonstration that the specified discharges have not and will not adversely impact the quality of the local surface and groundwater, in accordance with the appropriate Regional Board Basin Plan Water Quality Objectives for the Malibu area.

5. An overall site plan that designates all existing structures (e.g., buildings parking lots and other impervious surfaces, domestic wastewater pipelines, septic tanks) and disposal areas.

6. Identification of all domestic/municipal supply wells within a 1,500 foot radius of the property, including information on the well status and identification number.

You must return the completed Form 200 with the technical information and the annual/application fee, to the attention of Dr. Rebecca Chou, Chief of the Groundwater Permitting Unit, Regional Water Quality Control Board, 320 West 4th Street, Suite 200, Los Angeles, California, 90013. Please make the check payable to the Los Angeles Regional Water Quality Control Board. The Regional Board must receive the completed Form 200 and the application fee by close of business on **July 24, 2009**.

Pursuant to sections 13261 (a) and 13261 (b) (1) of the CWC, any person failing to furnish a report or pay a fee under section 13260 requested by the Regional Board is guilty of a misdemeanor and may be liable civilly. Failure to submit the required information by July 24, 2009, may result in the imposition of civil liability penalties by the Regional Board of up to $1,000 per day for each day the report is not received.

If you have any questions concerning this letter, please contact Ms. Elizabeth Erickson at (213) 620-2264 or Dr. Rebecca Chou at (213) 620-6156.

Sincerely,

Tracy J. Egoscue
Executive Officer

Enclosures: Form 200, Form 200 Appendix and Instructions & Annual Fee Schedule

cc: Mr. Jim Thorsen, City Manager, City of Malibu
Mr. Craig George, Division Manager of Building and Safety, City of Malibu
Mr. Patrick Nejadian, Department of Health Services, Los Angeles County
Mr. David Pedersen, Department of Public Works, Los Angeles County