



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

POLICY FOR ENVIRONMENTAL HEALTH REVIEW OF DEVELOPMENT PROJECTS WITHIN THE CIVIC CENTER PROHIBITION AREA

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted Resolution No. R-4-2009-007, a Basin Plan Amendment to the State Water Code to “Prohibit On-Site Wastewater Disposal Systems in the Malibu Civic Center Area.” The resolution became effective on December 23, 2010. On August 23, 2011 the State Board approved a Memorandum of Understanding (MOU) with the City. An amendment to the MOU was approved on February 2, 2017.¹ The MOU establishes time frames and milestones for the City to achieve compliance with the Prohibition. The boundaries of the Malibu Civic Center Onsite Wastewater Disposal Prohibition Area are shown on Exhibit A attached.

The City policy for Environmental Health review of development projects proposed for properties located within the prohibition area is as follows.

Phase I and Phase II

Vacant Lots

All new onsite wastewater disposal system discharges are prohibited by the Regional Board through the Basin Plan Amendment with the exception of those projects identified in Table 4-zz of the adopted resolution. These projects have been deemed entitled for a new Onsite Wastewater Treatment System (OWTS) by the Regional Board. All other new development projects that include a new sanitary waste discharge through a new OWTS will be referred to the Regional Board for concurrent approval with the development review by the City. Regional Board approval for a project’s wastewater discharge must be obtained prior to any development approvals or permits.

Developed Properties

The resolution prohibits effluent discharge from existing OWTS after September 30, 2018, for commercial properties and November 5, 2024 for residential properties. Resolution No. R-4-2009-007 states “This prohibition is not intended to prevent repairs and maintenance to existing septic/disposal systems, provided that repairs and maintenance do not expand the capacity of the system and increase flows of wastewater.” The prohibition does not allow for any new discharges, except as mentioned above those for projects identified on Table 4-zz. An expansion of existing development may be authorized provided the proposal does not include a new discharge of sanitary waste. For residential occupancies, any increase in the number of existing bedrooms or plumbing drainage fixture units is considered a new discharge of sanitary waste. For

¹ https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/Malibu/2017/2017MalibuMOUandResolution.

nonresidential occupancies, any increase in the number of drainage fixture units, or intensity of use per the Malibu Plumbing Code, either voluntary or due to code compliance, is considered a new discharge of sanitary waste. The number of pre-existing bedrooms and/or drainage fixture units shall be demonstrated by the applicant using evidence of approved construction permits, or, in cases where the permit record is unclear, by record drawings certified (wet signed and stamped) by a licensed architect or civil engineer. As an alternative to bedroom and fixture unit analysis, an applicant may submit an engineering report to identify waste discharge quantities (flow and pollutant loading) for a specific proposed development project versus those existing prior to the Prohibition, to demonstrate that the project will produce no discharge of wastewater exceeding the quantity discharged from the OWTS existing prior to the Prohibition. Approval is subject to review and analysis by Staff. Existing wastewater flows shall not be increased or exceed the capacity of the existing OWTS. Projects that do not involve a new waste discharge will be reviewed utilizing the same criteria as applied to projects outside the prohibition area.

Phase III Areas

Vacant Land

Same policy as for Phase I & II vacant land.

Developed Properties

Compliance with the bulleted items below shall demonstrate consistency with the Basin Plan Amendment and the protection of Public Health per the MOU.

Residential

Modification to existing residential structures may be allowed. Increases in the number of bedrooms and plumbing fixture units may be considered provided the following criteria are strictly adhered to:

- The property owner shall sign an acknowledgement stating they have read and understand the provisions of the Basin Plan Amendment and the MOU.
- All increased wastewater flows shall be limited to a maximum of 420 gallons per day or less as an estimated average residential flow. Flows shall be calculated utilizing United States Environmental Protection Agency mean daily per capita indoor use of 70 gal/persons/day. For purposes of this calculation, the first bedroom shall have a two-person occupancy; each additional bedroom shall have single person occupancy. A room shall be considered a bedroom if it provides privacy and is in close proximity to a bathroom with a bathtub and/or shower fixtures.
- Existing OWTS with existing flows greater than 420 gallons per day may be considered provided the existing flow is not increased by the proposed modification.
- Any new fixtures shall be water efficient and meet current state low flow standards. Every effort to maximize water efficiency must be implemented.
- As an alternative to bedroom and fixture unit analysis, an applicant may submit an engineering report to identify waste discharge quantities (flow and pollutant loading) for a specific proposed development project versus those existing prior to the Prohibition, to

demonstrate that the project will produce no discharge of wastewater exceeding the quantity discharged from the OWTS existing prior to the Prohibition. Approval is subject to review and analysis by Staff.

- All expanded or new OWTS shall be designed to include filtration and disinfection to their existing or new OWTS in accordance with City regulations.
- All applicable City reviews, approvals, and permits must be obtained for any required OWTS alteration, repair, or replacement.

The City will consider the construction of a new replacement residential structure on a property where an existing residential structure will be demolished as an “existing residential structure”.

Nonresidential

- The property owner shall sign an acknowledgement stating they have read and understand the provisions of the Basin Plan Amendment and the MOU.
- Existing wastewater flows shall not be increased or exceed the capacity of the existing OWTS. Engineering analysis of wastewater flows pre and post modification must be provided.
- Any new fixtures must be water efficient and meet current state low flow standards. Every effort to maximize water efficiency must be implemented such as the replacement of existing fixtures with new water efficient fixtures.
- All expanded or new OWTS shall be designed to include filtration and disinfection to their existing or new OWTS in accordance with City regulations.
- All applicable City reviews, approvals, and permits must be obtained for any required OWTS alteration, repair, or replacement.



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Date: _____

PROPERTY OWNER NAME - PRINT

PROPERTY ADDRESS

I/We, certify I/We are the property owner(s) of the above stated address and further attest that I/We have read and fully understand the provisions of the Water Quality Control Plan Los Angeles Region, Resolution No. R4-2009-007, a Basin Plan Amendment to prohibit Onsite Wastewater Disposal Systems in the Malibu Civic Center Area (Basin Plan Amendment), and I/We further attest that I/We have read and understand the provisions of the Memorandum of Understanding (MOU) between the City of Malibu and the Regional Water Quality Control Board, Los Angeles Region and State Water Resources Control Board regarding phased implementation of the Basin Plan Amendment prohibiting Onsite Wastewater Disposal Systems in the Malibu Civic Center area (MOU). I/We further agree to abide by all requirements of both of these documents. Having read and fully understanding both documents, I/We hereby agree to hold harmless the City of Malibu for any matters relating to the Basin Plan Amendment or the MOU.

SIGNATURE

DATE

ALL-PURPOSE ACKNOWLEDGMENT

Pursuant to Civil Code Section 1181

STATE OF CALIFORNIA }
County of Los Angeles } SS

On _____, before me, Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(seal)

EXHIBIT A: Boundary Map

