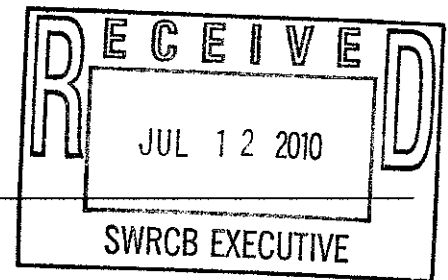


commentletters - Civic Center Prohibition

From: B O Z O <deletemail@msn.com>
To: <commentletters@waterboards.ca.gov>
Date: Monday, July 12, 2010 11:59 AM
Subject: Civic Center Prohibition



R. L. Embree #346
23901 Civic Center Way
Malibu, California 90265

July 11, 2010

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812
Via Email commentletters@waterboards.ca.gov & Facsimile (916) 341-5620

Re: Comment Letter – Malibu Civic Center Septic Prohibition

State Water Board:

I am writing to you today concerning the "proposed approval of an amendment to the water quality control plan for the Los Angeles region to prohibit on-site wastewater disposal in the Malibu Civic Center area". This proposed ban would prohibit discharge of wastewater from all on-site treatment systems in an arbitrary Civic Center area of Malibu that inappropriately extends to include Winter Canyon, a distinctly separate and different canyon with completely different storm water and subsurface flow. Winter Canyon contains the recently-overhauled and upgraded, RWQCB-permitted package treatment plant that exclusively serves residential properties of Winter Canyon and *operated by the County of Los Angeles*.

I own a condominium and live at 23901 Civic Center Way, Malibu that is connected to a common, package sewage treatment plant in Winter Canyon bordered by Vista Pacifica Street, De Ville Way, and Civic Center Way ("MWWTP"). MWWTP was professionally built, recently rebuilt, expanded, and upgraded to disinfect its subsurface discharge. Los Angeles County professionally manages, maintains, and operates MWWTP, and has done so for more than thirty years. MWWTP operates in substantial compliance with its permit, and **does not** have an emergency surface discharger permit into storm drain.

These comments justify my request that the Board exclude MWWTP and the real properties in Winter Canyon from the proposed discharge prohibition area for the following reasons:

1. Staff's Conclusion is not Supported by the Evidence or Testimony presented at the November 5, 2009 Los Angeles Regional Board's Hearing. Staff's Final report is based on a false premise of contamination at Amarillo Beach, which staff admits has not been tested or proved to be impaired. In all these dozens of years, staff could not, and did not present any evidence of contamination at Amarillo beach for this hearing.

2. Staff violates the scope and parameters of its own report. "...the intent of this proposed regulatory action is encompass priority areas that affect groundwater and are hydraulically connected to impaired surface water resources, including Surfrider, Malibu, and Amarillo Beaches and Malibu Lagoon. Amarillo Beach is therefore falsely-declared impaired, and staff's data does not support inclusion of Winter Canyon

Staff incorrectly assumed storm water management systems and subsurface flows follow the same route, falsely assumed that wastewater enters the storm water system, and improperly concluded that evidence supported Winter Canyon area properties being in the proposed prohibition area. Staff over-emphasized unproven, hypothetical scenarios that could and should have been ruled-out by indisputable testing.

3. Confusion Between Storm water and Wastewater permeates the report and findings and conclusions to the extent that the data is unreliable. RWQCB does not provide evidence,

and acknowledges not testing, Amarillo beach for any nexus other than a storm drain. In the Winter Canyon area, no existing dischargers are permitted to surface discharge treated sewage into the watershed, unlike the Malibu Mesa and its adjoining Marie Canyon discharge to the beach. Staff claims "Other factors drive staff's recommendation." but staff does not provide factual, current scientific data proving a basis for such recommendation. (see "Objections to Winter Canyon", page 56 of staff's presentation at the November 5, 2009 RWQCB Hearing.) Further, staff Staff's Recommendation Disregard Available Data that Proves Winter Canyon is Separated from the Civic Center by Natural Topography which proves that both Storm water and Subsurface Flows do not contaminate Malibu Lagoon, Malibu Creek, or Surfrider Beach.

Staff avoids empirical and scientific data to create a de facto finding that Amarillo Beach is an impaired water body; further, Staff's such unwritten designation falsely assumes MWWTP discharges into the storm water management infrastructure, and that such would be from MWWTP (as opposed to Malibu Bay Company sewage pits). No evidence supports contentions that either subsurface discharger is discharging into the storm water system.

4. Co-Mingling Sewage is Inappropriate Pre-Treatment and Thwarts Identification of Source Polluters, is Not a Best Management Practice, or Industry Standard

MWWTP serves exclusively residential multi-unit dwellings. As such, excess grease (from restaurants), hydrocarbons and other petroleum products from gasoline stations, and chemicals from daily floor washing (markets, restaurant kitchens, wet-washing at commercial cleaners, retail shops) and potentially heavy-metals and hydrocarbon byproducts from unknown commercial laundry servicing, all potentially enter the effluent mixture service the commercial Civic Center properties. MWWTP has a record devoid of such excesses and should remain separate from the aforementioned input sources as a best management practice to keep hazardous substances from entering the groundwater. Further, should groundwater ever suffer from spikes of the aforementioned problems, identification of source(s) would be naturally segmented, and supportable by testing distinctly isolated treatment facilities.

Staff completely disregards the safer practice of separately managing disparate sources in an overall strategy for clean water. Further, staff's proposal to co-mingle residential with commercially-generated restaurant and gas station wastewater follows the reckless notion that dilution is an accepted practice on the input side of the equation (prior to treatment). **Dilution is no longer an accepted methodology of primarily dealing with disparate input sources when potential contamination is reasonably foreseeable. Dilution is not a best management practice, and clearly not a "state of the art" design parameter.** Co-mingling appears to be an ideological strategy to design-in economies of scale for financing a de-facto sewer project. The existing multi-unit residential properties, which have an exclusive assessment district, should not be forced to subsidize the construction and operation of another sewage treatment plant. RWQCB has exceeded its role in this regard, as it has with estimating pollution and fuel usage, and traffic congestion of sewage pumping trucks' operations. Irrespective of RWQCB's transgression beyond such duties, **the 192 multi-unit residential properties would have to electrically pump their sewage to any new sewage treatment plant in the Civic Center to get it over the crest of the hill, a constant drain on electrical resources and fossil fuels used to generate such electricity.** Further, the electrical requirement would require large holding tanks and complicated designs to achieve safety factors not currently necessary or needed for MWWTP. Such safety factors are not absolute. In the actual case of the four **EXISTING, UPGRADED PROFESSIONALLY-OPERATED PACKAGE TREATMENT FACILITY**

In its upgraded and remodeled state, it has operated only approximately one-third of that proven cycle. Our units were assessed thousands of dollars for the \$1.2 million upgrade, and continue to be assessed thousands of dollars annually for operation of this facility, which is operating fine and disinfecting its discharge underground. (There is no surface discharge permit for our common sewage treatment facility, unlike the adjacent facility at John Tyler Drive/Pepperdine's approved dumping into Marie Canyon/beach.)

Thank you for your consideration of the above.

Sincerely,

R. L. Embree