



# California Regional Water Quality Control Board

## Los Angeles Region



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

Linda S. Adams  
Agency Secretary

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Arnold Schwarzenegger  
Governor

April 24, 2009

Mr. Alan Goldschneider, Managing Director  
MBIPCH, LLC  
Malibu Beach Inn  
22878 Pacific Coast Highway  
Malibu, CA 91301

VIA FACSIMILE AND MAIL

**NOTICE OF VIOLATION – MALIBU BEACH INN, 22878 PACIFIC COAST HIGHWAY, MALIBU, CA (WDR ORDER NO. R4-2003-0047, TSO NO. R4-2003-0048, CI-8559, FILE NO. 02-130)**

Dear Mr. Goldschneider:

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 referenced property above.

**Violation of Time Schedule Order**

You are subject to Time Schedule Order (TSO) No. R4-2004-0048, in which the Regional Board specifies deadlines for upgrade of your facility. You are hereby advised that you are subject to enforcement action for violations of the TSO established in Order No. R4-2003-0048 as shown in Table 1 below:

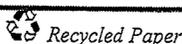
Requirement	Deadline	Date Completed	Days Late
Submit final upgrade plan	7/1/03	7/14/03	13
Achieve full compliance	1/30/04	10/14/07	1,368

**Violation of Waste Discharge Requirements**

You are subject to Order No. R4-2003-0047, in which the Regional Board specifies waste discharge requirements for discharges from your onsite wastewater treatment system. Under Monitoring and Reporting Program No. 8559, which is part of Order No. R4-2003-0047, you are required to self monitor your discharge and to submit monitoring reports at regular intervals.

You are hereby notified that you are in violation of waste discharge requirements specified in Board Order No. R4-2003-0047, as follows:

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• **Failure to Submit Monitoring Reports:**

The Regional Board has not received the following monitoring reports as shown in Table 2 below:

Monitoring Period	Report Due
3 <sup>rd</sup> Quarter 2007	10/15/2007
Annual 2007	1/30/2008
Annual 2008	1/30/09

• **Violations of Effluent and Groundwater Limits**

1. You frequently violated ammonia limits for groundwater between October 2004 and October 2007. You also have violated pH limits for effluent. You also have failed to report on all required parameters. Phosphorus and VOCs are required semi-annually. These violations are identified in the Table 3 attached.
2. You failed to provide a report of material change on engineering modifications. Post-construction engineering plans were never submitted after your advanced wastewater treatment system was completed.

• **Violation of Standard Provision**

The ownership changed in 2007. You have violated Standard Provisions No. 4 Change in ownership. The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notification was not filed for an ownership change, as specified in Order No. R4-2003-0047, Standard Provisions.

You are required to comply with the following:

1. Submit all missing monitoring reports required by Monitoring and Reporting Program, CI-8559 (see Table 2 above).
2. In the future, submit your monitoring reports by the due dates listed in Monitoring and Reporting Program, CI-8559.
3. Comply with the full reporting of all required monitoring parameters specified in Monitoring and Reporting Program CI-8559.
4. Submit as-built post-construction engineering plans.
5. During construction, one of the up-gradient monitoring wells, MW-2 was damaged. Submit an amended groundwater monitoring plan with a proposed replacement well location for well MW-2.

Mr. Alan Goldschneider  
Malibu Beach Inn

- 3 -

April 24, 2009

6. Submit a notification and Form 200 for your ownership change.
7. Immediately implement corrective and preventative actions to bring your discharge into full compliance with Order No. R4-2003-0047.
8. Submit, by **May 25, 2009**, the above required documents, including an amended groundwater monitoring plan and a report detailing the corrective and preventive actions taken to come into full compliance with Board Order No. R4-2003-0047.

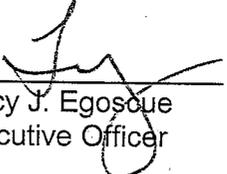
Pursuant to California Water Code §13350 (e), you are subject to penalties of up to \$5,000 for each day in which each violation occurs or \$10 for each gallon of waste discharged, but not both. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board may request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request that the United States Attorney, appropriate County District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any questions please call Project Manager, Ms. Toni Callaway, at (213) 620-2259 or Unit Chief of Groundwater Permitting, Dr. Rebecca Chou, at (213) 620-6156 regarding this matter.

Sincerely,

  
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Tracy J. Egoscue  
Executive Officer

Enclosure

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

*California Environmental Protection Agency*

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Table 3 – Violations Summary

Sampling Date	Reported Date	Violation Type	Constituent	Reported Value	Permit Limit	Units
11/08/04	4 <sup>th</sup> Quarter 2004	groundwater	ammonia	12	2.6	mg/L*
11/18/04	4 <sup>th</sup> Quarter 2004	effluent	fecal coliform	1600	200	MPN/100mL
11/18/04	4 <sup>th</sup> Quarter 2004	effluent	enterococcus	>2419.2	104	MPN/100mL
2/24/05	1 <sup>st</sup> Quarter 2005	effluent	BOD <sub>5</sub>	31	30	mg/L
2/24/05	1 <sup>st</sup> Quarter 2005	effluent	fecal coliform	1600	200	MPN/100mL
2/24/05	1 <sup>st</sup> Quarter 2005	effluent	enterococcus	>2419.2	104	MPN/100mL
5/18/05	2 <sup>nd</sup> Quarter 2005	effluent	BOD <sub>5</sub>	43	30	mg/L
8/11/05	3 <sup>rd</sup> Quarter 2005	effluent	enterococcus	>2419.2	104	MPN/100mL
8/11/05	3 <sup>rd</sup> Quarter 2005	effluent	fecal coliform	1600	200	MPN/100mL
11/10/05	4 <sup>th</sup> Quarter 2005	effluent	fecal coliform	1600	200	MPN/100mL
11/05/05	4 <sup>th</sup> Quarter 2005	effluent	enterococcus	1553.1	104	MPN/100mL
2/15/06	1 <sup>st</sup> Quarter 2006	effluent	fecal coliform	1600	200	MPN/100mL
2/15/06	1 <sup>st</sup> Quarter 2006	effluent	enterococcus	>2419.2	104	MPN/100mL
5/25/06	2 <sup>nd</sup> Quarter 2006	effluent	fecal coliform	1600	200	MPN/100mL
5/25/06	2 <sup>nd</sup> Quarter 2006	effluent	enterococcus	>2419.2	104	MPN/100mL
8/18/06	3 <sup>rd</sup> Quarter 2006	effluent	BOD <sub>5</sub>	36	30	mg/L
8/18/06	3 <sup>rd</sup> Quarter 2006	effluent	fecal coliform	1600	200	MPN/100mL
8/18/06	3 <sup>rd</sup> Quarter 2006	effluent	enterococcus	>2419.2	104	MPN/100mL
2/23/05	1 <sup>st</sup> Quarter 2005	groundwater	ammonia	4.53	2.4	mg/L
5/18/05	2 <sup>nd</sup> Quarter 2005	groundwater	ammonia	6.19	2.4	mg/L

Sampling Date	Reported Date	Violation Type	Constituent	Reported Value	Permit Limit	Units
9/27/05	3 <sup>rd</sup> Quarter 2005	groundwater	ammonia	50.1	2.4	mg/L
11/18/05	4 <sup>th</sup> Quarter 2005	groundwater	ammonia	26.8	2.4	mg/L
2/15/06	1 <sup>st</sup> Quarter 2006	groundwater	ammonia	21	2.4	mg/L
5/25/06	2 <sup>nd</sup> Quarter 2006	groundwater	ammonia	10.9	2.4	mg/L
8/18/06	3 <sup>rd</sup> Quarter 2006	groundwater	ammonia	19.9	2.4	mg/L
5/01/07	2 <sup>nd</sup> Quarter 2007	groundwater	ammonia	16.3	2.4	mg/L
2/14/08	1 <sup>st</sup> Quarter 2008	groundwater	ammonia	2.6	2.4	mg/L
5/1/08	2 <sup>nd</sup> Quarter 2008	effluent	pH	4.96	6 to 8	Log
5/15/08	2 <sup>nd</sup> Quarter 2008	groundwater	residual chlorine	0.5	.008	mg/L
5/15/08	2 <sup>nd</sup> Quarter 2008	groundwater	ammonia	2.65	2.4	mg/L
6/1/08	2 <sup>nd</sup> Quarter 2008	effluent	phosphorus	Not reported	n/a	mg/L
6/1/08	2 <sup>nd</sup> Quarter 2008	effluent	VOCs**	Not reported	n/a	mg/L
6/1/08	2 <sup>nd</sup> Quarter 2008	effluent	pH	4.86	6 to 8	Log
7/1/08	3 <sup>rd</sup> Quarter 2008	effluent	pH	5.11	6 to 8	Log
9/03/07	3 <sup>rd</sup> Quarter 2008	effluent	phosphorus	Not reported	n/a	mg/L
9/03/07	3 <sup>rd</sup> Quarter 2008	effluent	VOCs	Not reported	n/a	mg/L
9/08/07	3 <sup>rd</sup> Quarter 2008	groundwater	ammonia	2.54	2.4	mg/L

\* mg/L - milligrams per liter

\*\* VOCs – volatile organic compounds

