

Bonnie Blue

From: dgasperik@gmail.com on behalf of Dylan Gasperik <dgasperik@wlam.surfrider.org>
Sent: Monday, July 28, 2014 4:36 PM
To: Bonnie Blue
Cc: Graham Hamilton; Nancy Hastings
Subject: Surfrider WLAM comment on DEIR for Malibu Civic Center Wastewater Treatment Facility
Attachments: Malibu CC WWTP Comment letter.pdf

Hello Bonnie,

Please accept this comment letter from Surfrider West Los Angeles/Malibu Chapter on the Draft EIR.

Best Regards,

Dylan Gasperik
WLAM Executive Committee

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Bonnie Blue, AICP, Senior Planner
 City of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265
 bblue@malibucity.org

July 28, 2014

Re: Draft EIR - Civic Center Wastewater Treatment Facility Project - Environmental Impact Report No. 13-001, Coastal Development Permit No. 13-057, Conditional Use Permit No. 13-005, Local Coastal Program Amendment (LCPA) 13-002, Zoning Text Amendment (ZTA) No. 13-008, and Zoning Map Amendment No. 13-001.

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 50,000 members and over 80 chapters worldwide. We represent over 20,000 paid members in the state of California.

Surfrider Foundation has been advocating for improved water quality at Surfrider Beach for over two decades, and was one of the first environmental organizations that gave voice to the issue of poorly maintained septic systems in the lower Malibu Creek watershed. In April of 2009, the Regional Water Quality Control Board reported 39 businesses in Malibu were violating water quality standards. Our members and supporters have been and continue to remain extremely concerned about the health and safety risks associated from recreating in the often polluted water along Malibu's coastline. Because of this, the West LA/Malibu Chapter has been in full support of State Water Control Board Resolution No. R4-2009-007 (aka the "Malibu Civic Center area Septic Prohibition.")

General Comments

1. Surfrider Foundation West LA/Malibu Chapter strongly supports the Malibu Civic Center Wastewater Treatment Facility Project and we urge the City of Malibu to do everything it can to expedite implementation of the project.

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2. We urge the City to include project areas located south of PCH in Phase I of the project, since these project areas are located closest to Surfrider Beach and Malibu

↓ 2

Lagoon and therefore have the most potential impact on water quality to the ocean and lagoon.



3. We urge the City to maximize the amount of treated wastewater used for irrigation or other beneficial purposes in Phase I of the project by expediting the construction of the required storage, pump stations and distribution pipelines.

3

Specific Comments

Section 1.5, Table 1-1, p. 1-24.

"Impact HWQ-2: The Project would not result in the depletion of groundwater supplies. Analysis has determined that injection of treated effluent from the wastewater treatment facility has little to no impact on shallow groundwater elevations at the injection sites, and that these groundwater levels would remain at or below current levels. The results also indicate that, as OWDSs are removed from operation, shallow groundwater elevations decrease (drop) as a result of the transference of recharges from the shallow alluvium to the deeper Civic Center Gravels. **At projected buildout, OWDS flows to the groundwater basin are expected to increase to 46,280 gpd; a 45 percent increase in flows to Malibu Creek and Lagoon.** Therefore, by implementing the Project, the potential future impacts of additional groundwater flows to Malibu Creek and Lagoon will be reduced."

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The bolded sentence above seems wrong. As the project progresses, OWDS flows to the groundwater and to Malibu Creek and Lagoon should **decrease**.

Section 3.1, Project Objectives

Surfrider Foundation has been advocating for improved water quality at Surfrider Beach for over two decades, and was one of the first environmental organizations that gave voice to the issue of poorly maintained septic systems in the lower Malibu Creek watershed. In April of 2009, the Regional Water Quality Control Board reported 39 businesses in Malibu were violating water quality standards. Our members and supporters have been and continue to remain extremely concerned about the health and safety risks associated from recreating in the often-polluted water along Malibu's coastline. Because of this, the West LA/Malibu Chapter has been in full support of State Water Control Board Resolution No. R4-2009-007 (aka the "Malibu Civic Center area Septic Prohibition.") Therefore Surfrider Foundation is fully supportive of the second project objective "Improve water quality in areas adjacent to the commercial core area, including Malibu Creek and the Pacific Ocean." We also support the third project objective "Maximize reuse of recycled water" and encourage the City of Malibu to expedite installation of the storage facilities, pump stations and water distribution pipelines necessary to meet this objective.

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Section 3.3.2, Collection and Distribution Systems, p. 3-9, Pump Stations

Reliability of these pump stations is vital to the proper operation of the wastewater treatment system. Therefore, in addition to the specified backup generators, each pump station should have installed spare pumps and motors.

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Section 3.4.1, Phasing

Consistent with the above comment, Surfrider Foundation urges the City of Malibu to include project areas south of PCH that are currently marked as Phase II areas (Malibu Colony and Adamson House and Beach Restroom area) in the Phase I scope of work. These areas are the closest to the ocean and therefore may have the most potential water quality impact to both the ocean and Malibu Lagoon.

7

Section 3.4.2, Implementation

We agree with the statement:

"It is expected that individual property owners would be responsible for the decommissioning of their existing OWDSs consistent with requirements set forth in the Uniform Plumbing Code and in a new OWDS decommissioning and wastewater connection program to be developed by the City of Malibu consistent with LARWQCB permitting requirements."

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It is not appropriate to leave OWDSs in place, since these devices (and the associated leach fields and potentially contaminated soil) represent a continuing threat to water quality at Surfrider Beach and in Malibu Lagoon.

Section 3.4.4, Implementation

The project should include robust monitoring of the water quality at Surfrider Beach and in Malibu Lagoon to evaluate the impacts of the project.

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Figure 4.6-11, Locations of Known or Suspected Releases of Hazardous Waste

We note that there are three or four identified hazardous waste release sites in the general vicinity of the proposed treated wastewater injection wells. Has there been an evaluation of the potential for the injection of treated wastewater to influence the migration of pollutants from these locations?

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Section 4.7, Hydrology and Water Quality, p. 4.7-32 and p. 4.7-33

Surfrider believes that in addition to TDS and Nitrate, groundwater should also be monitored for fecal indicator bacteria (FIB) to evaluate the effectiveness if the treatment process and monitor for possible continuing sources of FIB.

11

Thank you for the opportunity to provide comments on the Civic Center Wastewater Treatment Facility Project EIR.

Graham Hamilton, Chapter Chair
Surfrider Foundation - West LA/Malibu Chapter
ghamilton@wlam.surfrider.org

Nancy Hastings, Southern CA Regional Manager
Surfrider Foundation
nhastings@surfrider.org

The Surfrider Foundation is a nonprofit grassroots organization dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activist network. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 200,000 supporters, activists and members worldwide. For an overview of the Surfrider Foundation West LA / Malibu's current campaigns, programs and initiatives go to www.wlam.surfrider.org or contact us at 310-984-6910 or at info@wlam.surfrider.org.

**Response to July 28 Comment Letter from Surfrider Foundation (Graham Hamilton, Nancy Hastings)
(B-1)**

Response to Comment 1

Comment acknowledged. The City is currently working towards implementation of the proposed Project in a timely, yet environmentally and fiscally responsible manner.

Response to Comment 2

The City's MOU with the Los Angeles Regional Water Quality Control Board (LARWQCB) and SWRCB establishes Project phasing. Individual property owners may choose to join an earlier phase of the project; so far several have made this choice.

Response to Comment 3

In order to maximize the use of recycled water in Phase 1, the City has incorporated Malibu Bluffs Park, which includes multiple irrigated lawns and ball fields, into this Project phase. Construction of recycled water storage, pipelines and pump stations would occur simultaneously with wastewater collection pipelines to ensure recycled water use can be brought online as soon as possible.

Response to Comment 4

Comment addressed in EIR; please see Chapter 1 - Executive Summary, page 1-26.

The bolded statement has been clarified to reflect that, if projected build-out were to occur, wastewater flows in the study area would increase to 46,280 gpd. And that if these flows were discharged via OWDSs (hypothetically speaking), this would result in a 45% increase in flows to Malibu Creek and Lagoon.

Response to Comment 5

Comment acknowledged. The City is currently working towards implementation of the proposed Project in a timely, yet environmentally and fiscally responsible manner. See also response to Comment 3.

Response to Comment 6

Spare parts for pump stations (including replacement pumps) and other project facilities would be maintained at the treatment plant site and/or in storage by the City. Flows at the pump station would be continuously monitored, and if a pump is found to be failing, it would be immediately repaired or replaced.

Response to Comment 7

See response to Comment 2 above.

Response to Comment 8

Comment acknowledged. Requirements for OWDS abandonment and/or appropriate reuse by property owners would be established by the City in conjunction with the LARWQCB.

Response to Comment 9

A surface water and groundwater quality monitoring program is mandated by the City's MOU and would be detailed in the Project's permit requirements established by responsible agencies. See Section 3.4.2 of Chapter 3 – Project Description.

Response to Comment 10

Yes, an evaluation has been conducted. Of the four sites identified closest to the injection wells, two sites (Ogden Cleaners located at 23823 Malibu Road and Spic and Span Cleaners located at 23680 Malibu Road) were identified as having the potential to release pollutants, but neither has a recorded leak and is not expected to affect pollutant migration. The third site, a historic gas station, was demolished in 1957 and the existing shopping center (Malibu Colony Plaza) constructed at that site. The fourth property, a former Unocal gas station (located at 23670 PCH), does have a recorded release of fuel to the shallow groundwater zone. Based on recent modeling work, the anticipated operational injections should not impact shallow groundwater at this (Unocal) site.

Response to Comment 11

Refer to response to Comment 9 above.

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Letter B-2

Bonnie Blue

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From: Jeff Follert <rjf@usinter.net>
Sent: Monday, July 28, 2014 2:51 PM
To: Bonnie Blue
Cc: Anneliese Knur; Errol Ginsberg; Fr Mel; Jeff Follert; Jim Smith; John Payne; Josh Donen; Lawrence Weisdorn; Ozzie Silna; Tom Anderson
Subject: SCPOA Comments to Proposed Wastewater Treatment Plant Project DEIR
Attachments: SCPOA Comments - Draft DEIR Malibu WsteWtr Facility 07282014.pdf

Dear Ms Blue,

Attached are Serra Canyon Property Owners Association (SCPOA) comments to the Re-circulated DEIR for the PROPOSED Malibu Civic Center Wastewater Treatment Facility Project. A hard copy is also being mailed and postmarked today. Please forward copies of this correspondence to the Planning Commission members. We appreciate your review of these comments and look forward to your comments.

Sincerely,
SCPOA
R Jeffrey Follert, President



*Serra Canyon
Property Owners Association*

July 27, 2014

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Bonnie Blue, Senior Planner
CITY OF MALIBU
23825 Stuart Ranch Road
Malibu, CA 90265

VIA EMAIL

Re: **Comments to DEIR**
PROPOSED Malibu Civic Center Wastewater Treatment Facility Project

Dear Ms. Blue,

I write today as President of the Serra Canyon Property Owner's Association (SCPOA) on behalf of the Board of Directors and Property Owners located within Phase II of the septic discharge Prohibition Boundary. Our neighborhood is delineated in the Memorandum of Understanding (MOU) between the City of Malibu and the Los Angeles Regional Water Quality Control Board (LARWQCB). We, representing an unincorporated neighborhood containing approximately 80 affected homes, and we as individual property owners have many questions and request substantial additional input on and for the proposed Malibu Municipal Wastewater Treatment Facility and related Infrastructure.

DRAFT EIR COMMENTS:
GENERAL

1. The proposed Wastewater Treatment Facility is contrary to the founding principals of the City.
 - a. P. 4.1-5: It is contrary to the City of Malibu's General Plan Land Use Element (almost all seven goals) due to the resulting intended or unintended commercial development within the Civic Center Core area. Effectively, though subject to additional Environmental and Planning scrutiny, the construction of a central Wastewater Treatment facility will remove a major entitlement obstacle and encourage the development of 1.7 Million square feet of commercial development in the core area. The City was incorporated in 1991 much to thwart the threat of advancing development pressure including the pressure to extend the sewer line north (west) from Sunset and PCH into Malibu.
 - b. A reminder of a few of the Malibu Land Use tenets:
 - i. Protect and Enhance the Natural Environment
 - ii. Manage Growth in a manner that preserves the City's rural community character
 - iii. Ensuring that commercial properties are developed in harmony with the community's residential character and natural environment
 - iv. Ensuring that development within the City's sphere of influence is compatible with the Malibu's natural environment, residential character and infrastructure capacity.

2. Costs and Responsibility

- a. P 4.7-15: Malibu Creek Watershed is some 110 square miles. The DEIR details the degradation of the sources of flow into the Malibu Creek Watershed. Research and reports indicate that Tapia Wastewater Treatment Plant and many upstream sources may have significant contributory impact to the degradation of the watershed.
- i. *Why is it not contemplated that all contributors within the watershed area be asked to contribute to the costs associated with this plant and infrastructure?*
- b. P 4.7-26: Water Quality: No violations, except procedural, have ever been noted on residential OWTS within the LARWQCB Prohibition Zone. USGS reports and other studies have indicated no contribution of human FIB within the watershed. SCPOA's Private Groundwater study — though preliminary and limited in scope, indicates non-contribution from private residential OWTS.
- i. *Why are Serra Canyon residents — some 50 year residents, being asked to subsidize the costs of a central sewer system with such skewed cost/use/benefit ratios? We have never been cited for failing or pollution contributing septic systems. No tests by any Agency have ever been conducted within our private neighborhood.*
- c. Cost estimates for the Project vary widely from source to source. What we do know is that in Municipalities where similar systems have been proposed and constructed, the costs, almost without fail, greatly exceed the budget targets. We have been told \$60MM for Phase I and related infrastructure. We have been told \$180K to \$350K for our Phase II assessment per property. So somewhere between \$500 and \$1,000 per month is the vague calculation of cost to a property owner — in perpetuity. The EIR needs to include a detailed cost estimate.

3. Hydrology (DEIR Executive Summary Section 1--Tables):

- a. p. 1-23, 24: "Reuse water would comply with Title 22 requirements for Landscape Irrigation uses of Municipal Recycled Water...effects on groundwater would decrease TDS over time and result in increased concentrations of nitrogen in the Civic Center Gravels...the overall loading of nutrients to the groundwater basin would be reduced due to improved effluent treatment, and the discharges would be limited to a few locations in the groundwater basin rather than dispersed throughout the basin"
- b. *What does this mean? Are the "few locations" the injection well sites? What about the proposed dispersal of reuse water for irrigation?*
- c. p. 3-8: *Is the inference that the reuse water is somehow cleaner than the Malibu Creek Watershed new standards? How can we justify returning "treated" water with a higher TDS, TMDL for nutrient, and total phosphorus (TP) content than residential areas are delivering to the watershed areas now? How will this comply and meet the requirements of the LARWQCB and the new standards for the watershed recently imposed by the USEPA? Also: 4.7-6*

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4. Aesthetics Analyzed? (DEIR Section 4.1)
 - a. Plant is proposed next to two schools, two churches and on the way from central Malibu to Pepperdine? There must be a suitable and better alternative.
 - b. The DEIR indicates no aesthetic impact — really — no aesthetic impact? “My parents live in Malibu and I go to school/church next to the sewer plant.”
 - c. Alternative locations should be further analyzed. It is not enough to say that we have a ready property owner — simply finding the ‘easiest’ solution is not enough justification. Substantial effort to further minimize the visual, smell and other impacts from this location needs to be made if this location choice is unavoidable.

5. Geology and Soils (DEIR Section 4.5)
 - a. Substantial additional analysis of the potential for impacts from geologic and seismic events needs to be obtained. Serra Canyon was forced to replace its aging water system due to leaks and compromised water transmission pipes during the 1980’s. Imagine the environmental disaster if similar events occur affecting the Sewer Plant and Infrastructure. There are two proposed creek crossings — one at the bridge on PCH near the Malibu lagoon, one at Cross Creek in the private SCPOA neighborhood. Both locations are potential breach areas during a seismic event; the consequences could be devastating.
 - b. Global warming, rising oceans, and resulting coastal groundwater degradation are reality. The plant and infrastructure need to be designed to anticipate the reality we would all like to ignore.

6. Hydrology and Water Quality
 - a. Stream Crossings (2) over Malibu Creek need additional analysis due to substantial and potentially expensive requirements of CA Dept. of Fish and Wildlife and other Agencies.
 - b. Design and Maintenance at these locations are critical as any failure at these facilities would be environmentally devastating. The report needs substantial additional detail regarding these designs and locations.

7. Alternatives to the Proposed Plant and Infrastructure have not been adequately proposed or analyzed. (DEIR Section 5):
 - a. In addition to “No Project,” “Ocean Outfall,” “transfer to Hyperion,” “alternative Wastewater Treatment Facility (WWTF) Site”— other alternatives should be considered — including, but not limited to:
 - i. Vacuum System
 - ii. STEP/STEG
 - iii. Residential Advanced WWTF’s
 - iv. Commercial (per property) Advanced WWTF’s
 - v. Neighborhood or area WWTF’s

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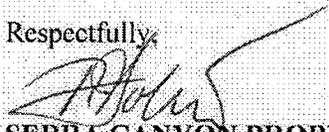
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We are not scientists nor do we have substantial experience in EIR analysis. We respectfully request substantial response to our concerns and the opportunity to further comment on the plan.

Bonnie Blue, Sr. Planner
City of Malibu
Comments to DEIR
July 27, 2014
Page 4 of 4

Ms. Blue, you, the Planning Staff, the Planning Commissioners, and the City Council have a daunting task in front of you. We urge you to carefully evaluate the proposed plan, its costs, and more importantly its impacts and alternatives. We urge you and all involved to re-read the Malibu General Plan and specifically the Land Use Element. You have an awesome responsibility; we urge you to take the time to consider it very carefully.

Respectfully,



SERRA CANYON PROPERTY OWNERS ASSOCIATION

R Jeffrey Follert, President

On Behalf of the SCPOA Board of Directors/Environmental Committee

John Payne

Ozzie Silna

Joshua Donen

Lawrence Weisdorn

Errol Ginsberg

CC: Malibu Planning Commission

/rjf

Response to July 28 Comment Letter from Serra Canyon Property Owners Association (SCPOA) (R. Jeffrey Follert) (B-2)

Response to Comment 1

The plant site is currently zoned 'Commercial Visitor Serving-2 (CV-2)' and contains the Winter Canyon Wastewater Treatment Plant. No specific conflicts exist between the existing General Plan goals, objectives, policies, and implementation measures and the proposed Project. The City's existing land use documents (including the General Plan, Malibu Municipal Code and Local Coastal Program) contain extensive land use and zoning standards for new development beyond requirements for adequate wastewater treatment. These standards would be applied to all new development applications to ensure consistency with local law.

Response to Comment 2

The City is providing one state-approved mechanism by way of the proposed Project for property owner compliance with orders from the two state agencies, the LARWQCB and the SWRCB, that were recorded into state law through the Basin Plan amendment in 2010. The order is a prohibition on discharges from OWDSs in a specific zone by specific dates. Penalties for violating the Prohibition Order would be directed at individual property owners, not the City (except as a property owner).

The City is sensitive to the costs the Project would place on residential property owners. Financing costs of each Project phase, including assessment district formation, as may be supplemented by any available grant or low interest loan programs, are being addressed by the City outside of the CEQA process as they are beyond the scope of this EIR.

Since the Prohibition, including the water quality standards and boundaries, were adopted by the LARWQCB and SWRCB, a request by property owners to change any of these parameters must be made directly to these agencies.

For additional information, please see the FAQs dated July 21, 2014 on City's website at <http://www.malibucity.org/DocumentCenter/View/6800>.

Response to Comment 3

Project cost analysis is beyond the scope of this EIR and is not required by CEQA. Such an analysis would be prepared in conjunction with assessment district formation for each phase of Project implementation. The latest preliminary information on the assessment district formation for Phase 1 may be found by contacting the City Public Works Department.

Response to Comment 4

Comment addressed in EIR, see Chapter 1 - Executive Summary, pages 1-24 through 1-27. The few locations referred to in the text reference the proposed injection well

locations in addition to the proposed percolation ponds and use of existing seepage pits. Irrigation with recycled water is not considered by the State as a dispersal as the State requires irrigation to occur at agronomic rates such that all recycled water applied would be utilized by the plants irrigated.

Response to Comment 5

As discussed in Section 3.6 of Chapter 3 – Project Description and in Section 4.7 – Hydrology and Water Quality, the Project would meet all required treatment standards set by the LARWQCB for reuse of recycled water. These requirements consider other existing permit standards, such as those set forth in CFR Title 22 and in TMDLs for Malibu Creek and Lagoon. The Project would comply with all requirements of the LARWQCB, the US EPA, and other permitting agencies.

Response to Comment 6

The Aesthetic Impact analysis of Section 4.1 considers the visual characteristics and potential impacts associated with the construction and operation of the proposed Project. Construction impacts would be temporary and consistent with most typical building projects, with the addition of trenching and excavation in streets and easements associated with pipeline installation. Once completed, the site would contain new facilities that are all covered and/or enclosed, and which incorporate landscape screening. Routine upkeep and maintenance of the site would be incorporated into facility operations.

Furthermore, the LCPA incorporates development standards that ensure the proposed use is compatible with its surroundings and avoids significant visual impacts. These standards require the Project to use methods such as locating development below ground level where possible, utilizing landscape screening to soften views of the development and allowing it to blend with the surrounding environment, and incorporating design measures like walls, fencing and building and lighting orientations that help contain operational sounds and odors, screen site development from nearby properties and public viewing areas, and avoid offsite light spill.

Finally, through build-out, the Project would facilitate the removal from the area of four wastewater treatment facilities that are not visually screened and odor scrubbed, and which use inferior technology (including the existing onsite privately owned wastewater treatment plant at the proposed Project site, the County-operated treatment plant across the street that serves the condominiums, and the OWDSs serving Webster Elementary School and Our Lady of Malibu). The EIR concludes, that as designed and conditioned, no significant adverse aesthetic impacts would result from the Project.

An alternative feasible site, the Wave Property, was analyzed in Section 5.3.3 of Chapter 5 of the Final EIR. Additionally, the Project site was selected because:

- The site has sufficient land area to locate treatment facilities for all phases of the Prohibition order. The treatment plant “footprint” for all three phases would be approximately 2.5 acres.
- The site overlays the Winter Canyon groundwater basin, which is distinct from the Malibu Valley Groundwater Basin underlying the rest of the Civic Center. This would allow for redundant disposal capacity for the Project by allowing some of the fully treated recycled water to be disposed of on the treatment plant site itself, rather than just through recycled water use and deep well injection in the Malibu Valley Groundwater Basin.
- The proposed use is similar to what is existing on the site today, but would utilize more advanced technology, with fully odor-scrubbed and visually screened facilities.
- The site is located outside the 100 year flood zone, avoiding the cost of flood-proofing the treatment facilities.
- The site has a willing seller.

Other sites considered did not possess this combination of characteristics. See also Comment Letter 4, Response 4 for discussion of an additional site that was rejected.

Response to Comment 7

Complete analysis of geotechnical and seismic hazards is provided in Section 4.5.2 of Section 4.5 – Geology and Soils. In addition, the City Geologist has reviewed the reports prepared by the Project Geotechnical Consultant, GeoSyntec, Inc., and on August 30, 2014, determined that Phase 1 of the Project complies with all applicable Local Coastal Program requirements found in Local Implementation Plan (LIP) Chapter 9 pertaining to Hazards, including geologic and seismic hazards.

The creek crossings would occur in Phase 2 of the Project. Detailed plans for Phase 2 would not be developed until after implementation of Phase 1 and would be analyzed in detail in the appropriate Project-level CEQA document to be prepared for that Project phase.

Impacts of sea level rise have been considered. See Appendix I of the EIR.

Response to Comment 8

The creek crossings would occur in Phase 2 of the Project. Detailed plans for Phase 2 would not be developed until after implementation of Phase 1 and would be analyzed in detail in the appropriate Project-level CEQA document to be prepared for that Project phase. However, as discussed in Section 3.2.2 of Chapter 3 – Project Description, the pipelines would be designed to incorporate seismic measures as recommended by the Project geotechnical consultant to mitigate/minimize potential for pipeline rupture.

It should be noted that costs associated with the stream crossings (and other aspects of the Project) would be beyond the scope of this and any subsequent CEQA evaluations.

Response to Comment 9

In deciding upon the selected treatment technology, multiple factors were considered, including the volume and types of wastewater to be treated, treatment objectives, siting conditions, and cost. Possible treatment technologies were discussed with the Technical Advisory Committee to the Project, and the MBR process (the proposed treatment technology) was selected. MBR is a biological wastewater treatment process that has been widely used on the type of wastewater expected from the Malibu commercial and residential properties. Because the commercial properties consist of dry retail (toilet and wash basin flows only) and restaurant uses, the character of the wastewater is similar to residential, differing in concentration rather than in composition. This difference in concentration has been taken into account in the design of the treatment plant. There are no industrial flows that could be high in toxicants or hard to treat compounds. The selection of treatment process has been reviewed by the Technical Advisory Committee (TAC), who agreed with the treatment process selection. The TAC included several wastewater treatment experts, including Dr. Michael Stenstrom, Distinguished Professor in the Civil and Environmental Engineering Department at the University of California, Los Angeles, and Mr. Lea Fisher, a retired senior process treatment expert from one of the largest wastewater design consultancies in the United States. Dr. Stenstrom is an expert in wastewater treatment

processes and has extensive direct experience with the MBR process. He teaches and leads research in wastewater treatment processes and technologies in UCLA's School of Engineering and is therefore 'current and up to date' on the various treatment technologies including MBR. Dr. Stenstrom was present at all the TAC meetings where the selection of the recommended treatment process was discussed. The meeting(s) that he missed focused on other elements of the project, and therefore his absence from these meeting(s) does not undermine the validity of the recommendation of MBR treatment. Mr. Lea Fisher was also involved in the process selection and the subsequent sizing of MBR process units for this project. Mr. Fisher has designed numerous treatment plants throughout the United States, including the recent MBR treatment plant at Ironhouse Sanitary District in Oakley, California.

The MBR process (the proposed treatment technology) is a biological wastewater treatment process that has been widely used on the type of wastewater expected from the Malibu commercial and residential properties; it is not an unproven experimental process. The MBR process is being used at hundreds of wastewater treatment plants with capacities up to 60 million gallons per day. (Malibu's treatment plant would have a capacity of approximately 0.5 million gallons/day.) For example, Riverside, California is presently converting their treatment plant to include 26 million gallons/day of MBR treatment to allow unrestricted Title 22 reuse of their effluent (same goal as Malibu plant). Because the commercial properties in the City consist of dry retail (toilet and wash basin flows only) and restaurant uses, the character of the wastewater is similar to residential, differing in concentration rather than in composition. This difference in concentration has been taken into account in the design of the treatment plant. There are no industrial flows that could be high in toxicants or hard to treat compounds. Other alternative technologies were considered for Phase 1 but were rejected as infeasible, as described below, and therefore were not evaluated in the EIR.

Vacuum System

In nearly all of the Phase 1, 2, and 3 areas, there would be sufficient depth to groundwater to allow use of conventional gravity sewer and pump stations for wastewater collection and conveyance to the treatment plant. Nearly all of the planned pump stations would have static lifts greater than the 13 foot static lift generally achievable with vacuum pump stations. The widespread use of a vacuum sewer system would require more vacuum pump stations than conventional pump stations, which would increase the capital and operational costs of the system.

A vacuum sewer system could be a viable alternative in the Malibu Colony area, where the groundwater level is a few feet below the ground surface, the ground is relatively flat, and poor soil conditions result in difficult trenching conditions. This area is within Phase 2 and Phase 3 of the Prohibition Area and has not yet been designed in detail. When these phases of the Project are undertaken, project-level CEQA document(s) describing the proposed type of collection system for this area would be prepared. These project-level EIR(s) would tier off this programmatic EIR. A vacuum sewer was determined to be infeasible for Phase 1 due to the additional capital and operational costs.

STEP/STEG System

STEP/STEG collection systems use a septic tank at each property to attenuate the peak flow rate from the property and to settle the solids out in the tank prior to delivering wastewater to the public sewer line or other location for treatment. For this Project, the septic tanks would need to be water-tight to ensure that brackish (i.e., salty) groundwater does not enter the system. A small degree of brackish water intrusion would increase the salt concentration (TDS) in the recycle water, limiting its usability. Even in areas where brackish groundwater is not an issue, the septic tanks of a STEP/STEG system would need to be water-tight to prevent rainwater infiltration in order to minimize the amount of collected water to be treated. Most of the septic tanks currently in place in Malibu are likely not water-tight as they were constructed for use with an associated leach field, and water-tight construction is not typically required for that application. Therefore, most property owners would have to replace their existing septic tanks if a STEP/STEG system were used in the proposed Project. This cost would be borne by the private property owners, and thus would increase the (preliminary) estimated total cost of the Project to each property owner even further. Additionally, because a STEP/STEG system settles sewage solids in the individual septic tanks, it would reduce the amount of organic carbon that would be received at the treatment plant. However, organic carbon is needed at the treatment plant to achieve the denitrification that would be required by the LARWQCB. Thus, use of a STEP/STEG system would increase the amount of supplemental carbon that would have to be purchased and added at the treatment plant, thereby increasing the operating cost of the plant. For these reasons, a STEP/STEG system was determined to be infeasible and was not recommended for this Project.

Decentralized Wastewater Treatment Facilities

A decentralized treatment alternative was not considered as such an alternative would expand the physical area affected by the proposed Project and would therefore likely expand the impacts associated with this alternative. CEQA requires that feasible alternatives that would meet most of the basic project objectives and would avoid or substantially lessen any of the project's significant effects be considered. A decentralized treatment alternative is unlikely to avoid or substantially lessen any of the proposed Project's impacts; therefore, this alternative was rejected from further consideration.

Bonnie Blue

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From: Tatiana Gaur <tgaur@lawaterkeeper.org>
Sent: Monday, July 28, 2014 11:06 AM
To: Bonnie Blue
Cc: Liz Crosson; Kirsten James; Peter Shellenbarger
Subject: Heal the Bay and LA Waterkeeper Comments on Civic Center WWTF Draft EIR
Attachments: 2014-7-28_HtB-LAWK_Comment_DEIR-CCWWTF.pdf

JUL 28 2014

PLANNING DEPT.

Dear Ms. Blue,

Please accept comments from Los Angeles Waterkeeper and Heal the Bay on the Draft EIR for the Malibu Civic Center WWTF project.

Sincerely,

Tatiana Gaur

██
TATIANA GAUR STAFF ATTORNEY
TGAUR@LAWATERKEEPER.ORG



120 BROADWAY, SUITE 105 • SANTA MONICA, CALIFORNIA 90401
PH: 310-394-6162 X102 • FX: 310-394-6178 • LAWATERKEEPER.ORG



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JUL 28 2014

PLANNING DEPT.

July 28, 2014

Bonnie Blue, Senior Planner
City of Malibu, Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
Email: bblue@malibucity.org

Re: Comments on Recirculated Draft Environmental Impact Report Malibu Civic Center Wastewater Treatment Facility Project

Dear Ms. Blue,

On behalf of Heal the Bay and Los Angeles Waterkeeper, non-profit environmental organizations with thousands of members dedicated to making Southern California coastal waters and watersheds safe, healthy, and clean for people and aquatic life, we submit the following comments on the recirculated Draft Environmental Impact Report for the Malibu Civic Center Wastewater Treatment Facility Project ("Draft EIR").

Our organizations have been actively involved for decades in water quality and habitat restoration issues within Malibu, including advocating for Resolution No. R4-2009-007 prohibiting on-site wastewater disposal systems in the Malibu Civic Center Area ("Septics Prohibition"). Monitoring data and studies have clearly established that on-site wastewater disposal systems ("septic systems") in the Civic Center Area are a major source of nutrients and pathogens to Malibu Creek and Lagoon and adjacent coastal waters, including the world-famous Surfrider Beach. To restore and protect beneficial uses in this important waterway, it is imperative that the Civic Center Wastewater Treatment Facility be constructed according to the implementation schedule set forth in the Memorandum of Understanding ("MOU") between the Los Angeles Regional Water Quality Control Board and the City of Malibu.

We have been following the progress of the proposed Civic Center Wastewater Treatment Facility ("Project") through our involvement in the Technical Advisory Committee and monthly stakeholder meetings held by the City. Heal the Bay and Los Angeles Waterkeeper support the concept of the Project and commend the City in taking the lead to develop a plan to construct the wastewater treatment facility ("WWTF"). The Project should provide water quality improvements to Malibu Creek, Malibu Lagoon, and Surfrider Beach as well as allow the City of Malibu and residential and commercial property owners to comply with the Septic Prohibition. Without the construction of the WWTF, the Regional Board would have to issue individual orders to each property owner in the prohibition area to eliminate septic systems discharges. In other words, existing septic systems would need to be taken off-line. The WWTF is therefore the most viable alternative to ensure the owners of properties subject to the Septic Prohibition will comply with the prohibition. We urge the City to move forward with the construction of the Project as soon as possible to avoid any further delays in MOU implementation schedule compliance.

While we agree with the Draft EIR's conclusion that the Project is the environmentally superior alternative, we believe the Draft EIR should be revised to address the issues outlined below for a full and



informed evaluation of environmental impacts by the public and decisions-makers as mandated by California Environmental Quality Act.¹ We appreciate the opportunity to provide these comments.

Chapter 3 -Project Description

On page 3-1 of the Draft EIR, six (6) project objectives are listed. We ask that "Compliance with Septic Prohibition" be added to this list to acknowledge the MOU and Septic Prohibition requirements.

1

Table 3.5 on page 3-40 identifies permits and approvals needed to construct and operate the Project. We ask the table be revised to include "Waste Discharge Requirements/Water Recycling Requirements for the Civic Center Wastewater Treatment Facility" issued by the Los Angeles Regional Water Quality Control Board.

2

Section 4.3 – Biological Resources

On page 4.3-14, the Draft EIR reads "the project setting also includes portions of the nearshore marine environment that are allegedly affected by existing discharges from septic systems that would be phased out by the Project, and that would be influenced by elevated groundwater discharge resulting from groundwater injection of treated effluent by the Project." The Draft EIR implies it is unclear if the environmental problem which the WWTF will address, namely pollution from septic systems at Malibu Creek, Malibu Lagoon, and Surfrider Beach, actually exist. To allow for a robust evaluation of environmental impacts and fully support the conclusion that the City should proceed with the Project, the EIR should be revised to remove any suggestions that water resources impacts from septic systems are uncertain. Indeed, as the Regional Board found in adopting the Septic Prohibition, these impacts are well-known and documented.

3

On page 4.3-22, the Draft EIR reads "18 special-status plant species and 17 special-status wildlife species were identified as having been recorded in the Project vicinity or have the potential to occur in the Project Vicinity." This statement contradicts the number of special-status plants species (17) and special-status wildlife species (16) analyzed in the Draft EIR on pages 4.3-23 and 4.3-26, respectively). What is the reasoning for this difference in the Draft EIR?

4

Page 4.3-37 states that "the Project is expected to result in beneficial improvements in water quality and circulation conditions in the lagoon, which would in turn improve habitat conditions for special status fish species occurring in the lagoon environment." Although this statement may be true in the long term, the Draft EIR fails to identify short term impacts. Groundwater injection will increase hydrostatic pressure in the local aquifer, thus increasing shallow groundwater flows from the aquifer to Malibu Creek and Malibu Lagoon. Shallow groundwater in the aquifer is saturated from historic septic system discharges. As a result of the increase in hydrostatic pressure, this groundwater containing high concentrations of bacteria and nutrients from septic system discharges will flow into the Lagoon where it may further impair surface waters in the short term. The Draft EIR does not adequately analyze this impact on Lagoon water quality and habitat. The EIR should be expanded to include a description of how water quality, which impacts

5

¹ See *Laurel Heights Improvement Assn v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (*Laurel Heights II*) (the purpose of an EIR is "to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made")



habitat conditions, will change over time; this should include bi-decadal water quality predictions for Malibu Creek, Malibu Lagoon, and Surfrider beach over the lifetime of the Project.

↑ 5

Injection of tertiary treated water into the Civic Center Gravels aquifer will increase shallow groundwater flows to Malibu Lagoon by 20 percent (page 4.3-38 of the Draft EIR). Malibu Lagoon provides habitat for endangered southern steelhead and tidewater goby. A 20 percent increase in groundwater flows is concerning as this increase is likely to alter the natural breaching regime of Malibu Lagoon; increased breaching could directly impact federally protected species maturation (southern steelhead and tidewater goby) and species migration (steelhead). The Draft EIR does not address biological impacts from potential increased lagoon breaching events. We ask the final EIR to include this assessment in its analysis. Furthermore, we believe any increase in lagoon breaching events cannot be mitigated by proposed mitigation measures in the Draft EIR. Therefore, Impact BIO-1 should be changed from less-than-significant to potentially significant in the final EIR.

6

It is unclear if the Draft EIR addresses biological impacts from conveyance system failures or sewage spills. We ask that the final EIR include analysis of aquatic and terrestrial impacts from dispersal of untreated sewage in the prohibition zone.

7

Section 4.5 Geology and Soils

Impact GEO-1 on page 4.5-18 states that no earthquake faults delineated on Alquist Priolo Fault Zone map occur within the Project Area. Although there are not active faults, the Malibu Coast fault bisects the project area. We ask that the final EIR include discussion of the Malibu Coast Fault in Impact GEO-1.

8

Impact GEO-2 on page 4.5-18 address environmental impacts from ground shaking hazards. It is unclear if its associated mitigation measures (GEO-1 and GEO-2) include facility personnel training. In the event the WWTF and/or its conveyance systems become damaged during an earthquake, facility personnel need to be familiar with emergency procedures to prevent adverse impacts (i.e. sewage spills) to people, structures, and/or biology. We ask that the final EIR clarify if mitigation measures GEO-1 and/or GEO-2 include facility personnel training to prevent these adverse impacts. In the event that mitigation measures GEO-1 or GEO-2 do not included emergency training procedures, we request additional mitigation measures be included in the final EIR to address this.

9

On page 4.5-19, the Draft EIR discusses environmental impacts from hazards due to liquefaction. It is unclear why the Draft EIR does not include a discussion of the interaction between WWTF percolation ponds and liquefaction. When in use, percolation ponds will raise groundwater levels; this can significantly increase liquefaction potential at the WWTF site. We ask that the final EIR discuss potential geology and soils impacts from percolation ponds discharges. This analysis should include liquefaction, sloughing, and slope instability impacts in the Winter Canyon Groundwater Basin.

10

The Draft EIR briefly discusses the presence of corrosive soils at the WWTF site and Legacy Park pump station site. Did any other infrastructure sites in the prohibition zone have corrosive soils? Additionally, the Draft EIR did not discuss the impacts of corrosive soils on WWTF and conveyance system infrastructure. The final EIR needs to include a discussion on how corrosive soil interact with Project infrastructure (above and below grade) and if corrosive soils will result in infrastructure failures in the long term.

11



Section 4.7 Hydrology and Water Quality

On June 3, 2014 the State Water Resources Control Board adopted the statewide general Waste Discharge Requirements for recycled water use (Order WQ 2014-0090-DWQ). The final EIR should include a brief discussion of this order on page 4.7-5.

12

In general, the Draft EIR does not discuss how percolation ponds at the WWTF site will impact hydrology and water quality. Even though percolation ponds will be used intermittently for discharging treated effluent, this does not negate the need for assessment of their environmental impacts. We ask that, at a minimum, the final EIR include discussion of how often percolation ponds are expected to be used; volumes of treated effluent being disposed using percolation ponds; percolation rate of treated effluent; connectivity between Winter Canyon Groundwater Basin and Malibu Creek, Malibu Lagoon, and the ocean; Project phases that will use percolation ponds; and percolation pond connectivity with ESHA wetlands habitat in the Winter Canyon Groundwater Basin.

13

Page 4.7-21 states that "Hydrological analysis revealed that, overall, the groundwater flow system is very slow moving, taking as long as 50 years for discharges from upstream OWDSs to reach the Lagoon and/or ocean." Groundwater injection will increase hydrostatic pressure in the local aquifer, thus increasing shallow groundwater flows to Malibu Creek and Malibu Lagoon. Shallow groundwater is saturated from historic septic system discharges and will likely contribute pollutants to surface water many years after the Project goes online. The Draft EIR needs to be expanded to include a description of how water quality will change over the history of the Project; this should include bi-decadal water quality predictions for Malibu Creek, Malibu Lagoon, and Surfrider beach over the lifetime of the Project.

14

Page 4.7-26 discusses water body impairments and adopted TMDLs in the Prohibition Area. The Draft EIR does not explicitly identify adopted USEPA or Los Angeles Regional Water Quality Control Board TMDLs; the final EIR should include a list of all adopted TMDLs in the Prohibition Area.

15

Furthermore, it is unclear how an increase of 20 percent in shallow groundwater flows to Malibu Lagoon will impact the Malibu Creek Nutrients TMDL, Malibu Creek and Lagoon Bacteria TMDL, and the Santa Monica Bay Beaches Bacteria TMDL. We ask that the final EIR discuss how this increase in groundwater flow will impact TDML compliance.

16

The formation of disinfection byproducts from wastewater treatment has the potential to introduce trihalomethanes and halo acetic acids into the Malibu Valley Groundwater Basin. At what concentrations will these disinfection byproducts be present in injected water? How do these concentrations compare to Federal and State primary drinking water standards? The Malibu Valley Groundwater Basin has a municipal use designation; groundwater degradation resulting in the removal of this beneficial use is unacceptable. The final EIR needs to further discuss groundwater basin impacts from disinfection byproducts.

17

As proposed, we believe the Project will greatly reduce nutrient and bacteria loading to Malibu Creek, Malibu Lagoon, and Surfrider Beach from septic systems discharges in the Civic Center Area. We



Heal the Bay



LOS ANGELES
WATERKEEPER

commend Malibu Staff for their efforts in generally complying with the Septic Prohibition milestones thus far. Heal the Bay and Los Angeles Waterkeeper support the concept of the Civic Center Wastewater Treatment Facility as it will improve impaired water bodies and allow the City of Malibu and residential and commercial property owners to comply with the Septic Prohibition. We urge the City to expedite the construction of the Projects in order to meet MOU deadlines. Although we are supportive of the Project, we believe the Draft EIR should be expanded to better characterize the environmental impacts from the proposed Project. We urge the City of Malibu to strengthen the final EIR by addressing our comments provided above and adding additional analysis in the final EIR.

Thank you for the opportunity to comment; please feel free to contact Heal the Bay or Los Angeles Waterkeeper directly at (310) 451-1500 or (310) 394-6162, respectively.

Sincerely,

Peter Shellenbarger, MESM
Science and Policy Analyst, Water Quality
Heal the Bay

Tatiana Gaur
Senior Attorney
Los Angeles Waterkeeper

Kirsten James, MESM
Science and Policy Director, Water Quality
Heal the Bay

Response to July 28 Comment Letter from Los Angeles County Waterkeeper and Heal the Bay (Tiana Gaur, Peter Shellenbarger, Kirsten James)(B-3)

Response to Comment 1

The first Project objective listed – “Satisfy the City’s obligations pursuant to the MOU” – acknowledges the MOU and prohibition on septic discharges.

Response to Comment 2

The table has been revised. See Chapter 3 – Project Description, Table 3.5.

Response to Comment 3

Comment addressed in EIR, see Section 4.3 – Biological Resources, Regional and Local Setting.

Response to Comment 4

The number of special status plant species is correct; 17 species recorded, 12 not expected to occur and 5 with a low potential to occur. Information regarding the number of special status wildlife species has been clarified; see Section 4.3 – Biological Resources, and refer to Section 4.3.1 – Environmental Setting, Special Status Species, Special Status Wildlife.

Response to Comment 5

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 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.

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. See also Effects on Malibu Creek and Lagoon Flows, Table 4.7-1.

Response to Comment 6

See response to Comment 5 above and the response to Comment 6 in Letter A-5. Because potential future impacts of additional groundwater flows to Malibu Creek and Lagoon would not be significant, no significant increase in lagoon breaching events would be expected. Please see the additional analysis added to Impact BIO-1 in Section 4.3 – Biological Resources.

Response to Comment 7

Please see Impact BIO-2 in Section 4.3 – Biological Resources

Response to Comment 8

The Malibu Coast Fault is described under Existing Conditions in Section 4.5 – Geology and Soils. It is not discussed in Impact GEO-1 as it is not an active fault.

Response to Comment 9

A new mitigation measure GEO-3 has been added as follows:

MM GEO-3: Project operating protocols shall include facility personnel training regarding appropriate response actions following a seismic event. These protocols would include required notification procedures, plant operation modifications, and inspection requirements.

Remaining mitigation measures have been renumbered. See Section 4.5.3 – Geology and Soils, Mitigation Measures.

Response to Comment 10

Comment addressed in EIR, see Section 4.5 – Geology and Soils. Refer to Section 4.5.2 – Impact Analysis, Impact GEO-3.

Geotechnical studies identified potentially liquefiable soils within the treatment facility site; however, based on site inspections, the potential for soil liquefaction-induced lateral spreading at this site is considered low as the potentially liquefiable soil layer is not continuous and liquefiable lenses are relative deep, approximately 10 to 25 feet below the ground surface. Furthermore, depth to groundwater at the location of the proposed percolation ponds is 30 feet or more, and percolation at this location would not elevate these water levels such that they would increase the potential for liquefaction.

Response to Comment 11

Corrosive soils are addressed in the Existing Conditions discussion of Section 4.5 – Geology and Soils. Potentially corrosive soils were identified at the proposed treatment facility site and the Phase 1 Legacy Park pump station site. Additional text has been added to these sections noting how these conditions would be addressed in terms of Project infrastructure design. No mitigation is required.

Response to Comment 12

See additional language added to Section 4.7.1, State Regulations in Section 4.7 – Hydrology and Water Quality.

Response to Comment 13

Comment addressed in EIR, see Section 4.7 – Hydrology and Water Quality. Refer to Impact HWQ-1, Injection and Percolation.

Response to Comment 14

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 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). 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. See also Effects on Malibu Creek and Lagoon Flows, Table 4.7-1.

Response to Comment 15

Comment addressed in EIR; please see State Regulations in Section 4.7 – Hydrology and Water Quality (page 4.7-6).

Response to Comment 16

See response to Comment 14 above.

Response to Comment 17

Multiple factors influence the formation of trihalomethanes (THMs) and halo acetic acids (HAAs) in distributed water; these factors include organic carbon content, bromide concentrations and pH. The rate at which THMs and HAAs form, and their subsequent decay rates, are site-specific and dependent on source water quality, recycled water quality and disinfection processes. While site-specific data are not presently available for the proposed Project, studies conducted by Los Angeles Department of Water and Power (LADWP) provide some information that can be extrapolated to the proposed Project as both Malibu and the City of Los Angeles receive and use source water of common origin, and in both cases, recycled water is (or would be) produced from municipal wastewater.

In its study, the LADWP determined that THM concentrations ranged from approximately 7 to 75 ug/L, while HAA concentrations ranged from approximately 6 to 32 ug/L for sequential chlorination processes (where residual chlorine dosages occurred after UV disinfection). As concluded by this study, concentrations remained below the respective drinking water levels of 80 ug/L for THMs and 60 ug/L for HAAs. References used: (1) Los Angeles Department of Water and Power and Department of Public Works. 2012. *Groundwater Replenishment Treatment Pilot Study Report*. March. (2) Maguin, Stephen R., Philip L. Friess, Shiao-Jy Huitric, Chi-Chung Tang, Jeff Kuo and Naoko Munakata. 2009. *Sequential Chlorination: A New Approach for Disinfection of Recycled Water*. In Environmental Engineer: Applied Research and Practice. Volume 9. (3) Tang, Chi-Chung, Naoko Munakata, Shiao-Jy Huitric, April Garcia, Shawn Thompson and Jeff Kuo. 2010. *Combining UV and Chlorination for Recycled Water Distribution*. WaterReuse Research Foundation.

Bonnie Blue

From: Lawrence, Richard <rlawrence@reptalent.com>
Sent: Monday, July 28, 2014 12:29 PM
To: Bonnie Blue
Cc: Jim Thorsen; Bob Brager
Subject: Malibu Township Council's comments on the DEIR CCWTP
Attachments: MTC DEIR comments on CCWTP.pdf
Importance: High

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Ms. Blue,

Attached are the comments on the DEIR CCWTP from The Malibu Township Council. Please distribute this to all persons involved with this project.

Sincerely,

Richard Lawrence, President
Malibu Township Council

MALIBU TOWNSHIP COUNCIL

P. O. Box 803 Malibu, CA 90265

July 28, 2014

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JUL 28 2014

PLANNING DEPT.

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

RE: DEIR comments on the Civic Center Waste Water Treatment Plant

Dear Ms. Bonnie Blue, Senior Planner:

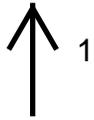
Malibu Township Council would like to respectfully submit comments related to the DEIR presently in circulation regarding the plans for a waste water treatment facility in the Civic Center area. While MTC has always opposed the septic ban and continues to oppose the ban we understand that now this isn't the venue to resubmit those objections. There are some serious concerns that MTC has regarding the development of this project.

1) The DEIR doesn't discuss other alternative waste water treatment systems or provide reasons for their rejection.

Alternatives to the project are listed as no project, ocean outfall, sending it to Hyperion, alternative WWTF site. CEQA 15126.6 (c) states the DEIR should briefly describe the rationale for selecting the alternatives and provide reasons for rejecting them. While alternatives are placed in a matrix, reasons for their selection are not provided nor is there any discussion regarding other waste water treatment alternative systems. A gravity flow waste water treatment, being proposed, isn't necessarily the best selection because of the Civic Center's topography, geology, proximity to the ocean and Malibu Lagoon, necessity to cross the Lagoon and/or Creek, the existence residential septic systems and cost (capital and maintenance) and the limited number of properties for cost distribution.

Alternative systems are versatile vacuum sewer system, STEP/STEG all better systems for the topography of the area, geology, proximity to the ocean and Malibu Lagoon, capital and maintenance costs. Advantages of the versatile vacuum system are: using smaller pipe diameter, necessary trenches need not be as deep a benefit in an area with a high water table such as the Civic Center area, and requires less water to move the sewage from collection site to the treatment center. Additionally the

STEP/STEG begin to address some of the concerns the residents have related to power outages for several days during a disaster resulting in flow backups into their homes. The current septic system could continue to hold the waste until the power returned.



MTC's concern is that Malibu property owners are being misled by proposing only the "gravity system" without providing other alternatives treatment systems options. This is an expensive project and the best fit for cost, and the environment should be selected. Selection can only be done when alternatives are presented. Two cities and one business, recently, have been lead down this garden path, we should learn from their experiences.

- The City of Fillmore upgraded their old sewer plant and installed a MBR system, ultraviolet disinfection and 100% recycle water system in 2009 for \$83 million dollars when the project was projected to cost \$24 million. The residences requested the City Council to review alternatives for a lower cost options. The City Council didn't act on the request. The City had allot of in the arrears payments and the schools stopped making payments, turned off their water and installed pot-a-potties as they couldn't pay. A PPP had to be formed to reduce the cost to an affordable rate.

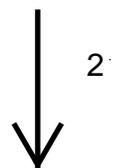
<http://www.slocoastjournal.com/docs/archives/2010/July/pages/news3.html>

- Morro Bay and Cayucos, in 2010, feared that their community was headed in the same direction as Fillmore and urged the City officials to consider an alternative approach. The initial proposal was for an MBR system. The Joint Power Agreement Board voted for an alternative proposal to be submitted and a peer review of strengths and weakness of the current WWTFP.

<http://slocoastjournal.com/docs/archives/2010/May/pages/news2.html>

- Here in Malibu, a business recently installed a MBR system. Nobu restaurant by the ocean opened July 31, 2012. They have been open 2 years in their new location and are now evaluating methods to reduce maintenance costs. Maintaining the system is too expensive. This is one business having this experience the situation will only be magnified when applied to a larger system and too more users.

These examples shed light on what all Civic Center property owners are headed towards related to the sewer project. The City must act to evaluate alternative waste water systems. Peer review committees should



be established for evaluating the alternative systems and assumptions made in calculations and modeling.

Suggestions:

- 1) Opening evaluate various sewer systems for the most cost, ecologically efficient system that benefits the community; topography, geology, proximity to the ocean and Malibu Lagoon, crossing lagoons or creeks, high water tables, variable waste flows due to fluctuation in population, number of properties to spread the cost and capital, operating and maintenance expenses.
- 2) Obtain open competitive alternative system bidding needs to occur.
- 3) Conduct Peer Review of the evaluation of the alternative sewer systems and assumptions used calculations and modeling programs.

2

2) The DIER doesn't discuss cost of the project which will become the liability of property owners in the area through property tax assessments, maintenance and recycle water bills. The property owners and in particular the residential owner have a right to be informed about the cost of the proposed system. Malibu has a unique environment and cost is part of identifying and selecting the best system. The cost will never disappear, or be reduced it will only escalate. At some point the cost of the system becomes too burdensome for the commercial and residential properties owners. A commercial developer can pass on just so much of this cost to their tenants. Likewise, there is a limit to what a residential property can bear in additional property taxes, maintenance and repair costs and recycle water fees. These costs are driven by the type of system selected to build. The selected system should be environmentally, sustainable cost efficient for both the commercial and residential properties.

3

At the Planning meeting it was discussed that costs from phase one will be "deferred" to the residential properties (phase 2 & 3) in order to keep costs down. Phase one is developing commercial properties only and yet the residents will be responsible for some of their cost? What costs are to be "deferred", how much and over what period of time or the reason to deferred costs to the residential properties has not been discussed.

There are two issues with this deferment for the residents; 1) the initial septic system ban (by RQWCB 2009) cited the commercial properties for

being in violation, not one residential property was cited. Not one resident has been issued a violation from the RWQCB before or since the ban. 2) Commercial properties will recoup their expenses faster from the sale of the property and/or passing the cost down to their tenants. Commercial properties are bought and sold more frequently and have greater capital gain per square foot as compared to residential properties. Residential properties are less expensive, are a smaller foot print, and are held for longer periods of time as compared to commercial properties. A resident has "the responsibility to pay" there is no one to pass it to. Deferring costs to the residents will ultimately change the character of the Civic Center because fewer and fewer residential properties will be able to afford it. The City is placing an unfair burden on residential property owners.

In most Cities the developer assists the City in furthering the Cities plans/goals. When a developer proposes a development a City might ask for funding to further a particular project or the developer be asked to build something the City requests. The request might be enlarging a flood channel, adding sidewalks and gutters, or funding/building a sewage treatment plant. This is part of doing business in that City. Developers aren't "reimbursed" for such expense that is the cost of doing business at that location. So it should be in Malibu. The City has a goal/plan to build a treatment plant, developers will get the opportunity to build; therefore, they should pay for building the plant and not get reimbursed.

3

It was choice of the type of treatment plant that created capital and maintenance enormous costs causing Fillmore and Morro Bay to reevaluate cost distribution or reevaluate their initial treatment plant selection. It is the continual maintenance cost causing Nobu to evaluate methods for cost reduction. We should take heed and evaluate costs before building the plant whether or not it is required by CEQA.

3) The DEIR injecting treated waste water information is insufficient, won't accomplish inhibiting saltwater intrusion, not is it consistently injected at 150 feet underground and is environmentally unsafe. There are 3 proposed injection wells within less than 1,000 feet from the ocean. In the project the injection will take place 150 feet underground into a fresh water stream bed which flows from Winter Canyon. It must be noted that the injection point will be at the ocean and stream outfall interface. At this location the water being injected into is closer to having the characteristics of brackish water than fresh water as it has been described.

4

The calculations of the proposed injection are understated for long term use. They are based on a myriad of assumptions; projection for Civic Center development, percentage of area composition for restaurants, high water users to commercial space, amount of water usage for a proposed development etc. There are a lot of guesstimates in this calculation of 507,000 gallons per day. Many years from now what is developed, what the ratio of restaurant to shopping will change, making the calculations erroneous and most likely the necessity for larger amount of water to be injected.

5

The amount of water to be injected in three localized spots is being purported as able to inhibit salt water intrusion (page 3-8 & 3-23 of the DEIR). With an injection pressure of 5psi, pipe diameter of 10 inches this will not hold back salt water intrusion in the lower aquifer. The ocean has much more force than that, and the expanse of the ocean area in the Civic Center is bigger than the spray of the injection. To inhibit salt water intrusion the force of the injection would need to be greater than the ocean waves at all times and the area would need to cover the total ocean front of the Civic Center area. These injections will not hold back any saltwater intrusion! Saltwater will continue to intrude into the lower aquifer as it should; it is a naturally occurring phenomenon.

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The injections are discussed as occurring at 150 feet and going into the lower aquifer. On page 3-23 of the DEIR the injection occur "at depths ranging from 30 and 140 feet". Thirty feet is within the upper aquifer and will definitely affect the water table in the Civic Center area. This negative affect is not discussed in the mitigation measures.

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The water will be treated to a title 22 requirements for unrestricted (non-potable) reuse of disinfected tertiary water. This level of treatment doesn't remove pharmaceuticals, steroids, hormones and fire retardants nor will the temperature be the same as the ocean, all of which affect the ocean's environment. While a septic system doesn't remove these substances either, the soils are trapping these elements through leach fields or septic pits which decreases the amount traveling to the waterways. With injection no additional trapping will take place; they will be released into the ocean affecting its' environment.

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The DEIR doesn't discuss methods for removing heavy metals prior to injection. It does refer to the need to store alum which suggests removal might be planned; however, the reader is left to speculate. Studies have been done that demonstrate using ferric chloride and anionic polymer is more effective in removing heavy metals from the water 80%. It is 200%

9

more efficient in removing chromium, copper, zinc and nickel and 475% better at removing lead than using the conventional method using alum. With injection wells being proposed the best solution for heavy metal removal should be used. A discussion about this should be undertaken in the DEIR.



9

There was a recent ruling against Maui for polluting the ocean with well injections. In May 2014 the Federal court ruled that they are in violation of the Federal Clean Water Act verified by dye validation that the injected water flows into the reefs and the reefs are dying from the injected water from the waste water treatment plant. The court further found that the water was lower in salinity and dissolved oxygen and substantially elevated in temperature affecting the ocean's environment.

<http://earthjustice.org/news/press/2014/federal-court-rules-that-maui-county-is-violating-clean-water-act>

There are no government regulated nutrient requirements for the ocean; however, California does have an Ocean Plan last amended in 1997 requiring compliance. The ruling from the Federal court isn't about changing the nutrient levels in the ocean rather a boarder picture speaking of changing the ocean's environment related to the injections. This ruling can be applied to the ocean off the beaches of Malibu.

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Maui's concerned citizens wanted the water re-directed for stream-bed restoration and support Maui's agriculture and to take the threat to the marine environment seriously. Malibu has a long history of agriculture in the Civic Center area as well as wetlands which the treated water could be re-directed to re-develop. Wetlands cleans water naturally, brings back nature meant to live in this area. There are ways to re-direct this treated water which would provide the potential to bring back history and the nature to Malibu. The Maui ruling demonstrates what will occur here in Malibu if injections occur.

Suggestions would be:

- 1) Work with the fire department for using the water for structural fires.
- 2) Divert water to Pepperdine storage ponds used for firefighting purposes in the area.
- 3) Allow all the citizens within the Civic Center, and/or other communities to use recycled water from phase 1, beginning in phase 1.
- 4) Develop wetlands which have been lost due to Legacy Park implementation and other development. Bring back the wetlands Malibu has lost.



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5) Redirect proposed treated injected water to the Malibu Creek to restore flows in the Creek as well as the Lagoon.

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4) The DEIR is incomplete for the complexity of the project at hand. This document claims to be the Program DEIR which means that parts of this EIR document as the project progresses. It must be extremely comprehensive to accomplish this. There are many challenges within the Civic Center area only alluded to, yet not discussed at a level for this to be considered a Program DEIR. This document must describe the project at a level of depth to understand the complexity of the endeavor and the additional considerations necessary at each phase. Some challenges this document must deal with are: the topography of each phase, appropriate locations of pumping stations in all phases, the proximity of Malibu Creek and Lagoon and ocean, the high water tables and the need for dewatering when laying pipes in the Civic Center area, the fluctuating waste flows from the influx of people as this area is visitor serving, the need for easements right of ways in residential areas, the establishment of assessment districts for the residential properties, the concerns of residences in situations of fire, power outages and flow backup into their homes, etc.

12

The DEIR should discuss construction impacts as well as environmental impacts when the plant is partially and fully functional. What would the air quality be using an alternative sewer treatment system versus the gravity flow? What is the electrical demand required to obtain the desired performance? Will changes in the energy market affect the appropriateness of the process? What will be the maintenance requirements of the functioning plant? It is mentioned the sludge will be trucked off site who will be performing this activity and what will it cost? What level of service is required to ensure proper operation? Does servicing require a skilled technician? What components will wear out and need to be replaced? Will replacement parts be available? How much water would be necessary to inject with an alternative system (as they use less water) versus the gravity flow? Is the 2 full time staff required (page 3-33) at phase 1 or at full build out? How many staff will be necessary at full build out? PCH has restrictions on the size of trucks and specific hours while large trucks can transport on PCH. Has this been taken into consideration with the truck hauling of chemicals and sludge that will be necessary? As you can see there are many questions to answer related to the operations of the plant which haven't been addressed in this DEIR. They must in order to create a comprehensive document such as a Program EIR that is the bases for the implementation of additional phases.

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5) Potentially corrosive soil was found in the treatment plant location and Legacy Park yet no impact or remediation is provided.

While the Geology and Soil discuss the corrosive potential of the soil there is no reference to it in the mitigation measures. The project proposes to use one, presently, buried treatment tank on the proposed treatment site. The purpose for use is not stated. No discussion occurs related to inspecting the tank for integrity, validation of size or location. Given the corrosive nature of the soil found at that location potentially the tank is not environmentally safe to use. From this document it is not possible to determine if this is an environmentally safe action to take or not as the information is not available.

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Legacy Park was also found to have potential corrosive soil and it also has a high water table. Legacy Park will be used to place a 12 foot by 6 foot pumping station. Placing equipment underground exposed to humidity from the water table and potentially water along with corrosive soil means the equipment will need replacing more frequently; a costly undertaking and adding to the operation and maintenance expense. This problem isn't discussed in the DEIR document.

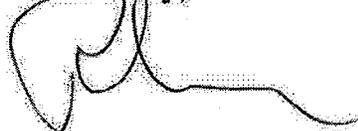
21

6) The water quality must be monitored at the end of each phase to validate desired results are being obtained.

Presently no testing is required after phase 1; it doesn't occur until the end of phase 2 and beginning of phase 3. Phase 1 connects commercial properties presently developed and those slated for future development. It is important to evaluate water quality at each phase of the project to determine if the desired goals are being achieved. Otherwise at the end of the project there is no quantitative proof of what was accomplished other than millions of dollars were spent and property owners are burdened with the expense for perpetuity.

22

Sincerely,



Richard Lawrence
MTC President

Response to July 28 Comment Letter from Malibu Township Council (Richard Lawrence) (B-4)

Response to Comment 1

The range of alternatives discussed in an EIR is governed by the “rule of reason,” which requires the identification of only those alternatives necessary to permit a reasoned choice between the alternatives and the proposed project. An EIR need not consider an alternative that would be infeasible. Pursuant to CEQA Guidelines Section 15126.6(f)(1), a determination of feasibility may consider site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can acquire, control or otherwise have access to the alternative site. The EIR is not required to evaluate an alternative that has an effect that cannot be reasonably identified or that has remote or speculative implementation, and would not achieve the basic project objectives.

Other alternative technologies were considered for Phase 1 but were rejected as infeasible, as described below, and therefore, were not evaluated in Chapter 5 of the EIR.

Vacuum System

In nearly all of the Phase 1, 2, and 3 areas, there would be sufficient depth to groundwater to allow use of conventional gravity sewer and pump stations for wastewater collection and conveyance to the treatment plant. Nearly all of the planned pump stations would have static lifts greater than the 13 foot static lift generally achievable with vacuum pump stations. The widespread use of a vacuum sewer system would require more vacuum pump stations than conventional pump stations, which would increase the capital and operational costs of the system.

A vacuum sewer system could be a viable alternative in the Malibu Colony area, where the groundwater level is a few feet below the ground surface, the ground is relatively flat, and poor soil conditions result in difficult trenching conditions. This area is within Phase 2 and Phase 3 of the Prohibition Area and has not yet been designed in detail. When these phases of the Project are undertaken, project-level CEQA document(s) describing the proposed type of collection system for this area would be prepared. These project-level EIR(s) would tier off this programmatic EIR. A vacuum sewer was determined to be infeasible for Phase 1 due to the additional capital and operational costs.

STEP/STEG System

STEP/STEG collection systems use a septic tank at each property to attenuate the peak flow rate from the property and to settle the solids out in the tank, prior to delivering wastewater to the public sewer line or other treatment location. For this Project, the septic tanks would need to be water-tight to ensure that brackish (i.e., salty) groundwater does not enter the system. A small degree of brackish water intrusion would increase the salt concentration (TDS) in the recycle water, limiting its usability. Even in areas where brackish groundwater is not an issue, the septic tanks of a STEP/STEG system would need to be water-tight to prevent rainwater infiltration in order to minimize the amount of collected water to be treated. Most of the septic tanks

currently in place in Malibu are likely not water-tight as they were constructed for use with an associated leach field, and water-tight construction is not typically required for that application. Therefore, most property owners would have to replace their existing septic tanks if a STEP/STEG system were used in the proposed Project. This cost would be borne by the private property owners, and thus would increase the (preliminary) estimated total cost of the Project to each property owner even further. Additionally, because a STEP/STEG system settles sewage solids in the individual septic tanks, it would reduce the amount of organic carbon that would be received at the treatment plant. However, organic carbon is needed at the treatment plant to achieve the denitrification that would be required by the LARWQCB. Thus, use of a STEP/STEG system would increase the amount of supplemental carbon that would have to be purchased and added at the treatment plant, thereby increasing the operating cost of the plant. For these reasons, a STEP/STEG system was determined to be infeasible and was not recommended for this Project.

Response to Comment 2

The selection of the proposed treatment process was conducted in coordination with a Technical Advisory Committee (TAC), who agreed with the treatment process selection. The TAC included several wastewater treatment experts, including Dr. Michael Stenstrom, Distinguished Professor in the Civil and Environmental Engineering Department at the University of California, Los Angeles, and Mr. Lea Fisher, a retired senior process treatment expert from one of the largest wastewater design consultancies in the United States. Dr. Stenstrom is an expert in wastewater treatment processes and has extensive direct experience with the MBR process. He teaches and leads research in wastewater treatment processes and technologies in UCLA's School of Engineering and is therefore 'current and up to date' on the various treatment technologies including MBR. Mr. Lea Fisher was also involved in the process selection and the subsequent sizing of MBR process units for this project. Mr. Fisher has designed numerous treatment plants throughout the United States, including the recent MBR treatment plant at Ironhouse Sanitary District in Oakley, California. The proposed treatment process was also selected in consultation with other professional engineers and experts both at the City and in present practice.

Through the CEQA and entitlement process, as well as regular stakeholder meetings with the community, the City is endeavoring to conduct all aspects of the Project pre-planning, design and decision-making in a transparent and open manner.

A competitive alternative system bidding process is beyond the scope of the EIR.

Response to Comment 3

Project cost analysis and/or financing is beyond the scope of this EIR. Such an analysis would be prepared in conjunction with assessment district formation for each phase of Project implementation. The latest preliminary information on the assessment district formation for Phase 1 may be found by contacting the City Public Works Department. See Question 11 of Project FAQs, dated July 21, 2014, available on the City's website (<http://www.malibucity.org/DocumentCenter/View/6800>).

Response to Comment 4

Recycled water would be injected into wells located along Malibu Road. The volume of water to be injected into the groundwater basin was estimated based on build-out conditions calculated pursuant to the City's General Plan and Local Coastal Program, existing discharge records for other permitted treatment systems in the Civic Center Area, and applications on file with the City Planning Department, and include a factor of safety to ensure that the estimated total influent at build-out would be conservative. The recycled water injection would increase hydrostatic head in the Civic Center Gravels (the primary aquifer in the Malibu Valley Groundwater Basin), inhibiting saltwater intrusion in the area of influence.

Response to Comment 5

The City would use development permitting (including managing parcel-specific wastewater allocations) in the Prohibition Area as a primary means of ensuring that wastewater to be generated by future development or redevelopment does not exceed the proposed Project's build-out capacity.

Response to Comment 6

See response to Comment 4 above.

Response to Comment 7

The thickness of shallow alluvium in the groundwater basin ranges from 0 to around 30 feet. The variations in thicknesses have been geologically mapped and those data incorporated into the groundwater flow model. Injections into the deeper Civic Center Gravels have been simulated and have been shown not to result in adverse impacts to shallow groundwater levels. Please see the Environmental Setting portion of Section 4.7 – Hydrology and Water Quality (beginning on page 4.7-18) for additional details on the groundwater basin hydrostratigraphy.

Response to Comment 8

Potential water quality impacts resulting from constituents of emerging concerns (CECs), which include pharmaceutical drugs, are addressed in Impact HWQ-1 in Section 4.7 – Hydrology and Water Quality, Operations Impacts, Injection and Percolation. This section explains that these same constituents are currently being discharged to the groundwater basin through the OWDSs, and that studies show that the MBR and disinfection technologies utilized by the Project would likely result in less than or similar levels of CEC discharges to the Malibu Valley Groundwater Basin and the Winter Canyon alluvium compared to those which occur under present conditions. In addition, recycled water injected in the groundwater basin would be traveling through soils before emerging offshore into the ocean. As with OWDSs, some measure of soil aquifer treatment may occur as the constituents travel through the aquifer.

Response to Comment 9

Heavy metals are not expected to occur in the Project influent or effluent. Municipal wastewater incorporates the characteristics of the source water used (in this case, imported water purveyed by Los Angeles Waterworks District 29), and as potable water supplies in the City do not contain heavy metals, the resultant municipal wastewater is not expected to contain heavy metals either.

Response to Comment 10

See Section 3.1 of Chapter 3 – Project Description in regards to reuse.

Response to Comment 11

The future uses of recycled water generated by the Project as suggested in the comment are not precluded. However, at this time, only landscape irrigation and indoor non-potable reuse have been identified as reasonably foreseeable reuses. The recycled water generated by the Project would be available to all citizens within the Prohibition Area, provided they comply with the reuse requirements that would be set forth in Project permits. In regards to the specific suggestions provided:

- (1) The Los Angeles County Fire Department has indicated that they are not interested in utilizing recycled water for firefighting at this time due to cross-connection requirements that would require that they either maintain two sets of firefighting equipment (one for use on potable systems and one for use on recycled water systems) and/or the cleaning requirements between firefighting events.
- (2) Pepperdine University has rejected the City's attempts to coordinate the use of their storage ponds for storing and/or using City-generated recycled water. Please see Section 5.2.2 in Chapter 5 – Comparison of Alternatives, for more information.
- (3) As noted above, the recycled water produced by the Project would be available to all Malibu citizens provided they comply with the reuse requirements. The recycled water distribution will be limited; however, in terms of the Phase 1 recycled water pipeline locations as described in the EIR (that is, proximity to the Phase 1 recycled water pipeline will naturally limit recycled water use in Phase 1).
- (4) The City is not averse to developing new wetlands; however, property would have to be acquired in order to establish these wetlands, which is beyond the scope of this Project.
- (5) Redirecting the recycled water into Malibu Creek (in lieu of injection) was not considered feasible as it would change the flow regime and habitat conditions in the Creek and/or Lagoon by adding a freshwater source of water source to existing flows year-round.

Response to Comment 12

Both construction and operational impacts relating to the Project are addressed in the EIR; each impact section in Chapter 4 of the EIR addresses construction and/or operational impacts as appropriate. These are discussed in detail for Phase 1, and at a programmatic level for the other phases. Future phases would be analyzed at a project

(detailed) level in future CEQA documents prepared based on detailed plans specific to those phases.

The processes of acquiring easement rights and establishing assessment districts for each phase are beyond the scope of this EIR.

Response to Comment 13

Refer to the response to Comment 1 above. Other alternative technologies were considered for Phase 1 but were rejected as infeasible, and therefore, were not evaluated in Chapter 5 of the EIR.

Response to Comment 14

Estimates of the Project's energy use are discussed in Impact U-8 in Section 4.12. The comments about effects from changes in the energy market refer to matters that are too speculative to be evaluated or addressed.

Response to Comment 15

Regular maintenance operations are described in Section 3.4.4 of Chapter 3 – Project Description. Hauling costs are not known at this time and will be evaluated prior to award of the contract.

Response to Comment 16

Text has been added to Chapter 3 – Project Description, Section 3.4.4, Operations and Maintenance, to describe service and technician requirements.

Response to Comment 17

Spare parts for pump stations (including replacement pumps) and other project facilities would be maintained at the treatment plant site and/or in storage by the City. Flows at the pump station would be continuously monitored, and if a pump is found to be failing, it would be immediately repaired or replaced

Response to Comment 18

Refer to the response to Comment 1 above.

Response to Comment 19

Two full-time employees would be required for Phases 1 and 2 of plant operations; a third, full-time employee may be hired at build-out. Traffic impacts from both employees and operations-related truck traffic have been evaluated in Section 4.15 – Transportation and Traffic. These analyses have considered existing City and State restrictions on vehicle size and operating times and assume that any transport of

hazardous materials will be conducted in accordance with all County, State and Federal rules and regulations.

Response to Comment 20

Corrosive soils are addressed in the Existing Conditions discussion of Section 4.5 – Geology and Soils. Potentially corrosive soils were identified at the proposed treatment facility site and the Phase 1 Legacy Park pump station site. Additional text has been added to these sections noting how these conditions would be addressed in terms of Project infrastructure design. No mitigation is required. Additionally, the text has been revised to clarify that the tank would be hydrostatically tested for integrity as part of Project construction.

Response to Comment 21

The Project has been designed to account for corrosive soils. Additional text has been added noting how these conditions would be addressed in terms of Project infrastructure design. For example, sacrificial anodes would be used, as necessary, for metal underground structures. See Existing Conditions section in Section 4.5 – Geology and Soils. No mitigation is required.

Response to Comment 22

A surface water and groundwater quality monitoring program are mandated by the City's MOU and would be detailed in the Project's permit requirements. See Section 3.4.2 of Chapter 3 – Project Description.

Bonnie Blue

From: bob@ecomalibu.org
Sent: Monday, July 28, 2014 11:33 AM
To: Bonnie Blue
Subject: EcoMalibu comments on "Draft Treatment Plant EIR and Recirculation Sections"
reference EIR No. 13-001
Attachments: comments draft treatment plant eir_07-28-14.pdf

RECEIVED

JUL 28 2014

PLANNING DEPT.

Dear Ms. Blue:

EcoMalibu has reviewed the Draft Environmental Impact Report (EIR) for the City of Malibu's proposed wastewater treatment facility and distribution system EIR No. 13-001 and offer the attached comments and recommendations. We appreciate the opportunity to comment.

Sincerely,

Bob Purvey , President EcoMalibu
30612 Sicomoro Drive
Malibu, CA 90265
310-457-8306

RECEIVED
JUL 28 2014
PLANNING DEPT.



Bonnie Blue
AICP, Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Via Email: bblue@malibucity.org

Dear Ms. Blue,

EcoMalibu has reviewed the Draft Environmental Impact Report (EIR) for the City of Malibu's proposed wastewater treatment facility and distribution system. We generally support the project and believe it is crucial for water quality in Malibu Creek, Lagoon, and at Surfrider Beach that the City of Malibu quickly implement the treatment plant and distribution system for the existing developments in the septic prohibition area. However, we find that the project as proposed does not provide for an adequate level of treatment for nutrients (nitrates and phosphates). The proposed project will exacerbate nutrient pollution, reduce salinity levels, and alter the breach regime of Malibu Lagoon by causing the discharge of 20% more water than current conditions. The project as proposed has the potential to add high levels of residual chlorine to groundwater and surface water. The proposed project and EIR is woefully inadequate in its discussion of monitoring treated effluent, groundwater, surface waters, and infrastructure. EcoMalibu offers the following comments and recommendations and urges the City of Malibu to quickly implement this project after addressing these deficiencies.

1

Section 3.3 States:

“Disinfected effluent from this tertiary treatment facility would meet or exceed current Title 22 requirements for unrestricted use. In addition, **if required** by the LARWQCB, treatment processes would be included for nitrification/denitrification and phosphorus control.

As there is a high likelihood that treated wastewater will reach the Lagoon, Creek, and Ocean the City should design a treatment plant that can address the nutrient levels required for upcoming TMDL's. These levels should be reached prior to discharge or at the very least before any water reaches groundwater where it can resurface with surface waters. The most recent nutrient requirements for the TMDL's are 0.65 mg/l of nitrate and 0.1 mg/l of phosphate.

2

According to the EIR “the injection of treated wastewater into groundwater aquifers would increase the volume of *naturally occurring* groundwater discharge to the Malibu Lagoon and in near shore marine habitats which could affect habitat conditions for sensitive aquatic species that are the focus of state and federal conservation and recovery efforts.” Draft Environmental Impact Report 4.3-38

3



Treated injection water is not expected to reach the lagoon, *but it would raise hydrostatic pressure in local aquifers sufficiently to increase the discharge rate of native groundwater to the estuarine environment.* This has the potential to affect estuarine hydrodynamics and water quality conditions in the lagoon. "The volume of groundwater discharge to the lagoon would increase from an estimated 560,000 gallons per day (gpd) under existing conditions to as high as 670,000 gpd after Phase 2, an increase of approximately 20 percent relative to existing conditions. During periods of high stream flows and/or when the lagoon is open to tidal exchange ("breached") the relative contribution of groundwater to lagoon hydrology is small. However, when the lagoon is closed and stream flows in Malibu Creek are low, groundwater accounts for a substantial portion of inflow to the lagoon and any increase in groundwater inflow rates could considerably increase circulation rates relative to existing conditions."

3

The addition of 120,000 gallons of water per day that is contributed from groundwater into the Malibu Lagoon has a high likelihood of impacting water quality for endangered species such as tidewater goby, and southern steelhead trout through changing of the breach regime at the mouth of the lagoon. Further the addition of this volume of freshwater will reduce the salinity levels in the Lagoon allowing for the colonization of non-native and/or invasive species.

NUTRIENT LOADING

According to the "Risk Assessment Study" completed by Stone Environmental in August 2004 for the City of Malibu, historic nutrient pollution associated with existing onsite wastewater treatment systems will take between 6 months and 50 years to reach the Malibu Creek, Lagoon and/or the surfzone. "The at-risk area identified in the nitrogen risk assessment included the part of the alluvial aquifer that contributed groundwater flow to Malibu Creek and Lagoon, and overlapped in some areas with the pathogen risk assessment area. "Any nitrogen reduction strategy will have a substantial lag time in producing significant water quality changes due to the slow travel time in the groundwater flow system".

4

Accelerating the process by which these pollutants reach these surface water bodies will increase pollutant levels and concentrations. Increases in nutrient concentrations will promote algal and submerged aquatic vegetation (SAV) growth, and eutrophication. Malibu Creek and Malibu Lagoon have TMDL's for nutrient loading to prevent excessive algal and SAV growth and depressed levels of dissolved oxygen that can impact aquatic wildlife. The increase in nutrient loading would violate the proposed numeric effluent limits and intent of the TMDLs.



LAGOON BREACH REGIME

When the sandbar closes in front of Malibu lagoon, separating it from the tidal influence of the Pacific Ocean, the lagoon is generally at a minimum surface water elevation above 6 ft. and more likely 7 ft. The lagoon breaches when surface water levels reach an elevation of between 8 ft. and 9 ft. The available water surface area of the lagoon is approximately 18.5 acres. A maximum increase of 2 ft. in water surface elevation or a maximum of 37 acre feet of water can occur before the lagoon is forced to breach. According to the EIR an additional 120,000 gallons per day will be added to the Lagoon. It will take a maximum of 100 days before Lagoon water levels would cause the sandbar to open (37 acre feet x 325,581 gallons per acre foot/ 120,000 gallons additional groundwater per day). Generally, the Lagoon is closed for at least six months per year during the summer season and will only open after a large winter rain occurs usually in November. The addition of 120,000 gpd would cause the Lagoon to open at least three months early and it would likely stay open for a minimum of two weeks to a month. When the Lagoon is open to the ocean the water quality at Surfrider beach regularly exceeds the standard for recreational contact. Causing the Lagoon to breach more frequently and remain open to the tide more often will unnecessarily expose thousands of visitors to the increased risk of getting sick which clearly violates the intent of Santa Monica Bay Beaches TMDL.

Causing the sandbar to open unnaturally and prematurely poses significant risk to steelhead trout and tidewater goby both of which are federally listed endangered species. The Malibu Lagoon is designated as critical habitat for both fish species. In the past when the Lagoon has opened unnaturally numerous fish have been stranded and killed because the Lagoon drained too quickly leaving the fish perched on dry land. There is also substantial risk of washing the fish into highly saline ocean water without adequate time to acclimate to the changing salinity regime. Any increase in water quantity should be avoided.

SALINITY LEVELS

When the Lagoon is closed the addition of the 120,000 gallons of freshwater per day will lower the salinity of the lagoon. This process will grow steadily worse as the contribution of freshwater increases daily throughout the season. Lower Lagoon salinity levels create a better environment for non-native predator species and invasive species.

Largemouth bass persist in upstream areas of Malibu Creek but are almost never recorded in the Lagoon proper. Decreased salinity from additional inputs of freshwater creates a more hospitable environment for the voracious largemouth bass, which will predate on the fish species in the Lagoon. Additionally, lower salinity levels provide a better environment for the New Zealand Mudsail (NZMS), which are presumed to be in the Lagoon but not in densities where they can be visualized. NZMS are known to out compete and displace other invertebrates that Lagoon fish and birds feed on. Any



condition that encourages either of these species to occupy the Lagoon should be avoided.

5

RECOMMENDATIONS

In the EIR Figure 4.7- 10; it states at the end of Phase 3, basin outflows to Malibu Creek and Lagoon could potentially increase by about 18 percent. On average under current conditions, OWDS flows to the shallow alluvium, and therefore to Malibu Creek and Lagoon, total approximately 324,360 gpd. The wastewater treatment plant and build out proposes to discharge 507,000 gpd, which will contribute an additional 120,000 gpd of groundwater to Malibu Lagoon. Malibu Lagoon already suffers from too much water (water quantity) as well as significant pollutant issues. Increasing the water quantity and pollutant levels is unacceptable and should be avoided.

6

It is recommended that the City focus on the existing development contributing the 324,630 gpd prior to initiating any new developments. The City should not allow developments with high water usage such as restaurants, multi-family developments, grocery stores, cleaners, or other land uses that contribute large volumes of waste water to the proposed treatment system. The City should maximize reuse and storage of water for application to the landscape at an appropriate rate that does not contribute to increased groundwater or pollutant levels. This reuse effort should include the purchase of additional properties where treated and denitrified effluent can be applied to avoid any increase in water quantity to the creek, Lagoon, and/or surfzone.

CHLORINE LEVELS

The City is proposing residual chlorine levels of 2.0 mg/l which is the equivalent of 2000 ug/l. It is discussed throughout the EIR that injected water will reach the near shore environment, Malibu creek and Lagoon. Chlorine is toxic to aquatic life and effluent discharge limits for saltwater are 13 ug/l for a single sample or 1 hour average or 7.5 ug/l for the 4 day average. The 2.0 mg/l being proposed by the City is more than 100 times greater than the allowable discharge limits.

7

RECOMMENDATIONS

The City should de-chlorinate before injecting or irrigating with treated effluent.

MONITORING

The intent of the OWDS prohibition is to reduce pollutant loading to Malibu Creek, Malibu Lagoon, and the surfzone to meet the beneficial uses of these water bodies. The EIR is woefully insufficient in describing or discussing any monitoring to ensure that the goals and intent of the treatment system are being met by the project. The city should engage in a robust monitoring program that measures changes in groundwater elevations, movement of groundwater, locations where groundwater reaches surface

8



waters, increases or decreases in pollutant loading, and treatment plant and distribution system operability.

RECOMMENDATIONS

- The City should conduct an intensive groundwater and surface water monitoring program that has adequate number and geographic coverage of monitoring wells that continuously log groundwater elevations, track groundwater flow and flow direction.
- The City should monitor with enough frequency to determine changes in groundwater and surface water pollutant concentrations and loads associated with injection and irrigation of treated effluent.
- Water quality in the creek and Lagoon should be closely monitored to determine changes in salinity, nutrients and water quantity caused by treatment plant discharges.
- The City should monitor the efficacy of the treatment plant a minimum of three times per day during peak usage periods to ensure the treatment process is working properly including the removal of bacteria, residual chlorine, nitrates, and phosphates. This will help ensure that the City is not injecting or irrigating treated effluent with high pollutant concentrations.
- The City should monitor and inspect the irrigation and distribution system twice a week to ensure that treated effluent is being applied at the proper rate. Soil moisture meters, flow meters, and irrigation controllers that calculate and adjust irrigation output based on daily evapotranspiration rates should be used.
- The City should use irrigation controllers and flow meters that notify the user and automatically stop irrigating or pumping when leaks or unnatural flows are detected. These controllers can also be programmed remotely and will minimize labor for the City.
- Finally, we recommend that the City initiate a dye and/or tracer studies that identifies where groundwater is traveling and documents the quantity of groundwater flows to the Lagoon, creek and surfzone.

8

EcoMalibu supports the treatment and distribution system required to clean up Malibu Creek, Lagoon, and surfzone but believes that the above listed deficiencies and recommendations must be addressed and implemented to ensure success of this very important project. We appreciate the opportunity to comment.

Sincerely,

Bob Purvey, President EcoMalibu

Response to July 28 Comment Letter from EcoMalibu (Bob Purvey) (B-5)

Response to Comment 1

Comment 1 is a summary comment stating objections to the Project and EIR that are detailed in the succeeding paragraphs. The detailed comments are addressed below.

Response to Comment 2

Total Maximum Daily Loads (TMDLs) would be considered in the development of the effluent treatment requirements set forth by the LARWQCB in the Water Reclamation Requirements (WRR) and Waste Discharge Requirements (WDR). Please see Section 3.3.1 of Chapter 3 – Project Description.

Response to Comment 3

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 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. 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 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 uS/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%, which is not significant enough to impact endangered species such as the tidewater goby and southern steelhead trout nor create improved habitat for non-native species such as largemouth bass or New Zealand mudsnails. 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 4

As described above, the increased flow to Malibu Creek and Lagoon will be less than 3 percent of existing flows to the Creek and Lagoon and will occur predominantly upstream of the injection location. Nitrate concentrations of groundwater at the northern end of the groundwater basin are less than those at the southern end (due to the distribution of OWDSs within the basin), therefore, the anticipated increase in nutrient loading to Malibu Creek and Lagoon are expected to be minor and will decrease, long-term, as the Project is implemented. Effluent discharge limits would be set in Project permits issued by the regulating responsible agencies. These permit limits take into consideration TMDLs.

Response to Comment 5

Refer to response to Comment 3 above.

Response to Comment 6

One goal of the Project is to maximize reuse of the recycled water generated by the Project. This would occur in an incremental approach, as the Project is phased in, and would be managed through the Project's permits. Cost of reuse (including related infrastructure costs) would be one factor considered when expanding recycled water use in the Civic Center area. Construction of recycled water storage, pipelines and pump stations would occur simultaneously with wastewater collection pipelines to ensure recycled water use can be brought online as soon as possible.

In order to maximize the use of recycled water in Phase 1, the City has incorporated Malibu Bluffs Park, which includes multiple irrigated lawns and ball fields, into this Phase. Additional future uses of recycled water generated by the Project are not precluded. However, at this time, only landscape irrigation and indoor non-potable reuse have been identified as reasonably foreseeable reuses.

The City would use development permitting (including managing parcel-specific wastewater allocations) in the Prohibition Area as a primary means of ensuring that wastewater to be generated by future development or redevelopment does not exceed the proposed Project's build-out capacity.

Response to Comment 7

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 according to 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 nearshore ocean quality was conducted; see Appendix G1 for the results. Based on this analysis, nearshore ocean quality could have approximately 7.6 ug/L of residual chlorine; 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 8

Monitoring requirements would be set by the Project's construction and operating permits, such as those issued by the LARWQCB, and as required for the City's ongoing monitoring of Project operations to ensure the proper function of the treatment facility. The WDR/WRR that is required for projects such as the proposed treatment facility will not be issued by the LARWQCB until after certification of this EIR. Monitoring programs and requirements are incorporated into the conditions of the WDR/WRR. These monitoring programs are currently being prepared and are expected to identify specific monitoring locations (surface water, groundwater, effluent, etc.), constituents to be analyzed, and monitoring and reporting frequencies. Monitoring is not addressed in the EIR as it is not considered a mitigation measure under CEQA.

Bonnie Blue

From: Steve Bobzin <scbobzin@yahoo.com>
Sent: Monday, July 28, 2014 4:41 PM
To: Bonnie Blue
Cc: Edward Gonzalez; Ryan Shain; Rick Rouse; Scott Engel; Sandra Bevarδος; Karie Bobzin; Lejade Dominique; Ryan Embree; Barbara Mills
Subject: WWTF DEIR Comments
Attachments: DEIR_Comments_HOAs_140728.pdf

RECEIVED

JUL 28 2014

PLANNING DEPT.

Dear Bonnie,

It was good to see you last week and get the chance to chat with you and Craig after the ERB meeting. I know you guys are doing the best job you can, but we do have serious concerns about the WWTF, its location, and the Draft EIR. Please find our comments in the attached .pdf file. If for any reason you are unable to view this file, please contact me and I will make sure you get a copy of this document. Could you please just ping me a "received" email to verify you have this document? Thank you for your help.

Sincerely,

Steve

Steve Bobzin, Ph.D.
scbobzin@yahoo.com
805-807-1761 (cell)

Letter B-6

DEIR Comments to WWTF Project
(EIR No. 13-001)

Bobzin

July 28, 2014

To: Ms. Bonnie Blue
AICP, Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
310-456-2489 ext. 258
email: bblue@malibucity.org

RECEIVED
JUL 28 2014
PLANNING DEPT.

Re: Comments to the Draft Environmental Impact Report (DEIR) on the Civic Center Wastewater Treatment Facility (WWTF) Project (EIR No. 13-001) at 24000 Civic Center Way.

From: Primary point of contact:
Steve Bobzin
scbobzin@yahoo.com

Commenting Organizations:

Toscana Homeowners Association (22 residences)

Point of contact: Steve Bobzin

scbobzin@yahoo.com

Maison DeVille Homeowners Association (48 residences)

Point of contact: Ryan Shain

shain@schinner.com

Vista Pacifica Homeowners Association (17 residences)

Point of contact Ed Gonzalez

edgonzalezphd@gmail.com

Supporting Organizations:

Malibu Canyon Village Homeowners Association (104 residences)

Webster Elementary School parents

Other organizations contacted and affected:

Webster Elementary School PTA

Santa Monica-Malibu Unified School District (SMMUSD)

Malibu Canyon Condominium Homeowners Association

Dear Ms. Blue,

We, the Commenting Organizations, believe the proposed location, 24000 Civic Center Way, for the Civic Center Wastewater Treatment Facility (WWTF) Project (EIR No. 13-001) is an unacceptable choice for the following reasons; health, environmental, safety, and view impact issues. While these issues are discussed in the Draft Environmental Impact Report (DEIR), we see numerous shortcomings in the analysis done and, as a result, errors in the conclusions reached in this document.

Issues at hand:

- Proximity to Webster Elementary School and Our Lady of Malibu School (<100m) – **Health and Safety issues to ~400 students and staff**
- Proximity to residences – **Health and Safety issues to ~ 400 residents**
 - <25m to Maison DeVille (48 residences)
 - <100m to Toscana (22 residences)
 - <100m to Vista Pacifica (17 residences)
 - <200m to Malibu Canyon Village (104 residences)
- Treated water disposal and overflow risks into existing natural watershed and ocean – **Environmental issues to groundwater and ocean**
- **View impacts to existing residents (>50 residences)**
 - ~14 residences in Toscana
 - ~20 residences in Maison DeVille
 - ~10 residences in Vista Pacifica
 - ~20 other single family homes

Upon a detailed review of the DEIR, we have developed a general position statement on this project and noted the following issues with the DEIR. These were highlighted in Steve Bobzin's public comments at the City of Malibu's Planning Commission public hearing on the DEIR on July 21, 2014. These are the following:

Primary talking points

1. **We are not directly opposed to the implementation of a centralized wastewater treatment facility in the Civic Center area, but want to be clear that we are in no way responsible for the issues that have resulted in the septic ban in the Civic Center area.**
 - a. We are not using septic systems. We are already serviced by a LA County-run wastewater treatment plant.
 - b. Despite clearly not being the cause of the water quality issues in Malibu Creek, Malibu Lagoon, and Surfrider Beach, and not being on prohibited septic systems, we are being required to participate in this project.
 - c. Despite being required to participate in this project, the City of Malibu cannot provide a reasonable estimate of costs of the project to homeowners.
2. **We are opposed to the location of the project.**
 - a. Despite clearly not being the cause of the water quality issues, and not being on prohibited septic systems, the WWTF is being sited in our backyard.

1



- b. The location of the site has been selected for convenience to the City of Malibu and commercial interests. It is not a desirable location for residents and parents. The justification of this site's selection has been done in hindsight.
 - c. The location of the WWTF will undoubtedly have a negative impact on our property values due to aesthetic/view, cost, and other potential issues.
 - d. We have concerns about the health and safety of our homeowners and the schoolchildren at Webster Elementary and Our Lady of Malibu Schools due to activities during construction and the operation of the WWTF, which will include the excavation of potentially contaminated soils and the use of hazardous chemicals.
3. **Specifically, we are concerned about the following issues in the Draft EIR.**
- a. Article 4.1 Aesthetics. Of the 20 POVs and 6 KOPs analyzed, only 7 POVs and 2 KOPs even provide a view of the project area. None of the most impacted viewpoints, which are represented by the 3 POVs used for the architects' renderings of the project were used in the analysis, **leading to a faulty conclusion of no significant, or minimal impact.**
 - b. Article 4.2 Air Quality. The Draft EIR states that "*All construction activities would be in compliance with rules pertaining to fugitive dust*" and "*construction activities do not typically emit offensive odors.*", but **this site is NOT typical**, it has been a commercial-scale septic system site for decades. There is no consideration of the potential for the soil to be contaminated due to the site's prior use.
 - c. Article 4.6 Hazards and Hazardous Materials. "*Appendix G of the State CEQA Guideline states... that the proposed Project would result in a significant impact with respect to hazards and/or hazardous materials if it would: 3.) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*" There will be chemical storage of hundreds of gallons of hypochlorite and thousands of gallons of alum, amongst other hazardous chemicals on site. **This potential violation of State CEQA guidelines is not addressed at all!**
 - d. Article 4.7 Hydrology and Water Quality. *The Conservation Element of the City of Malibu General Plan also seeks implementation measures for applying setback requirements determined through site-specific analysis...to prevent effluent seepage into local streams or coastal water.* A storm drain at the front gate of the WWTF site goes under PCH unimpeded straight to the ocean!
 - e. Article 4.10 Population and Housing. The Draft EIR makes no mention of the **onerous assessments that will be imposed on homeowners due to the WWTF**. The condominium complexes nearest the construction site are the only residences in the Civic Center area that are not single family homes and represent the largest collection of "affordable" housing in Malibu. Many homeowners will not be able to afford the additional monthly expense of the assessments, forcing them to sell and move out of the City of Malibu.
 - f. Article 4.11 Public Services. The threshold of significance is not based on the environmental impact of the WWTF project itself, but based on the impact of new or altered government facilities that may be required due to the project under consideration. This does not address in any way the concerns of parents about the

1

environmental, health or safety impact of the project on the existing schools (Webster Elementary and Our Lady of Malibu). Therefore **the determination of no significant impact is erroneous.**

- g. Article 5 Comparison of Alternatives. The DEIR tailors its comparative assessments in such a way as to minimize many of the negative aesthetic impacts of the proposed site on Civic Center Way while highlighting those of the Wave property. **This comparison is contrived** at best, deceptive at worst. For example, it claims that the Wave site would be seen by motorists and pedestrians on Civic Center Way, and by patrons of Malibu Library, even though the plant would be behind the library and thus not readily seen. In contrast, it does not point out that pedestrians and motorists would pass within yards of the proposed treatment plant when traveling on Civic Center Way, and would be seen by westbound motorists and cyclists from a portion of PCH.
- h. In summary. **At the public forum in June we asked how it made sense to site the WWTF across the street from Malibu's largest Elementary School and in the backyard of Malibu's highest density residential community. This simply does not make sense for residents and parents.** We also asked whether there is any precedent for a municipal wastewater treatment facility to be sited within 100 yds of a public elementary school in California. We believe these questions must be answered. Please provide the city, school, and project information for such a project (if any exist).

1

Further detailed comments to specific parts of the DEIR follow. These comments are organized by section of the DEIR. Specific pages, tables, and figures are referenced where possible for clarity. Direct quotes from the DEIR are indicated by *italicized text in quotations*.

4.1 Aesthetics

While we are grateful that it appears as if the City of Malibu has been receptive to our suggestions to minimize the view impacts of the proposed project by upgrading the landscaping plan and updating the architects' renderings of the landscaping for the WWTF project, there are still many troubling oversights and inaccuracies in the DEIR that lead to inappropriate conclusions of no significant or minimal impact.

Protecting Pacific Coast Highway (PCH) as a significant viewshed (Policy LU-1.4.3) is under the Conservation Element of the City of Malibu General Plan. This policy states that view impacts from PCH and elsewhere need to be minimized. The analysis of view impacts in the DEIR do not consider Figure 22, the architects vantage point from PCH. The 20 POVs and 6 KOPs do not include this vantage point that the project architects clearly believed was relevant and used themselves as one of their three primary vantage points to take pictures and develop rendering of the project in the future. Ignoring this vantage point leads to an inappropriate determination of no significant or minimal impact.

2

The Conservation Element of the City of Malibu General Plan also seeks implementation measures for reducing impacts from nighttime lighting. It is unclear from the DEIR exactly what the lighting needs of the project are and how these needs will be minimized.

3

The DEIR analyzes 20 representative points of view (POV), but none were from any of the condo properties or Webster Elementary School (Figure 4.1-1). Figure 10 (KOP 4) is about the only one close to representing the view from the closest residences. Out of the six key observation points (KOPs) analyzed, only KOP 4 and 5 have any actual view of the project area. The project area from KOPs 1-3 and 6 is obstructed from view by hillsides or land contours. How then are these considered the KOPs?! All three viewpoints used by the architects to produce the renderings of the project should be in the KOPs.

4

The DEIR vastly overstates the existing view preservation to local residences and schools...From 4.1-7: *"At present, landscape buffering and topography to the north and west serve to screen the site from most views (Photo Figure 3, 4 and 5, pages 4.1-12 to 4.1-13). Landscape screening along Civic Center Way and Pacific Coast Highway also serve to obscure many casual views at street level of the Project site from the south and east (see Photo Figures 8 through 9; and 11 through 13, pages 4.1-15 through 4.1-19). This landscape screening blocks full views of the property from the nearby residences located directly to the east (across Civic Center Way) and permits only partial, far-off views from Pepperdine University residential halls located northeast of the Pepperdine campus."* This later underlined text is patently false. This project has direct significant view impacts on ~50 residences (~14 in Toscana, ~20 in Maison DeVille, ~10 in Vista Pacifica, ~20 other single family homes), Webster Elementary School, Our Lady of Malibu School, and every parent bringing their children to/from these schools everyday of the school year. Approximately half of these residences are heavily impacted. Refer to Figure 21 for a vantage point from the back patio of 23957 DeVille Way. This vantage point must be used as one of the KOPs for analysis of this project.

5

At the bottom of 4.1-11 the DEIR tries to specifically address the view impacts to the condos. It dramatically understates the proximity, number of units affected, and does not even mention Vista Pacifica... *"only a dozen or so of these households can access partial views of the proposed wastewater treatment facility site. Potentially, the most directly affected viewers include a small portion of the Maison Deville Condominium residents (23900-23926 DeVille Way) and Villa Toscana Condominium residents (23925-24001 Deville Way) who can acquire partial west- and northwest-facing views across Civic Center Way of the treatment facility site. Viewing distances to the closest edges of the treatment facility site range from approximately 175 to 300 feet."* We strongly disagree that Figure 21 represents a "partial view"?

6

KOP4 description is totally wrong. *"It should be noted that most views from Maison Deville are oriented southwest to the ocean and away from the wastewater treatment facility site, and that Maison Deville blocks a majority of—but not all—Villa Toscana resident west-facing views to the Project location."* Maison DeVille blocks none of the view of the project area from the Toscana townhomes.

7

We dispute the conclusions starting at 4.1-46. *"The long-term effect on all views that could be acquired by sensitive viewers as a result of the proposed Project would range from no impact (i.e., all KOPs with the exception of KOPs 4 and 5) to less than significant."* This is simply NOT TRUE because of poor selection of KOPs and other viewpoints. Refer to the three viewpoints with pictures and architects renderings from condos, PCH and Civic Center Way (Figures 21, 21A, 21B, 22, 22A, 22B, 23, 23A, and 23B) where a clearly significant impact is obvious.

8

We dispute the conclusion of Impact A-2. *“Project would not result in a significant impact on scenic resource within a scenic highway.”* Views from PCH significantly impacted. Refer to Figure 22.

9

We dispute conclusion of Impact A-3. *“Because conformance with the LIP is required for the granting of a coastal development permit, no significant visual impacts are anticipated as a result of the proposed Project”.* Views from Civic Center Way and condos significantly affected regardless of any landscaping or color plans. Refer to Figures 21 and 23.

10

We dispute the cumulative conclusion at bottom of 4.1-53. *“It should also be noted that the nearest residents at Maison Deville— due to building siting and orientation toward the ocean—have views that are generally directed to the southwest and away from the Project location (see Figure 4.1-20). A small number of Villa Toscana residents have more direct views overlooking the Project site. Such mid-frame views are not of high quality at present and are rated moderate in this analysis. These resident views take in the sweeping backdrop of the Winter Canyon ridgelines, along with views of more distant ridgelines, the coastline, and the ocean. New wastewater treatment facility built elements, and new- though limited-lighting would be more apparent to viewers than the existing facility features are at present, particularly during the first year or so after construction. However, over time, as the mandated landscape screening matures, many of those features would be partially obscured from view, and the more attractive visual features in the sweeping backdrop would assume greater visual dominance in views. Consequently, the proposed Project would not obscure or affect, in substantially adverse ways, significant identified formal or informal views enjoyed by sensitive viewing groups.”* This is dramatically understated! Again, please use Figures 21-23 to get a better perspective on this. Pictures from these viewpoints with the current standing story poles would be especially informative.

11

4.2 Air Quality

From 4.1-7 of the DEIR: *“Existing on-site infrastructure includes ... six buried wastewater treatment tanks, four aboveground trickling filters, leach pits, electrical facilities and an effluent distribution header.”* There is no mention of the prior uses of this site, which includes numerous other commercial-scale septic systems and leach pits. During construction, soil in and around these prior and existing facilities will be removed. This soil is highly likely to be contaminated due to the past use of this land. How will excavation be done without producing dust and airborne materials with potentially toxic properties? How will we reassure our students and parents that these activities across the street from Webster Elementary and Our Lady of Malibu Schools is safe? From Article 4.11 (Public Services) of the DEIR; *“for a discussion of construction-period air quality and noise impacts on local schools and school children, please see Section 4.2 and 4.9, respectively.”* When this article 4.2 is reviewed, there is virtually no consideration of the fact that these schools are directly across the street.

12

Federal regulations of the National Ambient Air Quality Standards (NAAQS) monitor relevant components including particulate matter (2 sizes), CA state regulations of the California Ambient Air Quality Standards (CAAQS) also monitor hydrogen sulfide. Particulate matter is currently at non-attainment levels and the Southern California Air Quality Management District (SCAQMD) is required to reduce emissions

for pollutants in non-attainment.

We dispute Impact AQ-1: “*All construction activities would be in compliance with AQMP regulatory measures, including SCAQMD rules pertaining to fugitive dust...*” There is no discussion of the potential for the soil to be contaminated due to prior use (Winter Canyon Wastewater Treatment Facility).

13

We dispute Impact AQ-2: Emissions related to facility are based on estimates of system energy demand and vehicle trips. There does not appear to be any discussion about the levels emitted from the wastewater process operation itself.

14

We dispute Impact AQ-5: which states that “*construction activities do not typically emit offensive odors.*”, but this site is NOT typical, it has been a site for existing and prior commercial scale septic systems for decades. The likelihood of contaminated soil, particulates and odors coming from excavation is very high.

15

4.6 Hazards and Hazardous Materials

This section describes in detail the hazardous materials that might be in the area due to past activities, but spends very little effort to describe the risks these pose, and how these risks will be managed, as land is excavated. The DEIR does not spend much effort characterizing the volume and different types of hazardous materials that will be present and produced as a result of operations. Hundreds of gallons of hypochlorite and thousands of gallons of alum, are mentioned, but what else?

16

The Draft EIR notes that the site has an “*existing wastewater treatment plant, which has four above ground storage tanks, two of which are used for chemical storage.*” What has been stored in these tanks? What hazard ratings do these chemicals have? Has there been any analysis to determine whether there have been any unintended releases? How can we be sure that the soil that will excavated is not contaminated?

17

“*Appendix G of the State CEQA Guideline states... that the proposed Project would result in a significant impact with respect to hazards and/or hazardous materials if it would: 3.) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*” This potential violation of State CEQA guidelines is not addressed at all! The EIR should include a complete inventory of chemicals that will be stored onsite and a determination of their hazardous ratings. This is an unavoidable significant adverse impact and it is inaccurate to state that there are none (4.6.4)

18

MM HM-3 states that visual contamination indicators will be the trigger for more detailed analysis to detect contaminants in the soil be excavated. This is inadequate. Laboratory analysis of soil samples should be done prior to excavation and at appropriate points during excavation and construction.

19

Impact HM-2: The currently planned chemical storage building is an open building. For fire safety, this should be a fully enclosed building made of fire-resistant materials. This site burned in the Malibu Canyon Fire only 7 years ago.

20

4.7 Hydrology and Water Quality

“*The Conservation Element of the City of Malibu General Plan also seeks implementation measures for applying setback requirements determined through site-specific analysis...to prevent effluent seepage into local streams or coastal water.*” A storm drain at the front gate of the WWTF site goes under PCH unimpeded straight to the

21

ocean! The revised grading plan that was recently described by the consultant at the July 21, 2014 Planning Commission meeting to prevent on-site spills from reaching this storm drain must be clarified in detail and its ability to contain such spills described and analyzed fully.

↑ 21

4.9 Noise and Vibration

A major problem with the entire Noise section is that its analysis is based on Short-Term Noise Measurement Data that is fundamentally flawed. See Table 4.9-5 and corresponding Figure 4.9-2. These noise measurements were supposed to be taken at noise-sensitive land uses to analyze existing ambient noise levels. ST-1 and ST-2 are the most heavily relied upon and are the most significant to the residents and schools that abut the proposed treatment center site. However, the ST-1 and ST-2 locations are not representative of the ambient noise levels experienced by the noise-sensitive users. ST-1 was taken at the roadside at the bottom of a hill where vehicles are accelerating uphill at high speeds and trucks are engine breaking downhill at high rates of speed. Similarly, ST-2 noise observations were taken as close as possible to PCH at a point where, again, vehicles are accelerating uphill at a high rate of speed and trucks are engine breaking downhill at high rates of speed. These locations are not representative of the experience of the noise sensitive users in the area, namely the students at Webster and OLM Schools and the residents at the three complexes on De Ville Way. Rather, those areas have much lower constant and high level noise. Accordingly, several conclusions in the report are erroneous in that the current ambient noise readings on which they are based are not representative of actual conditions and experience of the noise-sensitive users.

22

We dispute Impact NV-1: The report relies on data collected at ST-1 to conclude that the additional noise generated by the construction would be only 1dBA louder than the existing ambient noise level, and therefore would not be perceptible.

We dispute Impact NV-4: The report relies on data collected at ST-1 to conclude that the additional noise generated by the construction would be only 1dBA louder than the existing ambient noise level, and therefore would not be perceptible.

The DEIR states that the exact type of subsurface pumps that will be used in the operation of the WWTF have not been determined and therefore the EIR discussion regarding the noise impacts of the pumps is incomplete.

23

From Article 4.11 (Public Services); *“for a discussion of construction-period air quality and noise impacts on local schools and school children, please see Section 4.2 and 4.9, respectively.”* When this Article 4.9 is reviewed, there is virtually no consideration of the fact that these schools are directly across the street.

24

4.10 Population and Housing

The DEIR acknowledges that the City of Malibu’s overriding housing goal is to provide adequate housing for the existing and projected needs of all economic segments of the community (City of Malibu 2014). See also Section V of the Draft City of Malibu 2013-2021 Housing Element. The Draft EIR concludes that the construction of the property would not displace housing or persons, that no displacement impacts would occur, and that no mitigation would be required. However, the Draft EIR makes no mention of the crippling assessments that will be imposed on homeowners as a direct result of the construction of the wastewater treatment plant. The condominium

25

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complexes nearest the construction site are the only residences in the Civic Center area that are not single family homes and represent the largest collection of “affordable” housing in Malibu. These are the residences of Malibu’s last working families. The imposition of significant monthly assessment fees necessary to fund the construction and maintenance of the wastewater plant will most certainly have a significant impact on whether these residential units remain available for individuals to use as their homes. Many individuals will most certainly not be able to afford the additional monthly expense of the assessments, forcing them to sell and move out of the City of Malibu, as no other alternatives exist for this housing segment.



25

4.11 Public Services

The words “school” and “schools” appear approximately 60 times in the entire DEIR. These words appear 39 times in this section, suggesting that this is where the environmental impact of this project on the adjacent schools will be addressed. But, this section does not really consider any relevant direct impact of the project on the existing schools that are only 100 yds away (SMMUSD’s Webster Elementary School and Our Lady of Malibu School).

The threshold of significance of this section is not based on the environmental impact on the existing schools of the WWTF project itself, but based on the impact of new or altered government facilities that may be required due to the project under consideration. This does not address in any way the concerns of parents about the environmental, health or safety impact of the project on the existing schools themselves. Therefore the determination of no significant impact is erroneous.

Consideration of this project’s impact on schools is dictated by “*California Government Code Section 65996 describes methods for considering and mitigating impacts on school facilities...*”

We have asked whether there is any precedent for a municipal wastewater treatment facility to be sited within 100 yds of a public elementary school in California. Please provide the city, school, and project information for such a project (if any exist).

26

4.15 Transportation and Traffic

We request that Mitigation Measures be amended. MM Trns-1 should include review of the Traffic Control Plan by appropriate representatives at Webster Elementary School, SMMUSD, Our Lady Of Malibu, and by all four HOA Boards (Toscana, Vista Pacifica, Maison DeVille, and Malibu Canyon Village).

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5 Comparison of Alternatives

The foregoing comments will be limited to the Draft EIR’s chapter 5.3.3, “Alternative C – Alternative Wastewater Treatment Facility Site,” known as the Wave property, which is behind the Malibu Public Library. As pointed out by the Draft EIR, other alternatives are infeasible or have too many drawbacks in one form or another.

There is no question that the proposed plant at 24000 Civic Center Way would be a vast improvement over the old Los Angeles County-operated facility located at the corner of Civic Center Way and Vista Pacifica. It was built exclusively to service the three town home complexes — Maison DeVille (48 units), Villa Toscana (21 units), and Vista Pacifica (17 units) — plus the Malibu Canyon Village condos (104 units). It is an

old, open and unsightly waste water treatment facility that no longer meets water standards set by the state's Regional Water Quality Control Board and would require several millions of dollars to upgrade in order to meet those standards. Connecting to a modern sewer facility thus make sense. The issue is where the new plant should be sited.

The Problems with the Proposed Civic Center Plant Location

The proposed wastewater treatment plant will look like a small industrial plant. At its closest point, it will be within approximately 25 to 100 yards of the Maison DeVille and Villa Toscana town home complexes, respectively, and in full view of several of their units on a 24/7 basis. It will also be in close proximity to the Vista Pacific town homes.

Additionally, Webster Elementary School, which is in session nearly 9 months of the year, is located within 150 hundred yards or so of the proposed Civic Center plant. Hence, the plant poses several serious problems which are inadequately or not all addressed by the draft EIR:

- The plant is certain to devalue the property values of the three town home complexes not only during its many months of construction, but also because even landscaping with mature trees will not be able to entirely conceal. Most owners will thus find that that they will have to reduce the list price of their units if they want to sell. Others who are retirees living on fixed incomes or who otherwise are middle income earners could face losses in the worth of their homes which may comprise the lion's share of their estates. 28
- The plant could pose a potential threat to the safety and health of over 400 children at Webster (plus those at Our Lady of Malibu as well) in the event that there is an accident at the plant which releases hazardous waste in the air. Town home residents also could face a similar risk of contamination in the event of accident. 29
- The erection of the plant will confront unit owners in the three town home complexes with the worst of two worlds: While the plant is being constructed, they will have to continue to rely on their 30 year-old County operated facility at a cost of approximately \$2,400 per year per unit. Then, after the new plant goes on line, it will primarily serve only the commercial properties in Phase I for two or more years before the town homes can connect to it. Even then, it may well take another year if not more before the old facility can be removed, and the site cleaned and refilled, which means that during the interim there will be two waste water plants in front of the three town home complexes.¹ 30

To sum up, the proposed plant at 24000 Civic Center Way would be constructed and placed into operation at the expense — visually, financially and possibly health wise — of the town home owners and school children. No other property owners, commercial or residential, in the Civic Center, Malibu Colony, Colony Plaza, Serra Retreat, Malibu Road or the Knolls, must contend with such problems if the new plant is placed on Civic Center Way.²

¹ It is unclear at this time who will be responsible for the restoration of the existing treatment facility before it is returned to the original property owners. Much will depend on how much of a fund balance is left in the County's operating account that might be used to help pay for the facility's reclamation. 31

² Compounding the problem is that smaller collection trucks transfer their waste to a larger truck alongside the road at 24000 Civic Center Way. The City has not banned this practice which frequently results in foul odors for the town homes as well as for passing car drivers. 32

The Wave Property Alternative Compared to the Civic Center Way Site

Comprising what is now vacant land, the alternative Wave site would accommodate a waste water treatment plant similar to the proposed Civic Center facility. It would be located behind the Malibu public library and east of the 112,000 sq. ft. La Paz shopping center and office center that is yet to be built since it was approved in 2008 and which received a two-year extension to 2015 by the Malibu Planning Commission. It would be situated several hundred feet below the houses on the Knoll.

According to the Draft EIR, the Civic Center site has three major advantages over the alternative Wave property site. First and foremost, it is owned by “a willing seller” — the Malibu Bay Company (MBC) — which is not the case with the Wave property, whose owner presumably will only sell at a price that the City does not want to pay. Second, the proposed site already houses a small wastewater treatment facility owned by MBC to treat the effluent from Ralph’s and other establishments in Colony Plaza. Third, the proposed site “affords better percolation potential” due to existing percolations ponds and two separate groundwater basins, while the Wave site would be located in the same groundwater basin as the proposed injection wells.

The Draft EIR does concede that the Wave property has some advantages: It comprises vacant land, is not located close to designated scenic resources, is barely visible from PCH, and would not require the removal of protected trees and vegetation. Unlike the proposed plant, it also is not close to Webster Elementary School, thus eliminating the potential exposure of school children to hazardous waste in the event of a plant accident.

Nonetheless, the draft EIR tailors its comparative assessments in such a way as to minimize many of the negative aesthetic impacts of the proposed site on Civic Center Way while highlighting those of the Wave property. For example, it claims that the Wave site would be seen by motorists and pedestrians on Civic Center Way, and by patrons of Malibu Library, even though the plant would be behind the library and thus not readily seen. In contrast, it does not point out that pedestrians and motorists would pass within yards of the proposed treatment plant when traveling on Civic Center Way, and would be seen by westbound motorists and cyclists from a portion of PCH.

The draft EIR further claims that for people on Harbor Drive and Colony View Circle who can see the Wave site from the Knoll, “implementation of this alternative would result in a substantial change in the visual quality and character of the site, a potentially significant impact” (p. 5-8). Nonetheless, it does conclude that the impacts of the Wave site on the Knoll properties “would likely be less-than-significant” (p. 5.8).

Left unsaid, however, is that the distances of the Knoll properties from the Wave site is much further than that between the proposed plant site and the Maison De Ville and Villa Toscana town homes. In fact, the draft EIR’s Chapter 4 contains only one photo of the Civic Center Way site that is taken from a Villa Toscana town home. Instead, the bulk of its photos are taken from distant locations such as Pepperdine, Legacy Park and the top of Civic Center Way, all of which don’t really show the proposed plant’s close proximity to the town homes.

In contrast, aerial views and maps indicate that the Wave site is substantially closer to all the city and county offices, and all the commercial establishments, that are to be hooked-up to the central plant in Phase I. It is also in closer proximity to the Serra

Retreat residential properties that are to be connected in Phase II. As a result, fewer pumping stations should be required than with the proposed plant on Civic Center Way.

The draft EIR's assessment on noise emitted during construction and operation of the proposed plant and the Wave alternative also is questionable. It claims that the noise impacts of the Civic Center Way plant to Webster, Our Lady of Malibu and the condos would be "reduced," but it fails to state why or why the same noise abatement measures would not also apply to the Wave alternative. It then goes on to assert that because "...Malibu Public Library is a more sensitive use, and it is of closer proximity to anticipated construction activities ... the noise impacts would be of greater concern" than with the proposed plant site (p. 5-12). Why is use of the library by its less numerous employees and patrons during limited library hours to be ranked as "more sensitive" than that of residents who occupy their town homes within sight and hearing of the proposed plant, and often for much of the day and night?

It would appear that the main reasons for the City's selection of the site on Civic Center Way over the Wave property are two: (1) one is presumably its substantially lower cost; and (2) the other is its "better percolation potential." We do not possess the technical expertise to judge on how important the second reason is, or, assuming that the percolation factor is of importance, whether there are technical measures to offset this problem at the Wave property. What we suspect, however, is that cost consideration is probably the overriding factor that led the City to choose the site on Civic Center Way.

As noted earlier, the City's choice is being made at a cost to the owners and residents of the 86 units in the three town home complexes, and potentially at the risk of school children at Webster and Our Lady of Malibu. Meanwhile, during Phase I, the town home complexes will be saddled with a large facility across the street that first has to be built before it begins operation in 2016 at which time it will primarily serve only the commercial and public properties in the Civic Center, while the town homes themselves won't be connected in Phase II until 2020. (Both connection times are according to latest estimates.) At the very least, the City's choice seems highly inequitable, particularly given the many advantages of the Wave property alternative.

Hence, the Civic Center Way site is likely to provoke strong opposition from homeowners, thereby making it difficult for the three HOA boards of directors to obtain a majority vote from owners in favor of joining the new assessment district. This will become all the more likely if the annual hook-up fees are substantially higher than what owners have been paying for the county-operated plant since it was renovated and expanded some 13 years ago.

Thank you for your consideration and attention to these issues.

This document was prepared by:

Steve Bobzin – Toscana

Ed Gonzalez – Vista Pacifica

Ryan Shain – Maison DeVille

Response to July 28 Comment Letter from Toscana HOA, Maison DeVille HOA, and Vista Pacifica HOA (Steve Bobzin, Ed Gonzalez, Ryan Shain) (B-6)

Response to Comment 1

Comment 1 is an introductory summary titled “Talking Points” which states that “Further detailed comments to specific parts of the DEIR follow.” The detailed comments are addressed in the responses below.

Response to Comment 2

Like the General Plan, the Malibu Local Coastal Program (LCP) also calls for PCH to be protected as a scenic highway and significant viewshed, but acknowledges the developed character of the Project area by excluding commercial areas in the Civic Center area and along PCH east of Malibu Canyon Road from being considered scenic areas (refer to LCP Land Use Plan (LUP) Policy 6.4). Photo Figure 22 of Section 4.1 (Aesthetics) depicts the proposed treatment plant site as viewed from the largest gap in the existing vegetation along Pacific Coast Highway (PCH) in order to document that the site is visible from PCH. In addition, as noted in Impact A-2 of Section 4.01, views from PCH are limited primarily to motorists and bicyclists because there is no sidewalk present on the north side of PCH, and due to the typical highway speeds of 45 miles an hour or more, motorists’ views would be characterized as a glimpse through this vegetation gap. While cyclists’ views would be of a longer duration, they would still be limited to the short portion of the PCH frontage with the gap in vegetation.

It is acknowledged that the visual appearance of the treatment plant site would change; however, design features of the Project, as well as the requirements built into the proposed LCPA/ZTA, would ensure that the minimal views of the treatment plant site available from PCH are not adversely affected. These features include undergrounding a many facilities as possible, covering and/or enclosing above ground structures with architectural treatments that blend with the surrounding environment, and using extensive new landscape planting to add to the remaining onsite vegetation to further soften views of the treatment plant site from PCH. Given the existing utilitarian, semi-industrial visual character of the site, the Project would not result in a significant adverse visual impact from PCH, as demonstrated in Visual Simulation Figures 22A and 22B.

In general, the evaluation approach is aimed at selecting KOPs that show the vast majority of viewers at informal (casual) and officially recognized vantages throughout the City of Malibu. Additional views looking towards the proposed treatment plant site are included to document that the site would be relatively well-screened on the north, south, and west due to topographic contours along the Malibu Canyon Road and PCH sides of the property, as well as its existing landscape features. In particular, KOP 4 was selected as it is a view towards the treatment plant site from a public vantage point and not strictly limited to those residents with balconies that overlook the site. As described on page 4.1-11, the six KOPs classified as key viewpoints were selected because they represent the viewpoints that were considered most sensitive to viewers, as well as the most common public views that can be acquired when looking towards the wastewater

treatment facility site from adjoining locations. Photo Figures 21, 22, and 23, and their associated architectural renderings are included in the EIR to provide those interested with visual representations of the Project's design, massing, and landscaping, not as a characterization of viewpoints that are accessible to sensitive viewers throughout the City.

Response to Comment 3

Exterior lighting at the treatment facility site will be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas (see 2nd bullet on page 4.1-45 and Impact A-4 as described in the EIR). As described in Section 3.3.3 of Chapter 3 – Project Description, motion-detector lighting is proposed at the entrance gate for the treatment facility, and above doorways at the operations building, headworks, MBR modules, and solids storage facility. The light systems would also include manually activated pole-mounted lighting around other process areas. The entrance road would have a photo-sensor-activated bollard lighting system for safety. Lighting would be used only when needed for maintenance and would use zero uplight LEDs, which are dark-sky compliant.

Response to Comment 4

This comment is addressed in the response provided to Comment 2 above.

Response to Comment 5

The discussion referenced is in response to Impact Criterion A-3: "Would the Project Substantially Degrade the Existing Visual Character and Quality of the Site and its Surroundings?" The City acknowledges that the proposed treatment plant site is located in close proximity to existing residences and schools and is prominent when viewed from these surrounding areas. For this reason, the design features noted in the Response to Comment 2 were incorporated into the Project in order to minimize adverse visual impacts and allow the Project to blend with the surrounding environment. The visual character of the site would benefit from new landscape vegetation and sensitively designed buildings and facilities as evidenced by the visual simulations shown in Visual Simulation Figures 21A, 21B, 22A, 22B, 23A and 23B, as compared with the existing utilitarian, semi-industrial visual character described in Section 4.1.1, under Existing Conditions and shown in Photo Figure 21. Therefore, no additional mitigation measures are required related to design of the Project.

Response to Comment 6

The discussion provided in the cumulative analysis states that residents of the Villa Toscana have direct views overlooking the Project site and that these existing views are not of high quality and rated moderate in the analysis. As described above and stated in the EIR, it should be acknowledged that the value of the Villa Toscana viewshed is the property's views of distant ridgelines, the coastline, and the ocean, not views of the treatment plant site. As discussed in the EIR, the treatment facility design would be

more apparent to residents at Villa Toscana than the treatment plant site in its existing condition. The EIR discussion goes on to state that over time, once the mandated landscape screening matures, a majority of the above-ground treatment facility elements would be partially obscured from view, and the more attractive visual features (i.e., ridgelines, coastline, and the ocean) would assume greater visual dominance. See Visual Simulation Figures 21A and 21B in the DEIR for a visual representation of the level of visual screening afforded by the proposed landscape screening once mature. Additionally, please see the photos below of story poles installed at the sites. These photos were taken from the same vantage points as the photos used to develop the visual simulations of the site.

View of the Wastewater Treatment Facility Site from the Condominiums



View from Pacific Coast Highway of the Wastewater Treatment Facility Site, Looking Northeastward



View from Civic Center Way of the Wastewater Treatment Facility Site, Looking Northwestward



The comment strongly disagrees that Photo Figure 21 represents a “partial view.” The view is “partial” in the sense that only a portion of the view would actually be occupied by the treatment plant site/facilities, as shown in red outline in the figures below.

Photo Figure 21: View of the Wastewater Treatment Facility Site from the Condominiums



Visual Simulation Figure 21A: View of the Wastewater Treatment Facility Site from the Condominiums, 5-Year Landscaping



Source: RHAA, 2014

Response to Comment 7

The characterization of views from the Villa Toscana homes has been corrected in the EIR for accuracy.

Response to Comment 8

To reiterate the significance criteria used for assessing visual impacts, the most applicable criteria to the commenters' concerns are Impact A-1, "Would the Project have a substantial adverse effect on a Scenic Vista?" and A-3, "Would the Project substantially degrade the existing visual character and quality of the site and its surroundings?" KOPs are generally used in support of assessing Criterion A-1. Visual quality, when looking due west across the treatment plant site, was rated moderate under KOP 4 because the Project site possesses few vivid qualities and its detracting manmade elements (chain link fencing, water tanks, power lines) are currently partly in view. There is also another wastewater treatment facility on the east side of Civic Center Way (south from Vista Pacifica) featuring chain-link fencing, pipes, and such. The elements in the mid-frame and far-off segments of the view possess a greater degree of vividness, and give the view more power than it has in the foreground (where the treatment facility is present). Under the with-project condition, those mid-frame and far-off portions of the view would remain intact, and project design features (i.e., landscape screening, color choices, height limitations, shielding of lighting features to avoid spill light impacts) would all serve to lessen/moderate the degree of change as described in the EIR. While it is correct that residents at Villa Toscana and Maison DeVille would be able to see the treatment plant site from their homes, it should be acknowledged that by design these units are oriented to the southwest to capture sweeping views of the ocean. Seeing the ocean as part of a sweeping panorama is the primary component in such views, while the treatment plant site would be a secondary component in the views that is only acquired as a part of a larger whole, and only if one focuses on the least attractive portions of said view. Clearly, views from the Villa Toscana and Maison DeVille properties, due to proximity and elevation, would notice the visual changes to the Project site but visual prominence is not analogous to adverse impacts on views or visual character. Similarly, change, in and of itself, does not necessarily represent an adverse impact. The EIR acknowledges the level of visual change associated with the Project at KOPs 4 and 5 as a reduction in visual quality of 0.4 using the vividness, intactness, and unity measures developed by the Federal Highway Administration. As described in the EIR under Impact A-3, conformance with the LIP and the sensitive design of the proposed treatment plant site would ensure that visual changes resulting from the project would not have a significant impact on the visual character of the treatment plant site.

Response to Comment 9

The fact that the proposed treatment facility site would be visible from PCH does not necessarily mean there is a significant visual impact. As described in the EIR under Impact A-2, the dense landscape buffer along the along the PCH side of the treatment facility site partially screens the site from a majority of views from PCH. In addition, the EIR acknowledges a significant visual impact related to removal of California walnut

trees on the site which are considered scenic resources along an eligible state scenic highway (i.e., PCH). This impact would be reduced to a less than significant level with implementation of the standards proposed in the LCPA/ZTA. Additionally, the proposed Project would not block views from PCH of significant visual resources, such as the mountains, ridgelines or the ocean. Please also see the Response to Comment 2, above.

Response to Comment 10

Refer to the response to Comment 5 above.

Response to Comment 11

Refer to the response to Comment 6 above.

Response to Comment 12

Current site uses are described in Chapter 3 - Project Description of this EIR. In addition, Section 4.6 – Hazards and Hazardous Materials describes the current site use as an existing wastewater treatment plant, with prior site uses as either undeveloped or use as an orchard. Investigations at the property were conducted to confirm the presence or lack of presence of hazardous materials in the areas that would be disturbed by construction of the treatment plant. A Phase I Environmental Site Assessment was prepared to assess the potential for soil and/or groundwater contamination from past site use. This is described starting on page 4.6-8 under Hazardous Waste/Materials. There have been no reported releases from current project site, and therefore there are no reasons to expect contaminated soil at the site. This analysis is supported by geotechnical borings and cone penetration test (CPT) samples collected at the Project site, none of which showed signs of soil contamination. Therefore, there is no evidence to suggest hazards associated with airborne contaminants to affect nearby schools or any other surrounding uses. Nevertheless, the EIR recognizes that construction of the Project would involve use of some materials regarded as hazardous. While the risks associated with routine transport, use and storage of these materials is relatively small, mitigation measures MM HM-1, HM-2 and HM-3 have been included to further reduce the potential for an accidental release of hazardous materials during construction, and therefore further minimize the small likelihood that workers and the public, including nearby schools, would be exposed to health hazards. These measures require an environmental training program to teach appropriate work practices, such as spill prevention and emergency response measures, as well as a Hazardous Substance Control and Emergency Response Plan, and observations of soil during excavation and grading.

Response to Comment 13

The issues raised in the comment are discussed in Section 4.6 – Hazards and Hazardous Materials, and Appendix J of the EIR.

Response to Comment 14

Air quality-related operational impacts are discussed on page 4.2-16 of Section 4.2 – Air Quality.

Response to Comment 15

Redevelopment of wastewater treatment sites (including OWDS sites) is a fairly typical practice. Based on the impact analyses presented in Impacts AQ-2, AQ-4, and AQ-5 of Section 4.3 – Air Quality, offensive odors, pollutants and fugitive dust are not anticipated to occur above thresholds of significance during Project construction. As discussed in the response to Comment 12 above, none of the studies or testing and analyses of the site has indicated that there are malodorous soils underlying the plant site.

Response to Comment 16

See Response to Comment 12 above and Impact HM-1 discussion, page 4.6-12.

Response to Comment 17

All existing facilities at the plant site would be removed except for one underground storage tank and the seepage pits. The existing tank is used as a chlorine dosing and surge tank under current plant operations and there have been no reported releases of materials from current plant operations. As part of Project construction, the tank would be hydrostatically tested for soundness prior to reuse.

Response to Comment 18

See Section 4.6.3, Mitigation Measure HM-4. The text has been revised to clarify that threshold 3 regarding hazards within ¼ mile of a school is addressed in the Impact HM-1 analysis.

Response to Comment 19

As discussed previously in the responses to Comments 12 and 15, and described in Section 4.6 – Hazards and Hazardous Materials, none of the studies, or testing and analyses of the site showed signs of soil contamination.

Response to Comment 20

This building would be enclosed on three sides with split face concrete block (a fire-resistant material) and a metal gate on the fourth side for chemical access with large equipment. In addition, the site has been designed in compliance with all LACFD requirements, including fuel modification and site access requirements. Modifications to the original landscape plan have been incorporated to comply with the LACFD Forestry Divisions limitations on vegetation species and spacing.

Response to Comment 21

As described in Chapter 3 – Project Description and Section 4.7 – Hydrology and Water Quality, the treatment plant site has been designed such that the facility would be graded to direct all stormwater runoff occurring at the facility to designated onsite capture locations where it would be pumped and returned to the headworks for treatment. Stormwater runoff outside the facility would follow existing drainage patterns. A sidewalk would be installed along the south side of the Civic Center Way as part of the project. This sidewalk would include a curb and gutter system that would collect stormwater runoff outside and adjacent to the plant facility and route it to an existing storm drain inlet and drain.

Response to Comment 22

As stated on page 4.9-13 of the EIR, ST-1 was taken off the road adjacent to noise-sensitive land uses because of access constraints. Furthermore, as described on page 4.9-1, overall noise levels do not change appreciably when a noise source is added to a relatively louder noise source. For example, if a 60 dB noise source is added to a 70 dB noise source, a modelled noise level of 70.4 dB would result. In addition, the sound level attenuation associated with distance from a line source (e.g., roadway traffic) is generally considered to be a reduction of 3 dBA per doubling of distance while sound level attenuation from a point source (e.g., stationary construction equipment) is a reduction of 6 dBA for each doubling of distance. These factors were all considered in the noise modelling conducted for the proposed Project. By the commenter's own admission, sensitive receptors in the vicinity of ST-1 experience a lower level of noise than that measured at ST-1 due to their relative distance from the roadway (Civic Center Way). Accordingly, ST-1 should be considered a conservative characterization of the existing noise environment and any increases in noise experienced by sensitive receptors at Webster Elementary School, Our Lady of Malibu School, and the four condominium complexes located along De Ville Way would be less than those described in the EIR as these receptors are located farther from the Project-related noise sources and are subject to noise associated with traffic along local roadways that dominate the noise environment measured at ST-1.

In regard to the Impact NV-1 conclusion that the additional noise generated by construction would be an increase of 1 dBA louder than the existing ambient noise level measured at ST-1, it should be noted that the impact criteria for Impact NV-1 deals with local standards or noise ordinance standards dictating acceptable noise levels. As described under this impact discussion, the City's Municipal Code exempts construction activity, provided that it does not occur on weekdays between the hours of 7 p.m. and 7 a.m., before 8 a.m. or after 5 p.m. on Saturday, or at any time on Sundays or holidays. Because of this exemption, the increase in noise during construction is considered less than significant. The discussion under Impact NV-1 goes on to acknowledge relatively high levels of construction noise (80 dBA Leq at a distance of 50 feet during conventional pipeline construction) associated with construction of the proposed pipeline, an impact that the sensitive receptors in question would be subject to as well.

In regard to the conclusions related to construction noise described under Impact NV-4, increases in noise resulting from construction of the wastewater treatment facility were modelled using the Roadway Construction Noise Model (RCNM), which accounts for the full complement of construction equipment, distance, and the existing ambient noise environment as described above. The modelled noise level of 69 dBA Leq at ST-1 is the best possible quantification of the change in noise levels for sensitive receptors located along Civic Center Way given the access restrictions involved at the time that noise measurements were taken. The analysis under Impact NV-4 goes on to acknowledge that, “[c]onstruction of the proposed pipeline along local roadways [(including Civic Center Way)] could cause a temporary noise increase ranging from 21 to 36 dB over existing ambient conditions... the exposure to noise from pipeline construction would be for a relatively short duration at any individual sensitive receptor. However the temporary noise increase would be considered a substantial increase. Therefore, impacts associated with temporary increases would be considered significant and unavoidable.” Accordingly, impacts associated with construction of the proposed pipeline network are considered significant and unavoidable for the sensitive receptors at Webster Elementary School, Our Lady of Malibu School, and the four condominium complexes located along De Ville Way. Mitigation measure NV-1 would reduce all construction related noise impacts to the greatest extent possible.

Response to Comment 23

An assumption was made as to a “typical” pump for this situation and the analysis conducted. See Page 4.9-22 of Section 4.9 – Noise and Vibration.

Response to Comment 24

Mitigating measures would be undertaken to reduce noise impacts relating to Project construction. The City has agreed to work with the school district to reduce construction-related noise levels on State-mandated testing days. Operation-related noise should be minimal as most processes are located either in concrete structures or underground.

Response to Comment 25

Socioeconomic issues are beyond the scope of this EIR. However, no residential units would be removed or residents displaced by the proposed Project directly. The City is sensitive to the costs the Project would place on residential property owners; however, it is speculative to suggest that persons or homes would be indirectly displaced as a result of the Project.

Financing costs of each Project phase, including assessment district formation, as may be supplemented by any available grant or low interest loan programs, are being addressed by the City outside of the CEQA process as they are beyond the scope of this EIR.

The proposed Project is being prepared in response to orders by the SWRCB and LARWQCB that mandate that septic discharges cease by prescribed deadlines. Failure to

comply with these orders could result in fines being levied against the property owners and the City.

Response to Comment 26

In the context of Section 4.11 – Public Services as set forth in the CEQA Guidelines, public schools are considered a governmental facility and the impact discussion is aimed at the public facilities impacts the Project could have on schools. However, that is not to say that environmental impacts upon schools have not been considered in the EIR. As described in many of the EIR sections cited in earlier comments, such as Hazards and Hazardous Materials, Noise, Air Quality, and others, potential environmental impacts on surrounding land uses and sensitive receptors, including Our Lady of Malibu School and Webster Elementary, have been analyzed. In this way, CEQA organizes the impact analysis around the impact category, rather than by the surrounding land uses.

The question pertaining to precedents for a municipal wastewater treatment facility being sited within 100 yards of a public elementary school in California has been addressed in the FAQ document on City's website at (<http://www.malibucity.org/DocumentCenter/View/6800>).

Response to Comment 27

Mitigation Measure MM Trans-1 has been revised; See Section 4.15 – Traffic and Transportation.

Response to Comment 28

Please refer to Question 5 of Project FAQs, dated July 21, 2014, available on the City's website (<http://www.malibucity.org/DocumentCenter/View/6800>).

Response to Comment 29

Public concerns regarding the proximity of the treatment plant relative to the school have been addressed in Section 4.6 – Hazards and Hazardous Materials of the EIR and in responses to Comments 12 and 18 above.

Response to Comment 30

Comment noted. The County wastewater treatment plant will continue in operation until Phase2 of the Project is operational and the neighboring condominium complexes are connected. All Phase 2 residents do, however, have the ability to join into Phase 1 of the Project if they choose collectively to do so (such as was done by Our Lady of Malibu church and school).

Response to Comment 31

Preliminary discussions between the City and County staff indicate that the means by which the existing County wastewater treatment plant, which is actually located on private property, will be decommissioned has not yet been determined

Response to Comment 32

The City has informed the operators of the pumping companies involved that such practices are forbidden on City streets. An ordinance to enforce such action will be adopted in the near future.

Response to Comment 33

The fact that the proposed treatment facility site would be visible from PCH does not necessarily mean there is a significant visual impact. As described in the EIR under Impact A-2, the dense landscape buffer along the along the PCH side of the treatment plant site partially screens the site from a majority of views from PCH. In addition, the EIR acknowledges a significant visual impact related to removal of California walnut trees on the site which are considered scenic resources along an eligible state scenic highway (i.e., PCH). This impact would be reduced to a less than significant level with implementation of the standards proposed in the LCPA/ZTA. The EIR does note that if the proposed treatment facility was located on the Wave property, it would be visually screened from the south and east, but visible from the north (Knolls neighborhoods) and somewhat from the west (Section 5.3.3). The visibility of the Project's treatment facility at the proposed location is discussed in Section 4.1 – Aesthetics.

While the distance between the Knoll properties and the Wave property is much further than that between the proposed plant site and the Maison de Ville and Villa Toscana townhomes, the elevation of the Knolls neighborhood relative to the Wave property would make the treatment plant difficult to screen; therefore, relocating the treatment plant to the Wave property would not necessarily reduce the visual impacts of the Project from private properties. Additionally, pump station requirements are not solely based on the distance the effluent must travel, but also on factors such as elevation and hydraulic head; therefore relocating the treatment facility to the Wave property may not necessarily reduce the number of required pump stations.

Upon further consideration regarding comparative noise impacts, it has determined that the noise impacts for a treatment plant located at the Wave property would be similar to those at the proposed plant site (and not necessarily greater); however, placing the treatment plant at the Wave property would not result in significantly fewer noise impacts than at the proposed location. The text of the EIR has been updated accordingly

An EIR is not required to consider an alternative that would be infeasible. Pursuant to CEQA Guidelines Section 15126.6(f)(1), a determination of feasibility may consider site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can acquire, control or otherwise have access to the alternative site.

The proposed site was selected based on a series of factors, including current site use as a wastewater treatment plant (including the potential to reuse infrastructure and use percolation capacity onsite), parcel size, and a willing seller.