

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 24 2014

Bonnie Blue
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
JUL 28 2014
PLANNING DEPT.

Dear Ms. Blue:

ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF MALIBU (CITY); MALIBU CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT (PROJECT); LOS ANGELES COUNTY; STATE CLEARINGHOUSE NO. 2013111075

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package, please visit:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml.

The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond the Project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts. 1
- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the City's draft EIR:

- 1. On page 3-6, a "small wetland area" was discussed to be located onsite. Will a 404 permit be needed from USACE? 2
- 2. Please discuss why Federal Emergency Management Agency (FEMA) and National Marine Fisheries Service (NMFS) were omitted from Table 3-5, on page 3-40. 3
- 3. Please include the search results of the USFWS' Species Occurrence Database as well as USFWS' mapping of designated critical habitat as mentioned in Appendix C. 4
- 4. Please attach a map of the Project area from the Farmland Mapping and Monitoring Program as a basis for the determinations made in the 6.2.1 Agriculture and Forestry Resources section. 5
- 5. Page 4.4-10 of the EIR states: "the APE for all phases of the Project was drawn at the area within a 0.25-mile diameter around the proposed wastewater treatment facility and conveyance system." The CWSRF Program requires the APE to extend to a 0.5-mile radius around the Project site. Please adjust the Project's cultural assessment methodology accordingly and reevaluate the Project's impact to cultural resources where necessary. 6
- 6. Please provide a map of the Project's APE and copies of the archaeological resources records search to the State Water Board. 7
- 7. CWSRF Program requires a follow-up phone call to Native American tribes and individuals who were listed by the NAHC. Please provide the State Water Board with a phone log with the tribes and individuals who have not responded to the written letters and emails. 8

8. Page 4.4-15 states: "Prehistoric burials have been found adjacent to the Project site." Please specify how close these prehistoric burial sites are to the Project's APE. | 9

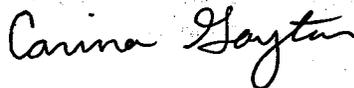
9. Page 4.4-16 states: "Monitoring would not be required for the installation of underground pipelines installed in previously disturbed soils in or adjacent to existing roadways and easements." Please consider monitoring for these actions as there is always the possibility for the presence of archaeological resources in previously disturbed soils. | 10

10. Page 4.7-44 indicates components of pump stations will be above ground within the 100-year floodplain. Please clarify how these pump stations will be protected in the event of a flood, and whether they will have an adverse effect on flood flow. | 11

Please provide us with the following documents applicable to the proposed Project following the City's California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final EIR, (2) the resolution adopting the EIR and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), and (5) the Notice of Determination filed with the Los Angeles County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board. | 12

Thank you for the opportunity to review the City's draft EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5642, or by email at Carina.Gaytan@waterboards.ca.gov, or contact Ahmad Kashkoli at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov.

Sincerely,



Carina Gaytan
Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

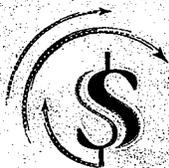
cc: State Clearinghouse
(Re: SCH# 2013111075)
P.O. Box 3044
Sacramento, CA 95812-3044

California Environmental Quality Act Requirements

State Water Resources Control Board
Division of Financial Assistance

The State Water Resources Control Board (State Water Board), Division of Financial Assistance, administers the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program is partially funded by grants from the United States Environmental Protection Agency. All applicants seeking CWSRF financing must comply with the California Environmental Quality Act (CEQA), and provide sufficient information so that the State Water Board can document compliance with federal environmental laws. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF Program financing. It is available at:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml



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Contact Information: For more information related to the CWSRF Program environmental review process and requirements, please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

LEAD AGENCY

The applicant is usually the "Lead Agency" and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the "Lead Agency" under CEQA. If a project will be completed by a non-governmental organization, "Lead Agency" responsibility goes to the first public agency providing discretionary approval for the project.

RESPONSIBLE AGENCY

The State Water Board is generally a "Responsible Agency" under CEQA. As a "Responsible Agency," the State Water Board must make findings based on information provided by the "Lead Agency" before financing a project.

ENVIRONMENTAL REVIEW

The State Water Board's environmental review of the project's compliance with both CEQA and federal cross-cutting regulations must be completed before a project can be financed by the CWSRF Program.

DOCUMENT REVIEW

Applicants are encouraged to consult with State Water Board staff early during preparation of CEQA document if considering CWSRF financing. Applicants shall also send their environmental documents to the State Water Board, Environmental Review Unit during the CEQA public review period. This way, any environmental concerns can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Review Unit requires the documents listed below to make findings and complete its environmental review. Once the State Water Board receives all the required documents and makes its own findings, the environmental review for the project will be complete.

- ✓ Draft and Final Environmental Documents: Environmental Impact Report, Negative Declaration, and Mitigated Negative Declaration as appropriate to the project
- ✓ Resolution adopting/certifying the environmental document, making CEQA findings, and approving the project
- ✓ All comments received during the public review period and the "Lead Agency's" responses to those comments
- ✓ Adopted Mitigation Monitoring and Reporting Plan, if applicable
- ✓ Date-stamped copy of the Notice of Determination or Notice of Exemption filed with the County Clerk(s) and the Governor's Office of Planning and Research
- ✓ CWSRF Evaluation Form for Environmental Review and Federal Coordination with supporting documents



Basic Criteria for Cultural Resources Report Preparation

State Water Resources Control Board
Division of Financial Assistance

For Section 106 Consultation with the State Historic Preservation Officer (SHPO)
under the National Historic Preservation Act

CULTURAL RESOURCES REPORT

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website at: http://www.cr.nps.gov/local-law/arch_stnds_9.htm

The Cultural Resources Report should include one of the four "findings" listed in Section 106. These include:

"No historic properties affected"

(no properties are within the area of potential effect (APE; including below the ground).

"No effect to historic properties"

(properties may be near the APE, but the project will not have any adverse effects).

"No adverse effect to historic properties"

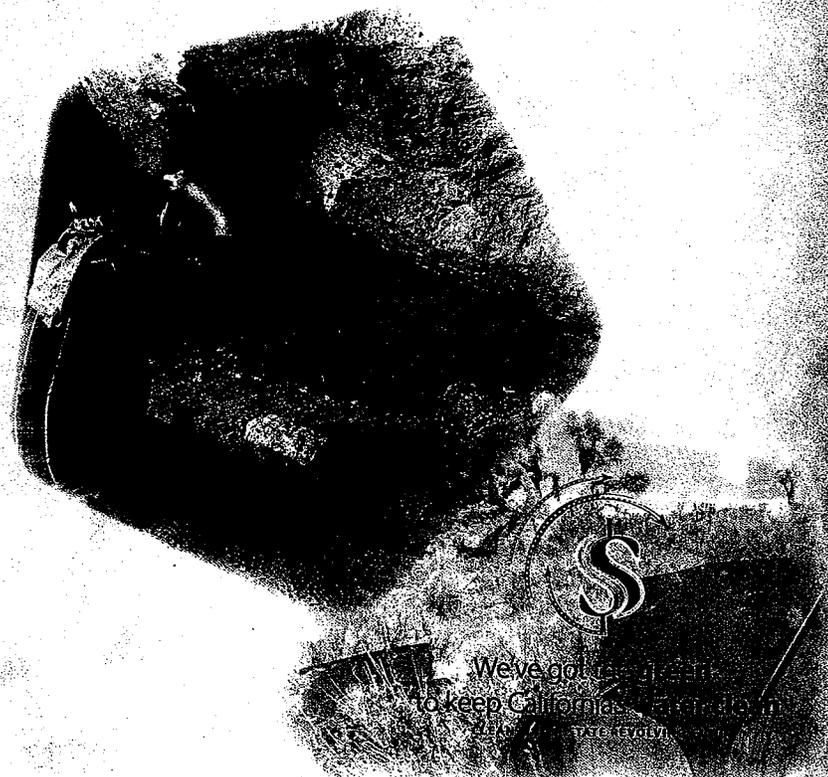
(the project may affect "historic properties", but the effects will not be adverse).

"Adverse effect to historic properties"

Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on "historic properties."

RECORDS SEARCH

- A records search (less than one year old) extending to a half-mile beyond the project APE from a geographically appropriate Information Center is required. The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report.
- The APE is three-dimensional (depth, length and width) and all areas (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project.



NATIVE AMERICAN and INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for or near the project APE.
- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, and the letter should include a map and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

Contact Information: For more information related to the CWSRF Program Cultural Resources and Requirements, please contact Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

PRECAUTIONS

A finding of **“no known resources”** without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.

“The area is sensitive for buried archaeological resources,” followed by a statement that **“monitoring is recommended.”** Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.

If **“the area is already disturbed by previous construction”** documentation is still required to demonstrate that the proposed project will not affect “historic properties.” An existing road can be protecting a buried archaeological deposit or may itself be a “historic property.” Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER

Submit a draft consultation letter prepared by the qualified researcher with the Cultural Resources Report to the State Water Resources Control Board. A draft consultation letter template is available for download on the State Water Board webpage at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf_requirements.shtml



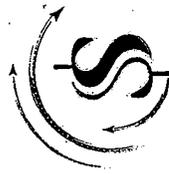
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARD

waterboards.ca.gov

ADDITIONAL INFORMATION

If your project has the potential to affect biological resources or historic properties, the consultation process can be lengthy. Please contact the State Water Board staff early in your planning process to discuss what additional information may be needed for your specific project.

Please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at (916) 341-5855 or Ahmad.Kashkoli@waterboards.ca.gov for more information related to the CWSRF Program environmental review process and requirements.



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National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires an analysis of the effects of a project on historic properties. The Section 106 process is designed to accommodate historic preservation concerns to Federal actions with the potential to affect historic properties. Early consultation with appropriate government agencies (Indian tribes, other entities if applicable) will ensure that their views and concerns are addressed during the planning phase.

Historic properties (i.e., buildings, structures, objects, and archaeological sites 50 years or older) are those sites that are included in the National Register of Historic Places or meet the criteria for the National Register.

Required Documents:

- ✓ A valid State Historic Preservation Office consultation request letter, with
- ✓ A cultural resources report on historic properties conducted according to the Secretary of the Interior's Standards for Planning
- ✓ A clearly defined Area of Potential Effect (APE) specifying the length, width, and depth of excavation with a map clearly illustrating the project APE
- A record search less than one year old extending to a minimum beyond the project APE.
- Written description of field methods used for data collection and evaluation of historic properties within the project APE, and
- Documentation of consultation with the Native American Heritage Commission and local Native American tribes

CLEAN WATER STATE REVOLVING FUND

Environmental Review Requirements

State Water Resources Control Board
Division of Financial Assistance

ENVIRONMENTAL REVIEW REQUIREMENTS

The Clean Water State Revolving Fund (CWSRF) Program is partially funded by the United States Environmental Protection Agency (EPA), and is subject to federal environmental regulations as well as the California Environmental Quality Act (CEQA). All applicants seeking CWSRF financing must comply with both CEQA and the federal cross-cutting regulations. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF financing. The forms and instructions are available at: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml.

Lead Agency/Applicant

The applicant will generally act as the "Lead Agency" for environmental review. It will prepare, circulate, and consider the environmental documents prior to approving the project. It also provides the State Water Board with copies of the CEQA documents, and a completed "Environmental Evaluation Form for Environmental Review and Federal Coordination" (http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf) with supporting documents as part of the "Environmental Package."

Responsible Agency/State Water Board

The State Water Board acts on behalf of EPA to review and consider the environmental documents before approving financing. The State Water Board may require additional studies or documentation to make its own CEQA findings, as well as circulate CEQA documents and other environmental reports to relevant federal agencies for consultation before making a determination about the project financing. The Applicant must address all relevant federal agencies' comments before project financing is approved.

FEDERAL CROSS-CUTTING REGULATIONS

The CWSRF Program requires consultation with relevant federal agencies on the following federal environmental regulations, if applicable to the project:

- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice
- Farmland Protection Policy Act
- Floodplain Management
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Safe Drinking Water Act
- Safe Source Aquifer Protection
- Wild and Scenic Rivers Act

The following is a brief overview of requirements for some of the key regulations:

Clean Air Act (CAA)

The CAA general conformity analysis only applies to projects in areas not meeting the National Ambient Air Quality Standards or subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels then:

- A general conformity analysis is not required.

If project emissions are above the federal "de minimis" levels then:

- A general conformity determination for the project must be made. A general conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan for air quality.

- Using population projections, applicants must explain how the proposed capacity increase was calculated.

An air quality modeling analysis is necessary for all projects for the following seven pollutants, regardless of attainment status:

- Carbon monoxide
- Lead
- Oxides of nitrogen
- Ozone
- Particulate matter (PM_{2.5} and PM₁₀)
- Sulfur dioxide

Endangered Species Act (ESA)

The ESA requires an analysis of the effects on federally listed species. The State Water Board will determine the project's potential effects on federally listed species, and will initiate informal/formal consultation with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service, as necessary under Section 7 of the ESA.

Required Documents

- ✓ A species list less than one year old from the USFWS and the California Department of Fish and Wildlife's Natural Diversity Database.
- ✓ A biological survey conducted during the appropriate time of year.
- ✓ Maps or documents (biological reports or biological assessments, if necessary), and
- ✓ An assessment of the direct or indirect impacts to any federally listed species and/or critical habitat. If no effects are expected, explain why and provide the supporting evidence.



Response to July 24 Comment Letter from State Water Resources Control Board (Carina Gaytan) (A-1)

Response to Comment 1

The City intends to pursue funding for the Project through the State Water Resources Control Board (SWRCB). Comment 1 is a summary of the application requirements for the Clean Water State Revolving Fund (CWSRF) loan program.

In preparation for its CWSRF program, the City has ensured that the EIR complies with the requirements of CEQA Plus, including evaluations of the potential for the proposed Project to directly or indirectly effect federally listed threatened, endangered or candidate species that are known or have the potential to occur in the Project area. Surveys conducted in support of the Project (cultural, biological and jurisdictional) have been completed to meet both State and Federal standards. Additionally, the City has considered the necessary Federal permits required for the Project.

The Area of Potential Effects (APE) as described in Section 4.04 – Cultural Resources, has been revised to clarify its delineation. Additionally, the Historical and Archaeological Resources Technical Report included in the EIR as Appendix F, has been revised to clarify the three-dimensional extent of the APE.

Response to Comment 2

A 404 permit would not be required for Phase 1 of the Project as no Phase 1 project construction would impact the wetland on the proposed treatment plant site and a buffer would be maintained during project construction and operation.

Response to Comment 3

The Federal Emergency Management Agency (FEMA) was not included as the Project would not modify the flood zone nor would FEMA issue any Project permit or approval. National Marine Fisheries Service (NMFS) was originally not included as the potential to impact a federally-listed species was determined to be very unlikely; however, in the interest of completeness, NMFS has been added to Table 3-5 of Chapter 3 – Project Description.

Response to Comment 4

The results of a search of the U.S. Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPAC) database have been added to the EIR.

Response to Comment 5

A figure has been added to Section 6.2.1 in Chapter 6 – Other Environmental Considerations.

Response to Comment 6

As described in the Clean Water State Revolving Fund (SRF) Environmental Review Requirements, as published by the SWRCB and available on their website at http://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/environmental_review/environmental_review_requirements.pdf, the required documents must include:

“A clearly defined Area of Potential Effect (APE) specifying the length, width, and depth of excavation, with a map clearly illustrating the project APE;

A records search, less than one year old, extending to a half-mile beyond the project APE;”

The APE boundary for the proposed Project was established with a 0.25-mile radius around Project facilities and is documented in Section 4.4 – Cultural Resources and in Appendix F of the EIR. However, as described in these same sections, the records search was conducted with a 1-mile radius of project facilities (extending 0.75 miles beyond the defined APE). See Methodology and Record Search and Survey Results, starting on page 4.4-9 of Section 4.4 – Cultural and Paleontological Resources. Therefore, the survey conducted in support of this EIR meets the SWRCB requirements for the Clean Water SRF program.

Response to Comment 7

These documents were submitted to the SWRCB on August 7, 2014.

Response to Comment 8

Those documents were submitted to the SWRCB on September 10, 2014.

Response to Comment 9

This comment is addressed in the EIR at Section 4.4-10 and -11 – Cultural and Paleontological Resources that sets forth the general location of CA-LAN-264 within which prehistoric burials are located.

Response to Comment 10

Please see revisions to mitigation measures in Section 4.4.3 – Cultural and Paleontological Resources, Mitigation Measures, beginning on page 4.4-16.

Response to Comment 11

The pump stations themselves would be sealed against the intake of water. Above-ground electrical controls would be mounted on pedestals above the flood elevation.

Response to Comment 12

The City will provide the listed documents to the SWRCB.



RECEIVED
JUL 10 2014
PLANNING DEPT.

July 7, 2014

Bonnie Blue, AICP, Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Bonnie Blue,

Thank you for the draft EIR. I have a few questions that I would like to have addressed; I feel these items can have an impact on Webster Elementary School.

- 1. NV-1 Noise
Webster has State required testing during the school year. Sound levels reaching 98 dbA Leq could have a negative impact on students. Student achievement is critical during state testing and excessive noise could affect test scores. Could a contract include days with no or less noise during testing hours? | 1
- 2. POP-1
Will all workers on the project park on project site and not impact the neighborhood? | 2
- 3. REC-2
The traffic plan during construction needs to be discussed with SMMUSD through the site administrator as drop off and pick up times are very congested with parents and kids. Large deliveries could also create safety issues for Webster school. | 3
- 4. FIP (Facilities Improvement Projects)
FIP/SMMUSD lower parking lot project is be scheduled in the future. Dates of project can be sent to you when available. | 4
- 5. HM-1
The EIR states that hazards and hazardous waste release is highly unlikely. The district would like to be informed of but do you have a response plan for construction as well as normal operations that includes the safety of the kids and staff at Webster Elementary, in the event of a release? | 5
- 6. Odor Response
This section states that above normal odors could occur during construction, how will this be addressed for sensitive or allergic staff and students? | 6
- 7. AQ-2

This section states that “The project site is located within the caps Basin an area where state and federal air quality standards are occasionally exceeded. The project would contribute to regional air pollutant emissions during short term construction and long term operations”. Will monitors be set to notify of bad air days? How will Webster and the local community be notified if levels exceed state and federal limits?

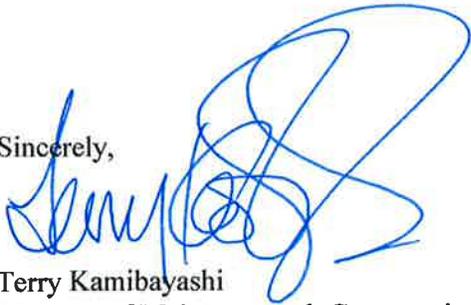
7

8. Construction Impacts

Dust is a serious a serious concern for the district. How will the project control dust and insure that Webster School is kept dust free?

8

Sincerely,



Terry Kamibayashi
Manager of Maintenance & Construction

Response to July 7 Comment Letter from Santa Monica Malibu Unified School District (Terry Kamibayashi) (A-2)

Response to Comment 1

The City will agree to lower noise levels on State-mandated testing days, but SMMUSD would need to provide these dates well in advance so work can be scheduled accordingly.

Response to Comment 2

All construction workers working at the treatment plant site and in the immediate vicinity of the plant site would park at the Project site. Construction workers installing pipelines, pump stations and wells further from the plant site may park in those areas during construction.

Response to Comment 3

The EIR addresses this in the Traffic Control Plan; see the description on page 3-25, Section 3.4.3, fourth bullet. The City will provide the Traffic Control Plan to SMMUSD and Our Lady of Malibu School, and schedules can be coordinated to reduce traffic impacts.

Response to Comment 4

The City would appreciate all scheduling information that SMMUSD can provide.

Response to Comment 5

A Hazardous Substance Control and Emergency Response Plan would be included in the Project with response actions to address a possible hazardous materials release during construction (Mitigation measure HM-1). A Hazardous Materials Business Plan would serve the same purpose for plant operations (Mitigation Measure HM-4). See Section 4.6.3 in Section 4.6 – Hazards and Hazardous Materials.

Response to Comment 6

The DEIR does not state that above-normal odors could occur during construction. Impacts AQ-2, AQ-4 and AQ-5 address the potential to expose people, including sensitive receptors, to odors and pollutants from the Project. The impact analyses conducted indicate, in all cases, that pollutants and odors from Project construction and operation are below thresholds of significance and all impacts are less than significant.

While there are no specific standards for "odors" per se, the SCAQMD has public notification requirements in its rules if release of odors reaches a certain threshold within 1,000 feet of a school. As part of the proposed Project, the City would comply with all public notification requirements of SCAQMD for release of chemicals (that may cause odors) per the rules.

Response to Comment 7

Estimates of Project emissions resulting from construction and operations are presented in Section 4.2 – Air Quality. In both cases (construction and operation), estimated levels of emissions are well below thresholds of significance, which take into account regional air quality. As such, there are no plans to include onsite air quality monitoring during Project construction. Odors and other air-borne constituents resulting from Project operations will be captured onsite through infrastructure enclosures and scrubbed prior to release.

Response to Comment 8

Standard construction practices documented in the Storm Water Pollution Prevention Plan and implemented during the construction would include actions such as dust control and the application of water or stabilizers to minimize dust impacts to a less than significant level. See Impact AQ-2, Construction Impacts, page 4.2-13.

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JUL 23 2014

Letter A-3

Bonnie Blue

PLANNING DEPT.

From: Gordon Mize <gmize@aqmd.gov>
Sent: Wednesday, July 23, 2014 10:16 AM
To: Bonnie Blue
Subject: SCAQMD Staff Comments for the Proposed City of Malibu Civic Center Wastewater Treatment Facility Project RDEIR
Attachments: LAC140603-02 DEIR Civic Center Wastewater Treatment Facility Project City of Malibu.pdf

Ms. Bonnie Blue, AICP, Senior Planner
Planning Department
City of Malibu

Reference: Proposed City of Malibu Civic Center Wastewater Treatment Facility Project RDEIR

Attached are the SCAQMD staff comments for the project listed above. The signed, original letter will be mailed to your attention by regular USPS mail. If you have any questions, please feel free to contact me.

Sincerely,

Gordon E. Mize
Air Quality Specialist
South Coast Air Quality Management District
CEQA Section, Inter-Governmental Review
(909) 396-3302 phone
(909) 396-3324 fax
gmize@aqmd.gov



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

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JUL 23 2014
PLANNING DEPT.

Letter A-3

SENT VIA USPS AND E-MAIL:
bblue@malibucity.org

July 18, 2014

Ms. Bonnie Blue, AICP, Senior Planner
Planning Department
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed City of Malibu Civic Center Wastewater Treatment Facility Project (EIR No. 13-001)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

In the project description, the lead agency proposes to construct, operate and maintain a new centralized wastewater treatment facility in three phases consisting of four elements: 1) a wastewater treatment facility; 2) pump stations; 3) collection and distribution pipelines; and 4) percolation ponds and groundwater injection wells. The RDEIR provides project-level analysis for the first phase of the project, which affects the core commercial properties in the Civic Center area and a program analysis for each of the second and third phases of construction that are primarily residential properties. For Phases 2 and 3, the lead agency states that a detailed project-level analysis will be provided prior to the permitting of those phases.

Based on the project description, permit review will be required by the SCAQMD engineering and compliance staff for the following to include: 1) the sewage treatment plant including, but not limited to, the biological reactors, the membrane tanks, the equalization basins, the chemical storage systems, the solids handling systems, and other treatment equipment; 2) the odor control systems; 3) the internal combustion generator(s); and 4) the internal combustion engines used to drive pump stations. Permit questions can be directed to SCAQMD engineering and compliance staff at (909) 396-2737. Finally, the Final RDEIR should also reference compliance with the following SCAQMD rules and regulations including: Rule 212 - Standards for Approving Permits and Issuing Public Notice; Rule 401 - Visible Emissions; Rule 402 - Nuisance; Rule 403- Fugitive Dust; Rule 431.1 - Sulfur Content of Gaseous Fuels; Rule 1110.2 - Emissions from Gaseous - and Liquid-Fueled Engines; Regulation XIII - New Source Review; and Rule 1401 - New Source Review of Toxic Air Contaminants.

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Ms. Bonnie Blue, AICP
Senior Planner

2

July 18, 2014

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final REIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.

3

Sincerely,



Edward A. Eckerle
Program Supervisor
Planning, Rule Development & Area Sources

EE:AS:GM

LAC140603-02
Control Number

Response to July 18 Comment Letter from South Coast Air Quality Management District (Edward A. Eckerle) (A-3)

Response to Comment 1

Project permits will be prepared and submitted in accordance with applicable regulations.

Response to Comment 2

Comment addressed in EIR, see Section 4.2 - Air Quality, page 4.2-2.

Response to Comment 3

Comment noted and responses provided herein. See Appendix K of the EIR for annotated copies of all comment letters received and the correlated responses.

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

Letter A-4



June 20, 2014

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JUN 23 2014
PLANNING DEPT.

Bonnie Blue, AICP
Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265

**Recirculated Draft Environmental Impact Report for City of Malibu Civic Center
Wastewater Treatment Facility Project EIR No. 13-001
and Coastal Development Permit No. 13-057**

Dear Ms. Blue,

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the above referenced Draft Environmental Impact Report (DEIR) for the City of Malibu Civic Center Wastewater Treatment Facility Project. The Conservancy had commented in a letter dated January 3, 2003 on the Wastewater Treatment Facility Project that previously existed at the location of the newly proposed facility. The Conservancy is primarily concerned with the impact on wildlife movement at the proposed location of the newly proposed facility. This issue was raised by the Conservancy for the previous Wastewater Treatment Facility Project.

The current project must guarantee adequate area for wildlife (e.g., medium-sized mammals) to move through the project site. This site is part of an existing habitat linkage and wildlife movement area that connects the main body of the Santa Monica Mountains to the Malibu Bluffs just south of the project site. The Conservancy currently owns the approximately 84-acre Malibu Bluffs located adjacent to the south of the City's Malibu Bluffs Park, and has given a five-year ground lease of the Malibu Bluffs to the City. Given the proposed development of the Rancho Malibu Hotel on the adjacent parcel to the west and the development footprint of the newly proposed Wastewater Treatment Facility, wildlife movement would be severely restricted in this area.

An adequate area for wildlife movement through the project site would ensure long-term viability of the wildlife corridor linkage between the Santa Monica Mountains and Malibu Bluffs. The DEIR must include mitigation measures that clearly define a permanent protected wildlife corridor and provide a visual of such a corridor overlain with topography and vegetation layers on a map scaled at one inch to 200 feet. Any fencing should be appressed as

close to the development footprint as possible, and should be designed and placed in a manner that will not interfere with wildlife movement through the corridor in any way.

The following language should be included in the conditions of approval so that impacts to wildlife movement resulting from the proposed security fencing of the facility is avoided and minimized:

New fencing shall be prohibited unless absolutely necessary. Any fencing located onsite shall be appressed as close to the development footprint as possible. Prior to installation of fencing, a fencing plan shall be approved by the City Biologist to ensure that wildlife movement through the site is preserved.

The subject facility can be built without significant biological impacts to this habitat linkage, provided that the above-mentioned recommendations are implemented. We appreciate your consideration of these comments. If you have any questions, please contact me by phone at (310) 589-3200, extension 128, or by email at edelman@smmc.ca.gov.

Sincerely,



PAUL EDELMAN
Deputy Director
Natural Resources and Planning



**Response to July 20 Comment Letter from the Santa Monica Mountains Conservancy (Paul Edelman)
(A-4)**

Response to Comment 1

The site fencing locations were designed to provide the maximum setback possible while providing the required site security and necessary onsite clearances. Wildlife protection was considered in the fencing selection in order to protect against inadvertent damage.

The Project site supports one regionally important wildlife corridor, Malibu Creek. The proposed Project would not result in any direct impacts to Malibu Creek, but would cause temporary indirect impacts during construction that could significantly impact some species that would be utilizing Malibu Creek for movement, such as southern steelhead and tidewater goby. Implementation of Mitigation Measures MM BIO-1, MM BIO-2, MM BIO-4, MM BIO-6, MM BIO-7 and MM BIO-17 would ensure that impacts to the function of Malibu Creek as a wildlife corridor and the species that use it are minimized during construction so that overall impacts would be less than significant. See page 4.3-46 of Section 4.3 – Biological Resources and page 16 of the Habitat Assessment Report (Appendix C) for additional information.

Bonnie Blue

From: Duarte, Dolores@Wildlife <Dolores.Duarte@wildlife.ca.gov>
Sent: Monday, July 28, 2014 10:18 AM
To: Bonnie Blue
Subject: FW: Copy of letter Re:Malibu Waste Water Facility-SCH 2013111075
Attachments: pdf Malibu Wastewater Facility.pdf

Ms. Blue,
Please see attached copy for your records. Original will follow.

If you have any questions, please contact Scott Harris at (626) 797-3170. Thank you!

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JUL 28 2014
PLANNING DEPT.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



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JUL 28 2014

PLANNING DEPT.

July 28, 2014

Ms. Bonnie Blue
 City of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265
 bblue@malibucify.org

Subject: Comments on the Draft Environmental Impact Report for the Malibu Civic Center Wastewater Treatment Facility, City of Malibu, Los Angeles County (SCH #2013111075).

Dear Ms. Blue:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Malibu Civic Center Wastewater Treatment Facility Project (project). The City of Malibu (City) is the lead agency for the DEIR under the California Environmental Quality Act (CEQA).

The three phased project would result in the construction of a centralized wastewater treatment facility, 6 pump stations, and approximately 13.3 miles of pipeline that would collect, treat, reuse, and/or dispose of the Malibu Civic Center area's projected wastewater flow. The City is proposing to build the wastewater treatment facility on an approximately 4.8-acre site located southwest of Civic Center Way, between Winter Canyon Road and Pacific Coast Highway (PCH), east of Malibu Canyon Road. A recycled water distribution system would be constructed to distribute disinfected tertiary treated effluent from the treatment facility to various land uses for reuse purposes. A portion of the treated effluent would be percolated and/or injected in the lower aquifer of the Malibu Valley Groundwater Basin. The collection and distribution systems would consist of underground pipelines that would, generally, run beneath public rights-of-way or within easements. For Phase 1, both the collection and recycled water distribution systems would follow existing street alignments. The capacity sizing of the first facilities would allow for future expansion to the Phase 2 and Phase 3 connections and would be constructed as needed to meet water quality regulatory requirements.

The proposed wastewater treatment facility site contains 3 vegetation communities: 4.3 acres dominated by annual brome grasslands (*Diandrus hordeaceous*) and bare ground that is regularly mowed as part of operations at the existing wastewater treatment facility; 0.18 acre of lemonade berry dominated scrub (*Rhus integrifolia*); and approximately 0.36 acre of arroyo willow thicket (*Salix lasiolepis*). Approximately 850 linear-feet of coastal sage scrub is located from the northwest boundary of the wastewater treatment facility to Malibu Canyon Road, south of Civic Center Way. Several southern California black walnuts also occur on the proposed treatment facility site.

The majority of the pipeline project areas are paved and developed, with smaller locations of barren land (cleared of vegetation but the land is still undeveloped). Portions of the pipeline would be tunneled beneath Malibu Creek. Developed, commercial areas occur in all 3 phases.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project, CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*

Impacts to Biological Resources

1. Biological Surveys, Impact Avoidance and Mitigation Measures - Page 4.3-1 of the DEIR lists literature review sources that used to determine the potential for sensitive biological resources in the project area that may be impacted by the project.

Page 4.3-2 of the DEIR describes that reconnaissance level biological field surveys were conducted for special status botanical and wildlife species. The DEIR states: "Although focused protocol surveys for plants or wildlife were not performed during this field survey, habitat assessments were performed. Parameters evaluate for special status plants included topography, soil conditions, elevation, hydrology, the site's operational activities, and life history needs for the specific species."

When reviewing literature in assessing project impacts to botanical resources the Department recommends using the "*Vegetation classification of the Santa Monica Mountains National Recreation Area and environs in Ventura and Los Angeles County*" (Keeler-Wolf and Evens, 2006)". This vegetation classification overlaps with the Plan area and should be used to assist in identifying the vegetation setting and habitat conditions within the project area, as appropriate.

Special status plant species can be easily overlooked utilizing reconnaissance level survey approaches that adhere to general parameters intended to predict presence or absence. The Department recommends that a thorough, recent floristic-based assessment of special status plants and natural communities be performed in the project area, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>).

2. CESA Listed Species. - The DEIR should provide a discussion as to the suitability of habitat for the following CESA- and/or ESA-listed species not included in the project biological resources assessment: Least Bell's vireo (*Vireo bellii pusillus*), State endangered (SE) and federal endangered (FE) and southwestern willow flycatcher (*Empidonax traillii extimus*) (SE and FE). If these species have a moderate to high potential of occurring based upon habitat and range, the DEIR impact assessment should include project avoidance measures, and mitigation measures for unavoidable impacts to these species.

Unavoidable project related take of CESA listed species should be considered significant under CEQA and is prohibited, except as authorized by State law (Fish and Game Code, §§ 2080, 2085.). Consequently, if the project, project construction, or any project-related activity will result in take of CESA species the Department recommends that the project applicant seek appropriate take authorization prior to implementing the project.

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Appropriate authorization from the Department may include an incidental take permit (ITP). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

3. Species of Concern - In addition to CESA-listed species, impacts to other special status birds on the project site should be evaluated for significant by the lead agency. This evaluation should include 3 California Species of Special Concern (SSC): yellow-breasted chat (*Icteria Virens*), yellow warbler (*Dendroica petechia brewsteri*), and western burrowing owl (*Athene cunicularia*) Yellow-breasted chat and yellow warbler may nest and forage within riparian areas on the project site. Western burrowing owl may occur at any time of year in open sparsely vegetated areas of the project site that are disturbed or kept at a minimally vegetated state. If these species have a moderate to high potential of occurring, an impact assessment should include project avoidance measures, and mitigation measures for unavoidable impacts. For example, the Department recommends that surveys (including wintering and breeding) and appropriate mitigation be performed for burrowing owl according to the CDFW 2012 Staff Report on Burrowing Owl Mitigation (<http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>).

4. Impacts to Bats - Page 3.4-31 of the DEIR describes that recent bat sign was detected at the Pacific Coast Highway Bridge crossing (PCH Bridge) over Malibu Creek but that focused surveys were not conducted to determine the species of bat using the bridge. The DEIR also explains that pipeline installation at the PCH Bridge and auguring activities beneath Malibu Creek near the Cross Creek Bridge may adversely affect bat roosts including maternity roosts.

Mitigation measure MM BIO-3 states: "Within 6 months of any site preparation, construction, or other site disturbance associated with the Project, a focused bat roost habitat assessment shall be conducted. The assessment shall include the PCH Bridge, Cross Creek Bridge, and any mature trees occurring within 100 feet of any element of the Project construction of infrastructure, and trees proposed for removal. The bat maternity season (typically April 1-August 31) shall be avoided to the greatest extent feasible. If the maternity season cannot be avoided, then a focused bat survey, utilizing current ultrasonic technology, shall be conducted by a qualified biologist acceptable to the Department and the City. If active maternity roosts are identified, no work will continue in those areas until such time the City authorizes re-initiation of the work in consultation with the Department."

The Department concurs that measures should be taken to perform focused bat surveys and avoid activities that may disrupt bat roosts or result in bat mortality or injury.

The Department recommends that if any project related trees are to be removed, a two-step process for any tree removal that cannot be avoided (to avoid direct mortality of

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roosting bats). This involves removing all branches less than two inches in diameter from trees that will be removed (to create a disturbance that will encourage bats to choose another roosting site after foraging that night). The following day the tree is completely removed.

The Department recommends that if it is not possible to avoid the bat maternity season (approximately February through August), additional surveys of the impact area should be conducted immediately before construction begins. If a bat maternity colony is discovered the Department recommends humane exclusion by creating a one-way door that allows bats to leave, but not re-enter. To reduce maternity roost trauma and the entrapment of flightless young the Department recommends that bats are not to be excluded between April 1 to August 31, to account for pregnancy, parturition and juvenile dependence.

5. Impacts to Tidewater Goby (*Eucyclogobius newberryi*) - Page 43.40 and page 43.41 of the DEIR describe how injection of treated wastewater into groundwater aquifers will increase the volume of naturally occurring groundwater discharge into Malibu Lagoon and that this is not expected to result in adverse impacts to riparian resources, southern coastal salt marsh, and/or southern California coastal lagoon conditions.

Page 4.3.38 explains that tidewater goby is tolerant of highly fluctuating salinity levels and is not expected to be impacted by additional fresh water contributions into Malibu Lagoon as a result of the project.

In order to assist the Department in evaluating water quality conclusions in the DEIR, please discuss whether the effects of decreased salinity resulting from increased project related groundwater inflows to Malibu Creek falls within the salinity tolerance parameters for tidewater goby (FE and SSC).

The U.S. Fish and Wildlife Service proposed rules for tidewater goby, Page 14344 of the Federal Register/Vol. 79, No. 49 /Thursday, March 13, 2014 states: "While tidewater gobies tolerate a wide range of salinity and water quality conditions, Smith (in litt. 2007) reports that sand bar formation is important to produce the calm conditions that bring about the very abundant late summer populations. Periodic natural or artificial breaching of sandbars in summer reverses the freshening process, and sandbar re-formation produces stratified salinity conditions, with resultant warm and hypoxic (lacking oxygen) bottom conditions unsuitable for benthic invertebrates and for lagoon fish. As a result, artificial breaching or lack of sandbar formation may result in smaller populations that are restricted to areas upstream of tidal action (where salinity is lower and dissolved oxygen is higher)."

The Department is concerned that unseasonal and more frequent breaching of the sand bar across the mouth of Malibu Lagoon could have adverse effects on tide-water goby. The Final EIR should discuss whether or not increased project related groundwater flow into Malibu Lagoon is expected to affect the frequency or duration of breaching of the sand bar and if so how this is expected to impact tidewater goby and other aquatic species living in the Lagoon.



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6. General Native Bird Avoidance – MM BIO-5 describes protective measures for native birds during project construction. One measure includes avoidance of the bird nesting season described as occurring between February 1 through September 15. Another measure involves conducting pre-construction surveys by a qualified biologist if the project cannot avoid the nesting season.

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The Department concurs that measures should be taken to avoid project impacts to nesting native birds. Please adhere to the attached Department's bird nesting avoidance measures that recommends a bird nesting avoidance window as early as January 1 for raptor species to assist in take avoidance of birds or their eggs or nests.

7. Fencing Impacts. The DEIR describes that perimeter fencing will be erected around the project site.

Birds and reptiles seek out hollow metal fence posts in which to reside and then may become trapped, resulting in mortality. Hollow fence posts should be capped to avoid this hazard. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes should be plugged with bolts or other plugging materials to avoid this hazard. Further information on this subject may be found at: http://kern.audubon.org/death_pipes.htm.

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8. Jurisdictional Delineation - Appendix E of the DEIR includes the April 8, 2014 Jurisdictional Delineation Report for the project and states: "Based on observations made during the May 17, 2013 field investigation, and through the analysis of aerial photographs, topographic maps, and local climate information, there is evidence that Winter Canyon Creek, Drainage 1, and Drainage 2 are each subject to federal and state jurisdiction pursuant to Sections 404 and 401 of the Clean Water Act, the Porter-Cologne Water Quality Control Act (California Water Code 13260[a]), and Sections 1600-1616 of the California Fish and Game Code. A total of 0.37 acre/785 linear feet of wetland USACE, RWQCB, and CCC jurisdiction occur within the wastewater treatment facility site. A total of 0.11 acre/578 linear feet of CDFW streambed and 0.29 acre/207 linear feet of riparian vegetation subject to CDFW jurisdiction, occur within the treatment facility site."

4.3-40 of the DEIR explains that the project is not expected to result in impacts to riparian vegetation or sensitive natural communities. However Page 4.3-37 of the DEIR states: "At two project locations, Malibu Lagoon and Malibu Creek, the pipeline system intersects potential habitat for tidewater goby, southern steelhead, and arroyo chub. Malibu Lagoon and Malibu Creek are also designated critical habitat for tidewater goby and southern steelhead. If during auguring operations underneath Malibu Creek fine particles associated with the boring fluid migrate to the surface, it would have the potential to smother fish and their eggs. This would be considered a potentially significant impact to tidewater goby and southern steelhead. However, implementation of MMBIO E2 would reduce the impact to a less than significant level."

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The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a

streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSAA) Agreement is required. The Department's issuance of a LSAA may be a project that is subject to CEQA. To facilitate our issuance of the LSAA the Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to all stream and riparian resources and any listed species and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. The Department recommends designing the project footprint to avoid the necessity of performing fuel modification within Department jurisdiction and providing at least a 100 foot natural buffer adjacent to any delineated jurisdictional stream on site. The Department may condition further measures in the LSAA that are designed to mitigate for unavoidable project impacts to riparian resources. These measures may include on site or off site preservation and protection in perpetuity under a conservation easement of riparian habitat to be managed by a local land conservancy.

Further information on the Department's Lake and Streambed Alteration Program and initiating a Department streambed jurisdiction determination may be found at: <http://www.dfg.ca.gov/habcon/1600/>. LSAA Agreement Notification forms and form completion instructions may be found at: <http://www.dfg.ca.gov/habcon/1600/forms.html>

Following are protective measures that would typically be conditioned for any activity that includes auguring beneath jurisdictional waters of the state that may be subject to a LSAA.

- a. **Drilling Mud.** At no time shall drill cuttings, drilling mud, and/or materials or water contaminated with bentonite or any other substance deemed deleterious to fish or wildlife be allowed to enter the stream or be placed where they may be washed into the stream. Any contaminated water/materials from the drilling and/or project activities shall be pumped or placed into a holding facility and removed for proper disposal.
- b. **Frac-Out – Dye.** A non-toxic fluorescent water soluble dye shall be added to the drilling muds to allow for frac-outs to be seen in muddy waters. The dye shall be used in a concentration which allows the monitors to easily determine the source of the frac-out, and shall be a type of dye approved for use by the local Regional Water Quality Control Board.
- c. **Boring Distance from Existing Structures.** Boring shall not occur adjacent to instream structures, such as pilings. If instream structures are present, the bore shall be deep enough to minimize frac-out potential.
- d. **Frac-Outs Inspectors on-site.** Biological monitors shall be retained by the Permittee and be on-site during all boring operations under wet channels. The monitor shall have the authority to make recommendations to the drilling

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Operators and, if necessary, shut down operations if a frac-out occurs or the Operators are not following procedures which minimize frac-outs. The Inspectors shall consult with the Department before allowing the Operator to resume boring operations.

- e. Drilling – Contractor Experience. The Permittee shall submit to the Department, evidence that the boring contractors have a minimum of two (2) years of experience in conducting boring operations.
- f. Drilling – Materials. All contractors shall use benign material in the drilling muds to avoid contamination of any water or habitat.
- g. Frac-out Contingency Plan. A frac-out contingency plan shall be submitted to the Department prior to operations. The plan shall be on site at all times and all contractors shall have pre-arranged duties in case of a frac-out. Clean up equipment shall be on site prior to the start of operations. This includes a Brady Barrel, (a 33 gallon metal barrel with both top and bottom removed), placed over a frac-out and the vacuum hose is inserted into the barrel) to contain muds, and a vacuum truck shall be on site at all times during drilling. In case of a frac-out, all drilling shall cease, and all personal shall implement the cleanup contingency plan. Operations shall not resume until the frac-out is located, contained and cleaned up. The Department shall be notified on every frac-out immediately. Directional drilling shall not resume until approved by the Department.

We appreciate the opportunity to comment on the DEIR for the project and to assist in further minimizing and mitigating project impacts to biological resources. If you have questions regarding this letter, please contact Mr. Scott Harris by telephone at (626) 797-3170 or email at Scott.P.Harris@wildlife.ca.gov.

Sincerely,

Betty J. Courtney

Betty J. Courtney
Environmental Program Manager I
South Coast Region

cc: Erinn Wilson, CDFW, Los Alamitos
Kelly Schmoker, CDFW, Laguna Niguel
Scott Harris, CDFW, Pasadena
Brock Warmuth, CDFW, Newbury Park
Roger Root, USFWS, Ventura

Literature Review

(Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.



Response to July 28 Comment Letter from California Department of Fish and Wildlife (Betty J. Courtney) (A-5)

Response to Comment 1

The proposed Project would be constructed in streets or street shoulders, or on previously, recently disturbed areas (Bluffs Park, Legacy Park, and the current wastewater treatment plant site). Consequently, sufficient due diligence was conducted during the biological surveys and evaluations of these locations such that floristic-based assessments or other additional work is unnecessary for the Phase 1 project locations to identify special status species, vegetation setting and habitation conditions in the Project area. Use of the recommended document and methodologies may be considered for future Project phases as they are designed and Project-level environmental documentation is prepared.

Response to Comment 2

The Least Bell's vireo and southwestern willow flycatcher have been added to the list of species evaluated in the EIR and the Habitat Assessment (Appendix C) has been updated.

Response to Comment 3

Project permits would be prepared and submitted in accordance with applicable regulations; however, no take of CESA-listed species is anticipated. As part of obtaining the necessary Project permits, the City will consult with California Department of Fish and Wildlife (CDFW) to confirm that an incidental take permit is not required. Additionally, the Project Mitigation, Monitoring and Reporting Program would provide sufficient detail and resolution to satisfy the requirements of an incidental take permit.

Response to Comment 4

The yellow-breasted chat, yellow warbler and western burrowing owl have been added to the list of species evaluated in the EIR. Please see Table 4.3-2 in Section 4.3 – Biological Resources. Additionally, the Habitat Assessment (Appendix C) has been updated.

Response to Comment 5

Mitigation measure MM BIO-3 is recommended for implementation. CDFW recommendations would be taken into consideration during implementation of that mitigation measure. Additionally, please see mitigation measure MM BIO-7 (Section 4.3 – Biological Resources) in regards to tree removal.

Response to Comment 6

Numerical groundwater modeling analyses documented in Appendix G4 simulated injection of the maximum volume of recycled water possible into the Malibu Valley

Groundwater Basin. The purpose of this analysis was to demonstrate that the groundwater basin has sufficient capacity to accept all recycled water to be produced at the proposed treatment facility with an additional factor of safety, and to evaluate potential impacts that may occur as a result of that injection. The volume of water injected in the simulations far exceeds the overall capacity of the treatment plant and is not representative of the volume of water to be injected in the groundwater basin under average operating scenarios. To evaluate the potential impacts associated with the planned average injection rate for each Project phase, the groundwater flow model was run simulating recycled water injection at the planned injection locations at anticipated injection rates based on production estimates and anticipated levels of recycled water reuse. The results of these analyses are documented in an addendum technical memorandum to the modeling report (Appendix G5). These model results (simulating anticipated average operating conditions for injection) indicate that groundwater basin outflows to Malibu Creek and Lagoon would increase slightly from current conditions (by 2.4% or approximately 13,000 gallons per day [gpd]) in Phase 1 due to planned commercial development in the Civic Center area. Groundwater basin outflows to Malibu Creek and Lagoon would increase by 2.9% (or approximately 16,000 gpd) above baseline in Phase 2, but then decrease to 2.1% above baseline conditions (or approximately 12,000 gpd) in Phase 3 as domestic OWDSs cease operations. These increases are within the natural variations of flow rates within Malibu Creek and Lagoon by season and annually. Based on historical flow data as presented in Table 6-1 of the Total Maximum Daily Loads (TMDLs) for Malibu Creek and Lagoon (USEPA, 2013), median daily flow in Malibu Creek between 2007 and 2010 was 3.6 cubic feet per second (cfs); this is equivalent to 2.3 million gallons per day. Therefore, the maximum anticipated increase in groundwater flows to Malibu Creek using the planned average injection rate (16,000 gpd in Phase 2) is approximately 0.69% of the total flows in the creek. And as breaching typically results from a large pulse of surface water flows resulting from storm events, this minor increase in flows to Malibu Creek are unlikely to impact the breaching patterns in the Creek/Lagoon.

Additionally, under the planned average injection rates, all injected flows would go to the Pacific Ocean (unchanged from scenarios with the maximum recycled water injection rates). Therefore, the quality of the additional groundwater flowing to Malibu Creek and Lagoon would be unchanged in terms of some key constituents, such as salinity, and improved for other cases, such as nutrients, as a result of Project implementation. Salinity changes resulting from the increased groundwater flow to Malibu Creek are also anticipated to be negligible. Based on groundwater sampling conducted to date (and as documented in the Assimilative Capacity and Anti-Degradation Analysis memorandum included in Appendix G2), average groundwater Total Dissolved Solids (TDS) concentrations for the Malibu Valley Groundwater Basin is 2,100 mg/L. Per Table 7-3 of the TMDLs for Malibu Creek and Lagoon (USEPA, 2013), median stream specific conductivity in Malibu Creek at Cross Creek Road between 1998 and 2010 was 1,869 $\mu\text{S}/\text{cm}$; this is equivalent to 1,200 mg/L TDS. Using a mass balance approach, the additional groundwater flowing to Malibu Creek as documented above would increase Malibu Creek TDS concentrations by approximately 6 mg/L or 0.51%. Based on this analysis, under planned Project operating conditions, the potential future impacts of additional groundwater flows to Malibu Creek and Lagoon are not considered to be significant.

This analysis is presented in the discussion of Impact BIO-1 on page 4.3-39 of Section 4.3 – Biological Resources.

Response to Comment 7

Please see the response presented above. See also Effects on Malibu Creek and Lagoon Flows, Table 4.7-1 in Section 4.7 – Hydrology and Water Quality.

Response to Comment 8

Mitigation measure MM BIO-5 is recommended for implementation. CDFW recommendations would be implemented during that mitigation measure.

Response to Comment 9

The selection of fencing at the Project site will consider the need to protect wildlife as suggested.

Response to Comment 10

Phase 1 of the Project would not result in any significant impacts to stream or riparian habitats and all construction would be more than 100 feet from any stream or riparian habitat (with the exception of one small area on the treatment plant site where improvements (paving) would be made to an existing dirt road that extends just inside the 100-foot buffer around a wetland and where a biofilter would be installed immediately adjacent to the roadway to provide for treatment of stormwater runoff from the roadway). Construction mitigation measures recommended in the EIR would reduce all potential impacts to less than significant. Phase 1 plant operations would not occur adjacent to any stream or water body, except at the aforementioned treatment plant site. The treatment plant has been designed to redirect all surface runoff to designated locations for capture and redirection to the plant headworks, and plant operations would not impact the adjacent wetland.

Phase 2 of the project would include two creek crossings. Impacts relating to these crossings would be addressed in a project-level CEQA document prepared for that phase of the Project. The recommended protective measures would be considered and included, as appropriate, in that Phase 2 CEQA document. Additionally, the LCPA/ZTA included with the Project would require that pipeline crossing of streams and/or encroachments into riparian/wetland areas shall be kept to a minimum. Where necessary, such crossing or encroachments shall be sited in disturbed areas or underground to the extent feasible and would be designed to be the least environmentally damaging alternative.

A Fuel Modification Plan has been prepared and submitted to the County of Los Angeles Fire Department for the Project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

July 28, 2014

Bonnie Blue
Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

RECEIVED
JUL 31 2014
PLANNING DEPT.

Post-marked
7/28/14

Dear Ms. Blue,

The Ground Water Office of the U.S. Environmental Protection Agency, Region 9 (EPA), has reviewed and is providing comments on the document entitled "RECIRCULATED Draft Environmental Impact Report on the Malibu Civic Center Wastewater Treatment Facility Project (Project)," dated June 12, 2014. Activities described under the Project include a municipal wastewater treatment facility, pump stations, collection and distribution pipelines, percolation ponds and groundwater injection wells. The Project proposes construction of three deep injection wells, each to a depth of approximately 150 feet. The wells would be used to inject treated sewage from the municipal wastewater treatment facility into the lower aquifer of the Malibu Valley Groundwater Basin.

This proposed injection activity is subject to the EPA's Underground Injection Control (UIC) regulations under the federal Safe Drinking Water Act (SDWA.) EPA codified these regulations beginning at 40 CFR Part 144. EPA regulates subsurface fluid injection to prevent contamination of underground sources of drinking water (USDWs) and to protect public health. EPA's regulations prohibit injection in a manner that could cause exceedences of the federal drinking water Maximum Contaminant Levels (MCLs) in USDWs, or could otherwise endanger the health of persons. For treated wastewater injection projects, such as the proposed Project, EPA's primary concerns are the quality of the injection fluid and the construction, operation and maintenance of the injection wells.

The draft document does not reference the SDWA and UIC program regulations, except to mention a US EPA UIC permit in "Chapter 3 Project Description." Specifically, EPA's regulations should be identified in the document in "Chapter 4.5 Geology and Soils and Chapter" and "Chapter 4.7 Hydrology and Water Quality." Please amend your draft document to include language similar to the following:

"The SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 with requirements to protect drinking water and its sources—rivers, lakes, reservoirs, springs, and ground water aquifers.

1



The SDWA also sets a framework for the Underground Injection Control (UIC) program to control the injection of wastes into ground water determined to be an underground source of drinking water (USDW). Under the UIC program, EPA sets standards for safe waste injection practices and bans certain types of injection altogether. Injection includes seeping, flowing, leaching, and pumping, with or without added pressure. A USDW is defined as any ground water containing 10,000 milligrams per liter or less of total dissolved solids, in a quantity that can sustain a public water supply system. The UIC program defines six classes of wells according to the type of fluid they inject and where the fluid is injected. The injection wells as described under this proposed Project are Class V wells. The EPA implements the UIC program in California, except for Class II wells.



All injection wells are required to be included in the federal UIC inventory. Owners/operators of all injection wells must provide information to EPA, so that the wells may be listed on the federal inventory of injection wells. Required information includes the facility name and location, owner/operator name and address, nature and type of injection well, and operating status. The second minimum federal requirement prohibits injection that allows the movement of fluids containing any contaminants (such as pathogens, solvents, or heavy metals) into a USDW if the presence of that contaminant may cause a violation of any primary drinking water regulation or adversely affect public health. See 40 CFR part 144.12. No other specific EPA regulatory requirements apply to these Class V wells, however, EPA could impose further requirements through a project-specific permit.”



We appreciate the opportunity to review this document and look forward to receiving a revised version of the Draft Environmental Impact Report. If you have any questions about this letter, or EPA's UIC Program, please contact Leslie Ann Greenberg of my staff at (415) 972-3349.

Sincerely,

David Albright, Manager
Ground Water Office

cc: Eric Wu, RWQCB Los Angeles Region

Response to July 28 Comment Letter from United States Environmental Protection Agency (David Albright) (A-6)

Response to Comment 1

The EIR has been amended to add the referenced regulations. See page 4.7-4 in Section 4.7 – Hydrology and Water Quality. Also, see Section 4.5.1, Federal Regulations in Section 4.5 – Geology and Soils.

Response to Comment 2

Following installation of the injection wells for the Project, the wells would be registered with the Underground Injection Control program and entered into the federal UIC inventory. Please note that none of the injection wells would be utilized for drinking water and that no drinking water wells currently exist in the groundwater basin. Additionally, the City will be enacting a groundwater well ordinance to manage the future installation of wells in the groundwater basin to ensure the protection of public health.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

Letter A-7a

RECEIVED
JUL 7 - 2014
PLANNING DEPT.

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

July 1, 2014

Bonnie Blue, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Ms. Blue:

DRAFT ENVIRONMENTAL IMPACT REPORT, ENVIRONMENTAL IMPACT REPORT NO. 13-001, CONDITIONAL USE PERMIT NO. 13-00, "CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT," TO ANALYZE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT, CIVIC CENTER AREA, MALIBU (FFER #201400088)

The Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. 4.11. PUBLIC SERVICES

4.11.1. ENVIRONMENTAL SETTING

Fire Protection and Prevention and Emergency Services.

Paragraph 4, sentence 2 should be revised as follows:

~~Seven LACFD fire stations (Station Nos. 67, 69, 70, 71, 72, 88 and 99) provide fire protection services within the City. Four of these stations are located within the City (Station Nos. 70, 71, 88, and 99).~~



SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- | | | | | | | | |
|--------------|-----------|------------------|----------------------|-----------|----------------------|-----------------------|------------------|
| AGOURA HILLS | CALABASAS | DIAMOND BAR | HIDDEN HILLS | LA MIRADA | MALIBU | POMONA | SIGNAL HILL |
| ARTESIA | CARSON | DUARTE | HUNTINGTON PARK | LA PUENTE | MAYWOOD | RANCHO PALOS VERDES | SOUTH EL MONTE |
| AZUSA | CERRITOS | EL MONTE | INDUSTRY | LAKEWOOD | NORWALK | ROLLING HILLS | SOUTH GATE |
| BALDWIN PARK | CLAREMONT | GARDENA | INGLEWOOD | LANCASTER | PALMDALE | ROLLING HILLS ESTATES | TEMPLE CITY |
| BELL | COMMERCE | GLENDDORA | IRWINDALE | LAWNDALE | PALOS VERDES ESTATES | ROSEMEAD | WALNUT |
| BELL GARDENS | COVINA | HAWAIIAN GARDENS | LA CANADA FLINTRIDGE | LOMITA | PARAMOUNT | SAN DIMAS | WEST HOLLYWOOD |
| BELLFLOWER | CUDAHY | HAWTHORNE | LA HABRA | LYNWOOD | PICO RIVERA | SANTA CLARITA | WESTLAKE VILLAGE |
| BRADBURY | | | | | | | WHITTIER |

Four LACFD fire stations (Station Nos. 70, 71, 88, and 99) provide fire protection services and are located within the City.

Paragraph 6, last sentence should be revised as follows:

The average response time by LACFD to fire **all** emergencies in the Project area is less than five minutes.

Table 4.11-2 should be corrected as follows:

Table 4.11-2 Staffing Levels at Fire Stations Serving Malibu

Station	Address	Staffing
Station 65	4206 N. Cornell Road, Agoura Hills	Three-person engine company
Station 67	25801 Piuma Road Calabasas	Three-person engine company
Station 69	401 South Topanga Canyon Boulevard, Topanga	Four-person assessment engine company and additional Paid on-call firefighters on an "as needed" basis
Station 70	3970 Carbon Canyon Road, Malibu	Four-person engine company and a battalion chief
Station 71	28722 Pacific Coast Highway, Malibu	Four Three -person engine company and a two-person paramedic squad
Station 72	1832 Decker Canyon Road, Malibu	Three-person engine company
Station 88	23720 Malibu Road, Malibu	Three-person engine company and a two-person paramedic squad
Station 99	32550 Pacific Coast Highway, Malibu	Three-person engine company
Station 125	5215 Las Virgenes Road, Agoura Hills	Three-person engine company and a four-person Quint

LAND DEVELOPMENT UNIT:

1. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.
2. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities. The County of Los Angeles Fire Department, Land Development Unit, may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.
3. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.
4. Structures and outdoor storage underneath High Voltage Transmission Lines (66 kilovolts or greater) shall comply with Fire Code 316.6 and County of Los Angeles Fire Department Regulation 27. Any proposed construction or land use within 100 feet of the drip line of high voltage Transmission lines shall be subject to review by the Fire Marshal.
5. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
6. Access roads shall be maintained with a minimum of 10 feet of brush clearance on each side. Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet 6 inches.
7. Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.
8. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.



9. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
- a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
 - c) Additional hydrants will be required if hydrant spacing exceeds specified distances.
 - d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.
 - e) A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.
10. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4 Indicate the centerline, inside and outside turning radii for each change in direction on the site plan.
11. Proposed structures less than 30 feet in height shall provide a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building Fire Code 503.1.1 & 503.2.2 For proposed buildings greater than 30 feet in height, where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. Aerial fire apparatus access roads shall have a minimum unobstructed width of 28 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to an entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
12. All access devices and gates shall meet the following requirements:
- a) Any single gated opening used for ingress and egress shall be a minimum of 26 feet in width, clear-to-sky.
 - b) Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
 - c) Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.

- d) All limited access devices shall be of a type approved by the Fire Department.
 - e) Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.
13. All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, bul-bouts, etc.) shall be submitted to the Fire Department for review, prior to implementation.
 14. Temporary bridges shall be designed, constructed, and maintained to support a live load of at least 75,000 pounds. A minimum vertical clearance of 13'6" will be required throughout construction.
 15. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions.
 16. The County of Los Angeles Fire Department, Land Development Unit's comments are general requirements. Specific fire and life safety requirements and conditions set during the environmental review process will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review there may be additional requirements.
 17. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Nancy Rodeheffer, at (323) 890-4243 or at nrodeheffer@fire.lacounty.gov.
 18. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.
2. This property is located in an area described by the Forester and Fire Warden as being in a Fire Hazard Severity Zone. The development of this project must comply with all Fire Hazard severity Zone code and ordinance requirements for fuel modification. Specific questions regarding fuel modification requirements should be directed to the Fuel Modification Office at (626) 969-2375.

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project.



Bonnie Blue
July 1, 2014
Page 6

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

Letter A-7b

RECEIVED

JUL 14 2014

PLANNING DEPT.

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

July 10, 2014

Bonnie Blue, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Ms. Blue:

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT, "CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT," REVISION HAVE BEEN MADE TO CORRECT ERRORS AND/OR OMISSIONS IN THE ORIGINAL DEIR PERTAINING TO THE NUMBER AND LOCATION OF PUMP STATIONS EXPECTED TO BE NEEDED, CIVIC CENTER AREA, MALIBU (FFER #201400095)

The Recirculated Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. Our comments to the Draft Environmental Impact Report were not incorporated into the Recirculated Draft Environmental Impact Report. Our comments which are still valid are as follows:

4.11. PUBLIC SERVICES

4.11.1. ENVIRONMENTAL SETTING

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDDORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Fire Protection and Prevention and Emergency Services.

Paragraph 4, sentence 2 should be revised as follows:

~~Seven LACFD fire stations (Station Nos. 67, 69, 70, 71, 72, 88 and 99) provide fire protection services within the City. Four of these stations are located within the City (Station Nos. 70, 71, 88, and 99).~~

Four LACFD fire stations (Station Nos. 70, 71, 88, and 99) provide fire protection services and are located within the City.

Paragraph 6, last sentence should be revised as follows:

The average response time by LACFD to fire **all** emergencies in the Project area is less than five minutes.

Table 4.11-2 should be corrected as follows:

Table 4.11-2 Staffing Levels at Fire Stations Serving Malibu

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Station 70	3970 Carbon Canyon Road, Malibu	Four-person engine company and a battalion chief
Station 71	28722 Pacific Coast Highway, Malibu	Four- Three -person engine company and a two-person paramedic squad
Station 72	1832 Decker Canyon Road, Malibu	Three-person engine company



Station 88	23720 Malibu Road, Malibu	Three-person engine company and a two-person paramedic squad	↑ 1
Station 99	32550 Pacific Coast Highway, Malibu	Three-person engine company	
Station 125	5215 Las Virgenes Road, Agoura Hills	Three-person engine company <i>and a four-person Quint</i>	

LAND DEVELOPMENT UNIT:

1. The Fire Prevention Division, Land Development Unit, has no additional comments regarding this project. The conditions that were addressed in EIR Report No. 13-005, (FFER 201400088) have not been changed at this time.
2. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Nancy Rodeheffer, at (323) 890-4243 or at nrodeheffer@fire.lacounty.gov.
3. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.
2. This property is located in an area described by the Forester and Fire Warden as being in a Fire Hazard Severity Zone. The development of this project must comply with all Fire Hazard severity Zone code and ordinance requirements for fuel modification. Specific questions regarding fuel modification requirements should be directed to the Fuel Modification Office at (626) 969-2375.

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project.

Bonnie Blue
July 10, 2014
Page 4

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl

**Response to July 1 and 10 Comment Letters from Los Angeles County Fire Department (Frank Vidales)
(A-7a and -7b)**

Response to Comment 1

The EIR has been revised to correct the number of fire stations that provide service to Malibu and to correct statements pertaining to response times and staffing levels. Please see Section 4.11 - Public Services for the revised text.

Response to Comment 2

The Project has been designed to include and meet all County Fire Department requirements, codes and ordinances; for example, please see pages 3-19, 3-26, 3-33 and 3-41 of Chapter 3 – Project Description. Additionally, a Fuel Modification Plan has been prepared for the Project and submitted to the County Fire Department for review and approval.

Response to Comment 3

The Project has been designed to take into account all County of Los Angeles Fire Department requirements and conditions for fire and life safety. Prior to obtaining grading or building permits for Phase 1 of the Project, the City will obtain all required building and fire plan check approval from the County of Los Angeles Fire Department.

Response to Comment 4

The Project has been designed to take into account all County of Los Angeles Fire Department requirements and conditions for fire and life safety and for fuel modification. A Fuel Modification Plan has been prepared for the Project and submitted to the County Fire Department for review and approval.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 7, TRANSPORTATION PLANNING
 IGR/CEQA BRANCH
 100 MAIN STREET, MS # 16
 LOS ANGELES, CA 90012-3606
 PHONE: (213) 897-9140
 FAX: (213) 897-1337



*Flex your power!
 Be energy efficient!*

June 10, 2014

Ms. Bonnie Blue
 City of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265

RECEIVED
JUN 11 2014
PLANNING DEPT.

IGR/CEQA No. 140615AL-DEIR
 Malibu Civic Center Wastewater Treatment
 Facility Project
 Vic. LA-01 / PM 47.75
 SCH #: 2013111075

Dear Ms. Blue:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project would construct a new centralized wastewater treatment facility that would treat the wastewater flows from properties in the Prohibition Zone that will no longer be served by onsite wastewater treatment systems or OWTSs.

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from the Department. Any modifications to State facilities must meet all mandatory design standard and specifications. A truck/traffic construction management plan may be needed for this project if any work to be constructed near or at the State facilities.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water.

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 140615AL.

Sincerely,

DIANNA WATSON
 IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

**Response to July 10 Comment Letter from the California Department of Transportation (Caltrans)
(Dianna Watson) (A-8)**

Response to Comment 1

Project permits would be prepared and submitted in accordance with applicable Caltrans regulations and requirements. An encroachment permit will be required for the Project and will be obtained from Caltrans.

The plant site has been designed such that all stormwater runoff is captured at a designated collection point and routed back to the treatment plant's headworks. See page 4.7-22, first paragraph of Section 4.7 – Hydrology and Water Quality

Bonnie Blue

From: Michelle Tsiebos <mtsiebos@ph.lacounty.gov>
Sent: Friday, July 18, 2014 1:56 PM
To: Bonnie Blue
Subject: City of Malibu Civic Center Wastewater Treatment Facility Project - Draft EIR Comments - Los Angeles County Department of Public Health
Attachments: City of Malibu Civic Center Wastewater Treatment Facility Project-DEIR-Los Angeles County DPH Comments.pdf

Hi Ms. Blue,

Please find our comments attached.

Thank you.

Michelle Tsiebos, REHS, MPA
Environmental Health Specialist IV

Department of Public Health
Environmental Health Services
Bureau of Environmental Protection
Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706
Ph. (626) 430-5382
Fax. (626) 813-3016



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www.publichealth.lacounty.gov

July 18, 2014

TO: Bonnie Blue
Senior planner
City of Malibu

FROM: Michelle Tsiebos, MPA, REHS
Environmental Health Division
Department of Public Health

SUBJECT: **City of Malibu Civic Center Wastewater Treatment Facility Project - Draft EIR
Environmental Impact Report No. 13-001**

The Department of Public Health-Environmental Health Division has reviewed the Draft Environmental Impact Report (DEIR) for the City of Malibu Civic Center Wastewater Treatment Facility Project. We offer the following comments pending the review of the EIR.

Noise

The County of Los Angeles Department of Public Health has jurisdiction in the enforcement of Title 12, Noise Control ordinance within the *unincorporated* County of Los Angeles. The noise ordinance provides an exemption for Public Health and Safety Activities, section 12.08.570, Part H.

Based on the findings in the DEIR, the noise impacts associated with construction activity to surrounding sensitive land use will be significant and unavoidable. To minimize disturbance to the extent feasible to surrounding properties, we recommend that the noise mitigation measures (MM NV-1, NV-2) listed in the DEIR be implemented in the project.

1

Hydrology and Water Quality

- To prevent possible contamination of the groundwater the construction of the three deep injection wells requires a permit from the Drinking Water Program. Staff can be contacted at (626) 430-5420. | 2
- The installation of the proposed recycled water system, including the cross-connections, and the distribution side require the approval of the Cross-Connection program. Plans will have to be submitted. Staff can be contacted at (626) 430-5290. | 3

If you should have any questions regarding this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov

Response to July 18 Comment Letter from Los Angeles County Department of Public Health (Michelle Tsiebos) (A-9)

Response to Comment 1

Mitigation measures MM NV-1 and NV-2 will be implemented as part of the Project.

Response to Comment 2

Well construction permits will be obtained from the County prior to well installation; please see Table 3-5 in Chapter 3 – Project Description.

Response to Comment 3

The City understands that County's Cross-Connection program would need to approve the Project plans. The 100% design plans will be submitted to the County for review once they have been completed.

Bonnie Blue

From: Sap, Craig@Parks <Craig.Sap@parks.ca.gov>
Sent: Monday, July 28, 2014 10:39 PM
To: Bonnie Blue
Subject: Waste Water Comment Letter
Attachments: Malibu Civic Center Waste Water Comment Letter.pdf

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Ms. Blue,

Please find attached the State Parks/Angeles District's comment letter on Malibu Civic Center Waste Water Treatment Facility Project.

Craig Sap
Angeles District Superintendent



DEPARTMENT OF PARKS AND RECREATION

Angeles District
1925 Las Virgenes Road
Calabasas, California, 91302

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July 28, 2014

Bonnie Blue, AICP
Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, California, 90265

**Re: Malibu Civic Center Wastewater Treatment Facility Project
EIR SCH # 2013111**

Dear Ms. Blue:

The California Department of Parks and Recreation, Angeles District, appreciates the opportunity to comment on the above-referenced Environmental Impact Report (EIR). We support the implementation of a project that will relieve the Malibu Creek, Malibu Lagoon and near shore marine environment from impacts due to high nutrient and pollutant loads associated with existing development in the civic center area. We commend the city for undertaking this project. However, we note that the project, as proposed, has the potential to fall short of this goal in the short term and introduces new impacts to the ecosystem. We offer the following comments for your review.

The injection of treated effluent into local groundwater will increase the speed at which nutrients and pathogens already present will reach the lagoon, and could therefore increase the levels of these constituents in the near term, with significant impacts to species and biological processes there. Increased nutrient levels act as fertilizers to submerged aquatic vegetation, which reduces dissolved oxygen in the water column as it decomposes, severely reducing species diversity. The EIR does not adequately analyze this potential.

1

The project may result in an increase of 120,000 gallons of water per day into the lagoon which has the potential to alter the breaching regime by causing the lagoon to breach sooner and more often than it does currently. If this altered regime were to occur it would have significant impact on two federally-listed fish species, the tidewater goby and the steelhead trout. The EIR does not adequately analyze these impacts.

The treated effluent will introduce a high level of residual chlorine to the ecosystem. Chlorine is a toxic element that is detrimental to the aquatic species in the creek and lagoon.

2

Ms. Blue
July 28, 2014
Page two

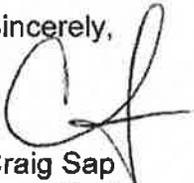
We request that the EIR address these impacts and that the project be modified to lessen them. Technology exists that can reduce the nutrient levels in the plant effluent beyond the levels that are envisioned in the EIR. It is also possible to reduce residual chlorine levels to near zero, as we recently demonstrated in our Malibu Lagoon Restoration and Enhancement Project. We also request that the city explore alternatives to groundwater injection that will reduce the potential to mobilize existing nutrients and pollutants. Above ground storage and acquisition of open space parcels to accept treated effluent as irrigation are two alternatives.

3

Over the last twenty years, government agencies and the environmental community successfully encouraged regulations, such as discharge prohibitions and effluent nutrient reductions, which significantly reduced impacts to Malibu Creek and Malibu Lagoon from the Tapia Water Reclamation Facility upstream in Malibu Canyon. While we applaud the city's efforts to address documented problems from onsite wastewater treatment systems in the civic center area, we also encourage the city to go further in its efforts so that hard won progress is not lost.

Thank you for the consideration of our comments.

Sincerely,



Craig Sap
State Parks
Angeles District Superintendent

Response to July 28 Comment Letter from California Department of Parks and Recreation (Craig Sap) (A-10)

Response to Comment 1

Numerical groundwater modeling analyses documented in Appendix G4 simulated injection of the maximum volume of recycled water possible into the Malibu Valley Groundwater Basin. The purpose of this analysis was to demonstrate that the groundwater basin has sufficient capacity to accept all recycled water to be produced at the proposed treatment facility with an additional factor of safety, and to evaluate potential impacts that may occur as a result of that injection. The volume of water injected in the simulations far exceeds the overall capacity of the treatment plant and is not representative of the volume of water to be injected in the groundwater basin under average operating scenarios.

To evaluate the potential impacts associated with the treatment facility planned average injection rate for each Project phase, the groundwater flow model was run simulating recycled water injection at the planned injection locations at anticipated injection rates based on production estimates and anticipated levels of recycled water reuse. The results of these analyses are documented in an addendum technical memorandum to the modeling report (Appendix G5). These model results (simulating anticipated average operating conditions for injection) indicate that groundwater basin outflows to Malibu Creek and Lagoon would increase slightly from current conditions (by 2.4% or approximately 13,000 gpd) in Phase 1 due to planned commercial development in the Civic Center area. Groundwater basin outflows to Malibu Creek and Lagoon would increase by 2.9% (or approximately 16,000 gpd) above baseline in Phase 2, but then decrease to 2.1% above baseline conditions (or approximately 12,000 gpd) in Phase 3 as domestic OWDSs cease operations. These increases are within the natural variations of flow rates within Malibu Creek and Lagoon by season and annually. (Based on historical flow data as presented in Table 6-1 of the Total Maximum Daily Loads (TMDLs) for Malibu Creek and Lagoon (USEPA, 2013), median daily flow in Malibu Creek between 2007 and 2010 was 3.6 cfs; this is equivalent to 2.3 million gallons per day. Therefore, the maximum anticipated increase in groundwater flows to Malibu Creek using the planned average injection rate (16,000 gpd in Phase 2) is approximately 0.69% of the total flows in the creek. And as breaching typically results from a large pulse of surface water flows resulting from storm events, this minor increase in flows to Malibu Creek are unlikely to impact the breaching patterns in the Creek/Lagoon. See also Effects on Malibu Creek and Lagoon Flows, Table 4.7-1.

Additionally, under the planned average injection rates, all injected flows would go to the Pacific Ocean (unchanged from scenarios with the maximum recycled water injection); therefore, the quality of the additional groundwater flowing to Malibu Creek and Lagoon would be unchanged in terms of some key constituents, such as salinity, and improved for other cases, such as nutrients, as a result of Project implementation. Based on this analysis, under planned project operating conditions, the potential future impacts of additional groundwater flows to Malibu Creek and Lagoon are not considered to be significant.

Response to Comment 2

Recycled water to be injected into the groundwater basin would have a residual chlorine concentration. Recycled water would be dosed at the treatment plant site with a residual chlorine concentration of 2 mg/L; however, the concentration at the injection well site would be less due to chlorine interactions and decay within the recycled water distribution pipeline. The concentration of residual chlorine in the recycled water injected into the groundwater basin is not known at this time as it is site-specific and dependent on several parameters including temperature, dissolved organic carbon concentration, and contact time.

Residual chlorine in recycled water injected into the groundwater basin would not reach Malibu Creek or Lagoon per modeling conducted for the Project. Additionally, there is not a water quality objective in the Basin Plan for residual chlorine in groundwater.

An analysis of the potential impacts of residual chlorine in injected recycled water on near shore ocean quality was conducted; see Appendix G1 for the results. Based on this analysis, near shore ocean quality could have approximately 7.6 ug/L of residual chlorine (the Ocean Plan water quality objective for residual chlorine is 8 ug/L for a daily maximum); however, this analysis was extremely conservative and did not account for the additional decay of chlorine in the distribution system and in the groundwater system as the injected water moves over a period between 5 and 15 years to the ocean, nor did it consider the additional mixing that would occur in the ocean environment as a result of density differences and wind and tidal-related mixing influences.

Response to Comment 3

The Project has been designed to fit within the site areal constraints and to consider fiscal impacts on the residents of the City of Malibu. The proposed effluent discharge limits evaluated in the EIR would significantly reduce the loading of nitrates to the groundwater basin, in addition to Malibu Creek and Lagoon, and a fiscal analysis of reducing this limit would result in significant increases in Project costs with limited associated improvements in discharges/loading. Additionally, residual chlorine is required in the recycled water in order to be protective of human health during reuse. This residual chlorine would also assist in maintaining injection well health, minimizing biofouling. Finally, the City will continue to explore alternatives for expanding the reuse of the recycled water, including expanding recycled water irrigation, thereby minimizing the need for groundwater injection.



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James Chuang
Environmental Specialist/Land Planner

Natural Resources & Land Planning
Mail Location GT17E2
555 W. Fifth Street
Los Angeles, CA 90013-1036

Tel: 213.244.5817

Fax: 323.518.2324

E-mail: WCChuang@semprautilities.com



June 10, 2014

Ms. Bonnie Blue
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Rd.,
Malibu, CA 90265

Re: City of Malibu Civic Center Wastewater Treatment Facility Project

Dear Ms. Blue:

Southern California Gas Company (SoCalGas) appreciates the opportunity to review and respond to the subject Draft Environmental Impact Report for City of Malibu Civic Center Wastewater Treatment Facility Project. SoCalGas understands the proposed project is a construction of a wastewater treatment facility and associated infrastructure within the Civic Center Area of the City of Malibu and unincorporated Los Angeles County. We respectfully request that the following comments be considered in the forthcoming environmental document.

- SoCalGas has existing natural gas distribution lines that run alongside proposed collection and distribution pipelines and pump stations, and requests that the project proponent call Underground Service Alert at 811 at least two business days prior to performing any excavation work. Underground Service Alert will coordinate with SoCalGas and other utility owners in the area to mark the locations of buried utility-owned lines.

1

Once again, we appreciate the opportunity to comment on the DEIR. If you have any questions, please feel free to contact me at (213) 244-5817 or WCChuang@semprautilities.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James Chuang".

James Chuang
Environmental Specialist
Southern California Gas Company

Bonnie Blue

From: Chuang, Wan-Che <WCChuang@semprautilities.com>
Sent: Tuesday, June 10, 2014 11:28 AM
To: Bonnie Blue
Subject: DEIR Comment: Civic Center Wastewater Treatment Facility Project
Attachments: malibu civic center wastewater project.pdf

Ms. Blue,

Please find attached Southern California Gas Company's comment to the City of Malibu Civic Center Wastewater Facility Project.

Thanks,
James Chuang
Environmental Specialist/Land Planner
SoCalGas Environmental Services
(213) 244-5817 - Office
(213) 248-1566 - Cell

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Response to July 10 Comment Letter from Southern California Gas Company (James Chuang) (A-11)

Response to Comment 1

The requirement to identify the locations of underground utilities by contacting Underground Service Alert would be included in the Project specifications.

Bonnie Blue

From: Wu, Eric@Waterboards <Eric.Wu@waterboards.ca.gov>
Sent: Monday, July 28, 2014 4:28 PM
To: Jim Thorsen; Bonnie Blue
Cc: Unger, Samuel@Waterboards; Smith, Deborah@Waterboards; Craig George; Steve Clary (SCLary@rmcwater.com); Leslie Dumas; Chou, Rebecca@Waterboards; Tsai, Don@Waterboards; McChesney, Frances@Waterboards
Subject: Comments to Draft EIR for Malibu Civic Center Wastewater Treatment Facility
Attachments: Malibu DEIR Comment Ltr 072814.pdf

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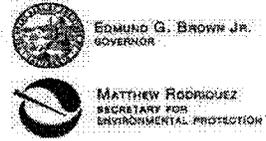
Dear Ms. Blue and Mr. Thorsen,

Attached please find a comment letter prepared by Regional Water Quality Control Board, Los Angeles Region (Water Board) staff for the Draft Environmental Impact Report for the Malibu Civic Center Wastewater Treatment Facility. The hard copy will be mailed out today.

If you have any question, please feel free to contact me.

Sincerely,

Eric Wu, Ph.D., P.E.
Chief of Groundwater Permitting Unit
Regional Water Quality Control Board, Los Angeles
320 W. 4th Street
Los Angeles, CA 90013
(213) 576-6683
(213) 576-5777 fax

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

July 28, 2014

Ms. Bonnie Blue, Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

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COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT AND RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2013111075) PREPARED BY CITY OF MALIBU FOR MALIBU CIVIC CENTER WASTEWATER TREATMENT FACILITY, 24000 CIVIC CENTER WAY, MALIBU, CALIFORNIA (FILE NO. 11-087, GLOBAL ID NO. 10000359)

Dear Ms. Blue:

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 of water within major portions of Los Angeles and Ventura Counties, including at the location of the proposed Malibu Civic Center Wastewater Treatment Facility (CCWTF).

The City of Malibu (City) is the lead agency in accordance with the California Environmental Quality Act (CEQA) for the proposed CCWTF Project (Project) because it is the agency that proposes to carry out the Project. On May 30, 2014, the City released for comments the Draft Environmental Impact Report (DEIR) for the Project and on June 18, 2014, the City recirculated the DEIR for additional comments. The DEIR was prepared by the City in accordance with CEQA. The Recirculated DEIR includes revisions to the original DEIR released on May 30, 2014.

The Regional Board is a responsible agency for purposes of CEQA because it is a public agency that would issue one or more permits for aspects of the Project pursuant to the California Water Code. The DEIR provides a detailed project level analysis of Phase I of the Project which consists of construction of the four primary elements: (1) the wastewater treatment facility, (2) pump stations, (3) wastewater collection and recycled water distribution system pipelines, and (4) the percolation ponds and groundwater injection wells. The DEIR also provides a program level analysis of Phases II and III of the Project and includes the analysis regarding pump stations and the wastewater and recycled water distribution system pipelines for both Phases II and III. We understand that the project level environmental impact analysis for Phases II and III will be presented in future EIR(s).

The DEIR, in general, adequately analyzes the potential environmental impacts associated with water quality. The Regional Board has the following comments:

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

1. The DEIR considered the applicability of various laws, regulations, and plans implemented by the Regional Board, including the Regional Board's Water Quality Control Plan for Los Angeles Region (Basin Plan); the State Water Resources Control Board's (State Water Board) Water Quality Control Plan for Ocean Water of California (California Ocean Plan); Title 22, California Code of Regulations, Division 4, Chapter 3, Water Recycling Criteria; State Water Board Resolution No. 68-16, "Statement of Policy With Respect to Maintaining High Quality of Waters in California", also known as the State's Anti-Degradation Policy (Resolution 68-16); the Salt and Nutrient Management Plan (only draft at this point); and the Nutrient Total Maximum Daily Loads (TMDLs) and TMDLs for Sedimentation and Nutrient for Benthic Community Impairment for Malibu Creek and Malibu Lagoon.

Consistent with CEQA, as a responsible agency, the Regional Board is not approving the DEIR or its attachments, but will consider the EIR and apply its independent authority under the California Water Code when it considers taking action with respect to the Project. The Regional Board may require the submittal of additional information, including information to evaluate compliance with Resolution 68-16, before it considers the issuance of waste discharge requirements and other permits for the Project to assure implementation of applicable laws, regulations, and policies. It is worth noting that the discharges from the Project are not expected to reach Malibu Creek or Malibu Lagoon and therefore, are not expected to result in water quality impacts addressed by the TMDLs. However, if existing Onsite Wastewater Disposal Systems (OWDSs) continue to discharge, the impacted shallow groundwater will continue deteriorating and causing water quality impacts identified in the Malibu Creek Nutrient TMDLs and Santa Monica Bay Bacteria TMDLs.

2. The DEIR does not mention that the Project could require an underground injection control permit pursuant to the federal Clean Water Act. However, the DEIR does adequately evaluate the potential impacts to groundwater of injection.
3. The seepage pits referenced in Chapter 3, Page 3-24 are currently subject to Waste Discharge Requirements Order No. 00-182 issued by the Regional Board for the discharges from Malibu Colony Plaza. The DEIR incorrectly refers to Winter Canyon Wastewater Treatment Plant, which does not exist.
4. Note that effective July 1, 2014, the Drinking Water Program of the California Department of Public Health (CDPH) was transferred to the State Water Board and is now called the Division of Drinking Water (DDW) of the State Water Board. References to CDPH in the DEIR should be replaced by State Water Board DDW.

The Regional Board is pleased that the City is continuing to pursue implementation of the Project as it will address the impacts associated with the continuing discharges of waste from OWDSs in the Malibu Civic Center Area and allow ultimately for compliance with the Basin Plan Amendment prohibiting such systems. The Regional Board supports the Project as it will be consistent with the Memorandum of Understanding between the City, the Regional Board, and the State Water Board.

Ms. Bonnie Blue
City of Malibu

July 28, 2014

Please address these comments in the final EIR. If you have any questions, you may contact the Project Manager, Dr. Don Tsai at (213) 620-2264 (don.tsai@waterboards.ca.gov), or the Chief of Groundwater Permitting Unit, Dr. Eric Wu at (213) 576-6683 (eric.wu@waterboards.ca.gov).

Sincerely,


Samuel Unger, P.E.
Executive Officer

Response to July 28 Comment Letter from Los Angeles Regional Water Quality Control Board (Sam Unger) (A-12)

Response to Comment 1

Comment acknowledged.

Response to Comment 2

Comment has been addressed. See Table 3-5 – Permits and Approvals Needed in Chapter 3 – Project Description.

Response to Comment 3

See text revisions on pg. 3-22 of Chapter 3 – Project Description, Section 3.3.4 – Dispersal, Winter Canyon Groundwater Dispersal.

Response to Comment 4

Comment acknowledged.