Appendix A
Notice of Preparation and Comment Responses

CITY OF MALIBU
NOTICE OF PREPARATION OF AND SCOPING MEETING FOR A DRAFT ENVIRONMENTAL IMPACT REPORT

Pursuant to the California Environmental Quality Act (CEQA), the City of Malibu (City) will be the Lead Agency and will prepare an environmental impact report (EIR) for the project identified below. In accordance with Section 15082 of the CEQA Guidelines, the City has prepared this Notice of Preparation (NOP) to provide Responsible Agencies and other interested parties with information describing the proposed project and its potential environmental effects.

Name of Project: City of Malibu Civic Center Wastewater Treatment Facility Project EIR No. 13-001 and Coastal Development Permit No. 13-057

Public Scoping Meeting: December 11, 2013
Time: 6:30 p.m.
Location: City Hall – Council Chambers
23825 Stuart Ranch Road, Malibu CA 90265

30-day Review Period: Begins: November 21, 2013 Ends: December 23, 2013

Deadline to Submit Comments: December 23, 2013

Lead Agency: City of Malibu

Contact Person: Bonnie Blue, AICP, Senior Planner
(310) 456-2489, extension 258
bblue@malibucity.org

Project Applicant: City of Malibu

Project Address: 24000 Civic Center Way

Project Location: Civic Center Area, City of Malibu and adjacent unincorporated Los Angeles County

Public Scoping Meeting: The City is scheduled to hold a Public Scoping Meeting for the EIR to describe the proposed project, the environmental process, and to receive your input on the information to be included in the EIR. The Public Scoping Meeting is scheduled for 6:30 p.m. on December 11, 2013 in the City Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA. The City encourages all interested individuals, organizations and agencies to attend the meeting.

Purpose of the NOP: The City has prepared this NOP in accordance with Section 15082 of the CEQA Guidelines (14 CCR 15082) to inform responsible and trustee agencies and interested parties that an EIR will be prepared for the project described herein. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow the Governor's Office of Planning and Research (OPR), responsible and trustee agencies, federal agencies involved in approving or funding a project, and interested parties the opportunity to provide a meaningful response regarding the scope and content of the EIR, including significant environmental issues, reasonable alternatives, and mitigation measures the responsible or trustee agency or OPR will need to have explored in the Draft EIR.

The City of Malibu welcomes input from agencies and interested parties during the 30-day review period regarding the scope and content of environmental information to be included and analyzed in the Draft EIR. Agencies should comment on the elements of the environmental information that are relevant to their statutory responsibility in connection with the project.

Where to Send Comments: Comments must be submitted, in writing, by **5:30 p.m. on December 23, 2013**. Comments should reference EIR No. 13-001 and should be addressed to **Bonnie Blue, Senior Planner**, at the address above. Agency responses to this NOP should include the name address, email address and telephone number of the person serving as the primary point of contact for this project within the commenting agency.

Address Where Documents are Available for Review:	City of Malibu 23825 Stuart Ranch Road Malibu, CA 90265

Project Description and Setting:

The City of Malibu Civic Center Wastewater Treatment Facility Project (Project) would include development of a centralized wastewater treatment facility in the Civic Center area of the City of Malibu that would treat, reuse and/or dispose of wastewater flows from properties in the Civic Center.

On December 23, 2010, an amendment to the "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the Basin Plan, went into effect for the Malibu Civic Center Area. The amendment (Resolution No. R4-2009-007) was adopted by the Los Angeles County Regional Water Quality Control Board (RWQCB) and ratified by the State Water Resources Control Board (SWRCB) (Resolution No. 2010-0045) to institute a prohibition on new and existing discharges from onsite wastewater disposal systems (OWDS) in the Malibu Civic Center Area (Prohibition). The City of Malibu is not served by a public sewer system, so individual properties currently provide for their own wastewater disposal through use of OWDSs, commonly known as septic systems. The Prohibition applies to the "Malibu Civic Center area," defined as portions of the lower Winter Canyon watershed, Malibu Valley watershed and adjacent coastal strips between and including Amarillo Beach and Surfrider Beach, and also known as the Prohibition Zone. The Prohibition calls for discharges from OWDSs in the commercial core of the Civic Center area to cease by November 2015, and for residential properties to cease discharge by November 2019. The Prohibition specifically noted that it "does not preclude a publicly owned, community-based, solution that includes specific wastewater disposal sites subject to waste discharge requirements to be prescribed by the Regional Board." Copies of all Prohibition documents and maps can be found on the City's website at http://www.malibucity.org/Index.aspx?NID=261.

To address the Prohibition, the City entered into a memorandum of understanding (MOU) with the RWQCB and SWRCB to develop a wastewater treatment plan for the Civic Center Area. The MOU, which was signed by all parties in August 2011, sets forth certain milestones to be met by the City to accommodate the wastewater treatment needs of existing and new development in the Prohibition Zone. The Prohibition Zone is generally bounded by Malibu Canyon Road to the west, Malibu Creek and Lagoon to the east, the Pacific Ocean to the south, and the southerly portion of the Santa Monica Mountains to the north. The Prohibition Zone also includes a portion of unincorporated Los Angeles County. The MOU allows for phased

implementation of the Prohibition through construction of "one or more state-of-the-art centralized municipal wastewater treatment facilities in the Malibu Civic Center area and a comprehensive regulatory program with respect to OWDSs." The MOU calls for the City to design and construct a centralized wastewater treatment facility and to fund it by way of an assessment district. The MOU states that the facility may utilize deep well injection without the use of reverse osmosis, and sets forth a specific schedule and phasing map for properties to cease discharge (i.e., stop use of OWDSs) and to connect to the system as follows: Phase 1 – for the Civic Center commercial core, by November 2015; and Phase 2 – including the surrounding commercial, institutional, residential and multifamily properties, by November 2019. A third phase of properties may have to cease discharge at a later date, depending on the water quality monitoring results from instituting the first two phases as prescribed in the MOU.

Since the signing of the MOU, the City has worked to develop plans for the collection and treatment of wastewater, and for reuse and/or disposal of the treated wastewater effluent based on an extensive program of hydrogeological testing and modeling conducted within the Civic Center area. The testing has investigated the feasibility of using direct deep well injection of highly treated effluent for disposal of any treated water that is not otherwise recycled, such as for irrigation. At this time, preliminary plans have been developed for a treatment plant utilizing membrane bioreactor modules and disinfection for treating wastewater and for a series of injection wells for direct injection of disinfected treated effluent into the lower aquifer underlying the Malibu Valley Groundwater Basin (MVGB), known as the Civic Center Gravels formation. However, it is the City's intent to maximize the amount of treated effluent that is recycled.

At full build-out (i.e., all phases of the Prohibition), the Project would include construction of a centralized wastewater treatment plant, six pump stations, approximately 13.3 miles of pipeline for collection of wastewater and distribution of treated effluent (recycled water) for reuse and/or disposal, disposal facilities such as injection wells and percolation ponds, and associated ancillary facilities. Based on flow projections, modeling and testing results available at this time, the treatment capacity is expected to be 507,000 gallons per day. The service area for the Project would match the boundaries of the Prohibition Zone. The Project area could extend beyond the Prohibition Zone if properties outside the Zone were to become users of the recycled water produced by the treatment plant in the future. Phasing of the Project would comply with MOU's time requirements described above. Properties may be able to hook up to the treatment plant sooner but not later than the phase prescribed by the MOU. Among other things, the Draft EIR will address the hydrogeologic testing, modeling, capacity analyses and results, as well as the treatment objectives, and anticipated number and siting of injection wells and anticipated recycled water demand.

The Project area overlies the MVGB and a hydraulically-separate alluvial zone contained within Winter Canyon, adjacent to the west side of the MVGB. The MVGB includes a shallow alluvial layer and the lower Civic Center Gravels aquifer. Although "potential municipal drinking water supply" is a designated beneficial use for the MVGB in the Basin Plan, groundwater in the MVGB and in Winter Canyon is not used as a municipal drinking water supply. Nevertheless, one benefit of deep well injection into the Civic Center Gravels is expected to be the prevention of seawater intrusion that contributes to the aquifer being unfit for drinking water use.

The site selected for the proposed treatment plant is 24000 Civic Center Way, a 4.8-acre site bounded by Civic Center Way to the north and PCH to the south, across the street from Vista Pacifica Drive. The site, which consists of several parcels and an unimproved right-of-way that would need to be vacated or abandoned, would be acquired by the City after Project

entitlements are approved. The plant site is zoned Commercial Visitor Serving-2 (CV-2) in all City land use documents.

The treatment plant site consists of an upper terrace and a lower terrace, generally descending from west to east, and is not substantially visible from PCH. The site is currently developed, in part, with the existing Winter Canyon wastewater treatment plant, a small scale, privately owned and operated wastewater treatment facility serving the Malibu Colony Plaza shopping center located on the south side of Pacific Coast Highway (PCH). Existing facilities include six buried wastewater treatment tanks, leach pits, four above-grade trickling filters, electrical facilities, an effluent distribution header and a gated, unpaved access driveway from Civic Center Way. The buried treatment tanks and leach pits would be reused as part of the proposed new treatment plant, once the Malibu Colony Plaza shopping center is connected to the Project. A portion of Winter Canyon Creek (a jurisdictional drainage) and an area of associated riparian habitat are located along the eastern edge of the site and are considered an environmentally sensitive habitat area (ESHA). Thirty-one native trees (California walnut) are located on the proposed treatment plant site, and 15 of these meet the measurement requirements to be considered protected under the City's Native Tree Protection Ordinance of the Malibu Local Coastal Program (LCP). The Project is expected to require removal of two of the protected trees, and may temporarily impact three other protected trees.

Most of the proposed treatment facilities would be located on the upper terrace to allow for reuse of some onsite facilities, while only percolation ponds and a solids thickening/storage tank are expected to be sited on the lower terrace. Elements to be constructed below-ground would include an influent pump station, equalization basin, aeration basins, concrete anoxic basins, post-anoxic basins, solids storage tank, plant drain pump station, and recirculation facilities. Above-ground elements would include a approximately 700-square foot operations building, approximately 920-square foot blower and electrical building, approximately 2,115-square foot headworks facility, membrane equipment and canopy for filtration treatment, an ultraviolet (UV) disinfection facility, two chemical areas for storage of chemicals used in the treatment process, a standby generator, a pump station, the percolation ponds for dispersal of treated effluent, landscape screening, a 26-foot wide access driveway for onsite vehicle circulation, and security fencing and lighting. One building would be up to 28 feet in height, while heights of the other approximately three to four buildings would range from about 12 to 18 feet. Landscaping and other screening would be incorporated to soften and substantially screen the site from view, and all structures would incorporate architectural styles, colors and materials compatible with the surrounding natural and built environment.

The pipeline system would include a collection system to convey wastewater flows from within the Prohibition Zone to the proposed wastewater treatment plant, and a distribution system to distribute the treated effluent (recycled water) from the treatment plant to various land uses for reuse purposes, as well as to groundwater injection wells or other disposal sites, such as the percolation ponds. The pipelines would be installed underground and would generally run beneath public rights-of-way or within easements. Easements would need to be acquired where facilities would occur on private lands). For Phase 1, both the collection and distribution systems would follow along existing street alignments, including Civic Center Way, Stuart Ranch Road, Cross Creek Road, Webb Way, Malibu Road, and a small portion of PCH. The collection and distribution pipeline systems are expected to be placed in the same trench along the same pipeline alignment, except where a distribution line may have to run independently in order to reach a potential recycled water use site. Pump stations would be located along the pipelines, mostly below ground. For Phase 1, the pump stations would be located at Legacy Park and Bluffs Park, and for future phases, they would be located in public rights-of-way and/or

easements. The above-ground portions for each of the Phase 1 pump stations at Legacy Park and Bluffs Park would include equipment such as a generator, transformer, electrical panel and switchboard meter. None of the equipment is expected to exceed 8.5 feet in height. The only above-ground features of the collection and distribution infrastructure would be air release valves along pipelines at high or low elevation points (+/- 3 feet tall and 18 inches in diameter), vent pipes at the pump stations, and backup generators, transformers, switchboards/meters and electrical panels, which would be fenced and screened for security and aesthetic reasons.

The entire City is located within the Coastal Zone, as defined by the California Coastal Act, and is subject to the certified Malibu Local Coastal Program (LCP). The LCP consists of a Land Use Plan and a Local Implementation Plan and sets forth policies and standards intended to protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment. Pursuant to LCP water quality policies, the City is currently processing an LCP amendment in order to create an overlay district for the treatment plant site and to establish development standards for the Civic Center wastewater treatment facility. The LCP amendment will incorporate standards to ensure the treatment plant would be designed for a treatment capacity that would not exceed the development limits allowed by the LCP, and that facilities would be sited so as to avoid the riparian ESHA, provide appropriate buffers, and to protect native trees. Where impacts to these resources are unavoidable, the LCP amendment would require measures to minimize impacts consistent with LCP standards. Such measures may include, but would not be limited to, minimizing grading, limiting removal of natural vegetation, avoiding work during the rainy season, and revegetating as appropriate/required. The LCP amendment will also require incorporation of measures to protect scenic resources, including but not limited to siting facilities underground as much as possible, configuring facilities to minimize above-ground bulk, limiting building height to no more than 28 feet, utilizing landscape screening, incorporating architectural styles, colors and materials compatible with the surrounding natural and built environment. The LCP amendment must be certified by the California Coastal Commission (CCC) in order to take effect. CEQA analysis for the LCP amendment will be undertaken pursuant to the CCC's certified regulatory program.

The Project is considered a "major public works project," as defined in the LCP (Local Implementation Plan Section 2.1). Furthermore, portions of the Project would occur within the appealable jurisdiction of the CCC pursuant to the Post-LCP Certification Permit Appeal Jurisdiction Map. As such, the coastal development permit is appealable to the CCC.

Land uses in the Civic Center area generally consist of a mix of commercial (mixed retail, commercial and office uses), residential (single-family and multi-family) and institutional uses (including City and county government buildings and schools), along with open space/ undeveloped and public lands. The areas north and west of the Prohibition Zone are predominantly occupied by open space/undeveloped and public land uses. Pepperdine University, located immediately west of and outside the Prohibition Zone and approximately 2,000 feet to the west of the proposed treatment plant site, is the largest single development in the vicinity. Land uses immediately surrounding the plant site include: vacant property to the west where an application is under review for the proposed Rancho Malibu Hotel project and west of that, Pepperdine University; to the northwest and northeast across Civic Center Way are Webster Elementary School, Our Lady of Malibu School, four condominium complexes and the package wastewater treatment plant that serves the residential units; to the south is PCH and a vacant residential property where an application for the Crummer Site Subdivision Project is under review, another vacant parcel, and the Malibu Colony Shopping Center; and to the east is vacant commercial property and Legacy Park.

Entitlements Requested

The following Planning entitlements are proposed for the Project:

a. Certification of the EIR for all phases of the Project; and
b. Approval of a coastal development permit (CDP) for construction of Phase 1 of the Project (future phases will require a separate CDP) and associated discretionary applications; and
c. Approval of a conditional use permit for public utility facility use.

An assessment district or other special district would be formed for each individual Project phase by a majority vote of the property owners within that phase and approval by City Council. District formation would occur following approval of the entitlements for each respective Project phase.

It is anticipated that additional permits and/or approvals would be required for the Project from the following agencies:

a. RWQCB
b. Los Angeles County Water Works District No. 29
c. Los Angeles County Fire Department
d. California Department of Health
e. California Department of Transportation (Caltrans)
f. United States Army Corps of Engineers
g. United States Environmental Protection Agency
h. California Department of Fish and Wildlife
i. South Coast Air Quality Management District

Possible Environmental Effects of the Project

The City intends to prepare an EIR for all phases of the Project. Environmental factors that would be potentially affected by the Project and will be addressed in the EIR include:

a. Aesthetics: Potential visual impacts of the treatment plant-portion of the Project to be constructed on a partially vacant site, including the construction of above-ground facilities, with at least one building up to 28 feet in height.
b. Air Quality: Potential impacts of the Project related to increased vehicular traffic (predominantly during Project construction), construction truck trips, construction dust emissions, and operational emissions/odors.
c. Biological Resources: Potential impacts the Project may have on biological resources, including potential impacts to riparian ESHA and removal of protected native trees.
d. Cultural Resources/Paleontological Resources: Potential impacts the Project may have on cultural resources and paleontological resources.
e. Geology/Soils: Potential impacts associated with the Project related to geological conditions at the treatment plant site and within the Project service area.
f. Greenhouse Gas Emissions: Potential impacts of the Project related to temporary construction emissions and ongoing plant operations and vehicular traffic emissions.
g. Hazards & Hazardous Materials: Potential impacts of the Project construction and operation related to hazards and hazardous materials.

h. Hydrology/Water Quality: Potential impacts of the Project on hydrology, including groundwater and surface water quality resources of the plant site and Project service area.
i. Land Use/Planning: Review for consistency with the General Plan, Malibu Municipal Code and LCP goals and polices, and compatibility of the Project with surrounding uses.
j. Noise: Potential increase in ambient noise levels due to the Project construction and operation and associated traffic.
k. Public Services: Review for adequacy of public facilities and services for the Project.
l. Recreation: Potential impacts to recreational uses in the Project service area associated with Project construction.
m. Transportation/Traffic: Potential impact of the Project on roadway and intersection facilities, and levels of service primarily during construction.
n. Utilities and Service Systems: Review for adequacy of utilities and public service systems for the Project.

No agricultural resources are present on the treatment plant site, and while there is the potential for agricultural soils and/or uses to occur within the project service area, construction of the collection and distribution systems is not expected to affect these resources. Additionally, according to the Malibu General Plan, no mineral resources are known to exist on the plant site or in the Project service area. Potential impacts to population and housing are not expected to be significant as the Project would not increase population and housing demand or displace residents. These topics will be addressed briefly in an Effects Found Not to be Significant section contained in the EIR.

If there are any questions regarding this notice, please contact Bonnie Blue, Senior Planner, at (310) 456-2489, extension 258.

Joyce Parker-Bozylinski, AICP, Planning Director

Publish Date: November 21, 2013

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

RECEIVED
NOV 27 2013
PLANNING DEPT.

November 25, 2013

To: Reviewing Agencies

Re: Civic Center Wastewater Treatment Facility Project
SCH# 2013111075

Attached for your review and comment is the Notice of Preparation (NOP) for the Civic Center Wastewater Treatment Facility Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Dat. ase

SCH# 2013111075
Project Title Civic Center Wastewater Treatment Facility Project
Lead Agency Malibu, City of

Type NOP Notice of Preparation

Description The City of Malibu Civic Center Wastewater Treatment Facility Project would include development of a centralized wastewater treatment facility in the Civic Center area of the City of Malibu that would treat, reuse and/or dispose of wastewater flows from properties in the Civic Center.

Lead Agency Contact

Name Bonnie Blue
Agency City of Malibu
Phone (310) 456-2489 x258 **Fax**
email
Address 23825 Stuart Ranch Road
City Malibu **State** CA **Zip** 90265

Project Location

County Los Angeles
City Malibu
Region
Cross Streets 24000 Civic Center way, and the Civic Center area, including an area of unincorporated LA County
Lat / Long
Parcel No. 4458-028-020 and -006, and ROWs
Township **Range** **Section** **Base**

Proximity to:

Highways PCH
Airports
Railways
Waterways Pacific Ocean
Schools Webster ES, Lady of Malibu
Land Use Commercial Visitor-Serving 2

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Septic System; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; California Highway Patrol; Caltrans, District 7; Air Resources Board; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Board, Region 4

Date Received 11/25/2013 **Start of Review** 11/25/2013 **End of Review** 12/24/2013

NOP Distribution List SK

County: LOS ANGELES

SCH# 2013111075

Resources Agency

- [■] **Resources Agency** — Nadell Gayou
- [ ] **Dept. of Boating & Waterways** — Nicole Wong
- [ ] **California Coastal Commission** — Elizabeth A. Fuchs
- [ ] **Colorado River Board** — Tamya Trujillo
- [ ] **Dept. of Conservation** — Elizabeth Carpenter
- [ ] **California Energy Commission** — Eric Knight
- [ ] **Cal Fire** — Dan Foster
- [ ] **Central Valley Flood Protection Board** — James Herota
- [ ] **Office of Historic Preservation** — Ron Parsons
- [■] **Dept of Parks & Recreation** — Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery** — Sue O'Leary
- [ ] **S.F. Bay Conservation & Dev't. Comm.** — Steve McAdam
- [▨] **Dept. of Water Resources** Resources Agency — Nadell Gayou

Fish and Game

- [ ] **Depart. of Fish & Wildlife** — Scott Flint, Environmental Services Division
- [ ] **Fish & Wildlife Region 1** — Donald Koch
- [ ] **Fish & Wildlife Region 1E** — Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2** — Jeff Drongesen
- [ ] **Fish & Wildlife Region 3** — Charles Armor
- [ ] **Fish & Wildlife Region 4** — Julie Vance
- [▨] **Fish & Wildlife Region 5** — Leslie Newton-Reed, Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6** — Gabrina Gatchel, Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M** — Heidi Sickler, Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M** — George Isaac, Marine Region

Other Departments

- [ ] **Food & Agriculture** — Sandra Schubert, Dept. of Food and Agriculture
- [ ] **Depart. of General Services** — Public School Construction
- [ ] **Dept. of General Services** — Anna Garbeff, Environmental Services Section
- [ ] **Dept. of Public Health** — Jeffery Worth, Dept. of Health/Drinking Water
- [ ] **Delta Stewardship Council** — **Kevan Samsam**

Independent Commissions,Boards

- [ ] **Delta Protection Commission** — Michael Machado
- [ ] **Cal EMA (Emergency Management Agency)** — Dennis Castrillo
- [■] **Native American Heritage Comm.** — Debbie Treadway
- [ ] **Public Utilities Commission** — Leo Wong
- [ ] **Santa Monica Bay Restoration** — Guangyu Wang
- [ ] **State Lands Commission** — Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)** — Cherry Jacques

Business, Trans & Housing

- [ ] **Caltrans - Division of Aeronautics** — Philip Crimmins
- [ ] **Caltrans - Planning** — Terri Pencovic
- [▨] **California Highway Patrol** — Suzann Ikeuchi, Office of Special Projects
- [ ] **Housing & Community Development** — CEQA Coordinator, Housing Policy Division

Dept. of Transportation

- [ ] **Caltrans, District 1** — Rex Jackman
- [ ] **Caltrans, District 2** — Marcelino Gonzalez
- [ ] **Caltrans, District 3** — Gary Arnold
- [ ] **Caltrans, District 4** — Erik Alm
- [ ] **Caltrans, District 5** — David Murray
- [ ] **Caltrans, District 6** — Michael Navarro
- [▨] **Caltrans, District 7** — Dianna Watson
- [ ] **Caltrans, District 8** — Dan Kopulsky
- [ ] **Caltrans, District 9** — Gayle Rosander
- [ ] **Caltrans, District 10** — Tom Dumas
- [ ] **Caltrans, District 11** — Jacob Armstrong
- [ ] **Caltrans, District 12** — Maureen El Harake

Cal EPA

Air Resources Board

- [■] All Projects — CEQA Coordinator
- [ ] Transportation Projects — Jon Taylor
- [ ] Industrial Projects — Mike Tollstrup
- [▨] **State Water Resources Control Board** — Regional Programs Unit, Division of Financial Assistance
- [ ] **State Water Resources Control Board** — Student Intern, 401 Water Quality Certification Unit, Division of Water Quality
- [ ] **State Water Resouces Control Board** — Phil Crader, Division of Water Rights
- [ ] **Dept. of Toxic Substances Control** — CEQA Tracking Center
- [ ] **Department of Pesticide Regulation** — CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1** — Cathleen Hudson, North Coast Region (1)
- [ ] **RWQCB 2** — Environmental Document Coordinator, San Francisco Bay Region (2)
- [ ] **RWQCB 3** — Central Coast Region (3)
- [▨] **RWQCB 4** — Teresa Rodgers, Los Angeles Region (4)
- [ ] **RWQCB 5S** — Central Valley Region (5)
- [ ] **RWQCB 5F** — Central Valley Region (5), Fresno Branch Office
- [ ] **RWQCB 5R** — Central Valley Region (5), Redding Branch Office
- [ ] **RWQCB 6** — Lahontan Region (6)
- [ ] **RWQCB 6V** — Lahontan Region (6), Victorville Branch Office
- [ ] **RWQCB 7** — Colorado River Basin Region (7)
- [ ] **RWQCB 8** — Santa Ana Region (8)
- [ ] **RWQCB 9** — San Diego Region (9)

- [ ] **Other** _____
- [ ] _____ Conservancy

Last Updated 9 /24/2013

Notice of Completion & Environmental Document Transmittal

Appendix C

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH 2013111075

Project Title: City of Malibu Civic Center Wastewater Treatment Facility Project

Lead Agency: City of Malibu — Contact Person: Bonnie Blue

Mailing Address: 23825 Stuart Ranch Road — Phone: 310-456-2489 ext. 258

City: Malibu — Zip: 90265 — County: Los Angeles

Project Location:

County: Los Angeles — City/Nearest Community: Malibu — Total Acres: +/- 1,228 acres

Cross Streets: 24000 Civic Center Way, and the Civic Center area, including an area of unincorporated Los Angeles County — Zip Code: 90265

Assessor's Parcel No. 4458-028-020 and -006, and ROWs — Section: ____ Twp. ____ Range: ____ Base: ____

Within 2 miles: State Hwy#: Pacific Coast Highway — Waterways: Pacific Ocean

Airports: N/A — Railways: N/A — Schools: Webster Elementary, Lady of Malibu

RECEIVED
NOV 25 2013
STATE CLEARING HOUSE

Document Type:

CEQA:
- [x] NOP
- [ ] Early Cons
- [ ] Neg Dec
- [ ] Mit Neg Dec
- [ ] Draft EIR
- [ ] Supplement to EIR
- [ ] Subsequent EIR
- [ ] Other:

NEPA:
- [ ] NOI
- [ ] EA
- [ ] Draft EIS
- [ ] FONSI

Other:
- [ ] Joint Document
- [ ] Final Document
- [ ] Other:

Local Action Type:
- [ ] General Plan Update
- [ ] General Plan Amendment
- [ ] General Plan Element
- [ ] Community Plan
- [ ] Specific Plan
- [ ] Master Plan
- [ ] Planned Unit Development
- [ ] Site Plan
- [ ] Rezone
- [ ] Prezone
- [x] Use Permit
- [ ] Land Division (Subdivision, etc.)
- [ ] Annexation
- [ ] Redevelopment
- [x] Coastal Permit
- [ ] Other:

Development Type:
- [ ] Residential: *Units* ____ *Acres* ____
- [ ] Office: *Sq.ft.* ____ *Acres* ____ *Employees* ____
- [ ] Commercial: *Sq.ft.* ____ *Acres* ____ *Employees* ____
- [ ] Industrial: *Sq.ft.* ____ *Acres* ____ *Employees* ____
- [ ] Educational ____
- [ ] Recreational ____
- [ ] Water Facilities: *Type* ____ *MGD* ____
- [ ] Transportation: *Type* ____
- [ ] Mining: *Mineral* ____
- [ ] Power: *Type* ____ *MW* ____
- [ ] Waste Treatment: *Type* ____ *MGD* ____
- [ ] Hazardous Waste: *Type* ____
- [x] Other: Wastewater treatment and reclamation - 500,000 gal/day

Project Issues That May Have A Significant Or Potentially Significant Impact:
- [x] Aesthetic/Visual
- [ ] Agricultural Land
- [x] Air Quality
- [x] Archeological/Historical
- [x] Biological Resources
- [ ] Coastal Zone
- [x] Drainage/Absorption
- [ ] Economic/Jobs
- [ ] Fiscal
- [x] Flood Plain/Flooding
- [ ] Forest Land/Fire Hazard
- [x] Geologic/Seismic
- [ ] Minerals
- [x] Noise
- [ ] Population/Housing Balance
- [x] Public Services/Facilities
- [x] Recreation/Parks
- [ ] Schools/Universities
- [x] Septic Systems
- [x] Sewer Capacity
- [ ] Soil Erosion/ Compaction/Grading
- [ ] Solid Waste
- [x] Toxic/Hazardous
- [x] Traffic/Circulation
- [ ] Vegetation
- [x] Water Quality
- [x] Water Supply/Groundwater
- [x] Wetland/Riparian
- [ ] Growth Inducement
- [ ] Land Use
- [ ] Cumulative Effects
- [ ] Other ____

Present Land Use/Zoning/General Plan Designation: Commercial Visitor-Serving 2

Project Description: *(please use a separate page if necessary)*

NOTE: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice or Preparation or previous draft document) please fill in.

Revised 2005

See Attached Notice

Reviewing Agencies Checklist *Appendix C continued*

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.

See Attached List

____	Air Resources Board	____	Office of Emergency Services
____	Boating & Waterways, Department of	____	Office of Historic Preservation
____	California Highway Patrol	____	Parks & Recreation
____	Caltrans District #_____	____	Pesticide Regulation, Department of
____	Caltrans Division of Aeronautics	____	Public Utilities Commission
____	Caltrans Planning	____	Reclamation Board
____	Coachella Valley Mountains Conservancy	____	Regional WQCB #_____
____	Coastal Commission	____	Resources Agency
____	Colorado River Board	____	S.F. Bay Conservation & Development Commission
____	Conservation, Department of	____	San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
____	Corrections, Department of	____	San Joaquin River Conservancy
____	Delta Protection Commission	____	Santa Monica Mountains Conservancy
____	Education, Department of	____	State Lands Commission
	Office of Public School Construction	____	SWRCB: Clean Water Grants
____	Energy Commission	____	SWRCB: Water Quality
____	Fish & Game Region # _____	____	SWRCB: Water Rights
____	Food & Agriculture, Department of	____	Tahoe Regional Planning Agency
____	Forestry & Fire Protection	____	Toxic Substances Control, Department of
____	General Services, Department of	____	Water Resources, Department of
____	Health Services, Department of		
____	Housing & Community Development		
____	Integrated Waste Management Board	____	Other: _____
____	Native American Heritage Commission	____	Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date 11/21/13 Ending Date 12/23/13

Lead Agency (Complete if applicable):

Consulting Firm: ICF International

Address: 601 W. 5th Street, Suite 900

City/State/Zip: Los Angeles, CA 90071

Contact: Lee Lisecki

Phone: (213) 312-1750

Applicant: City of Malibu

Address: 23825 Stuart Ranch Road

City/State/Zip: Malibu, CA 90265

Phone:(310) 456-2489

Signature of Lead Agency Representative _____ Date: 11/21/13

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Scoping Meeting 12-11-2013 Comments Notes (B. Blue)

Name	Comment
Ryan Embree	Doesn't want Winter Canyon to become a concentrated wastewater area. Concerned with siting of plant and concentration of wastewater in this area and with potential impacts of the proposed percolation on groundwater. EIR should study what will happen in the event of a power failure.
Hans Laetz	No information has been provided so far on location of injection wells. Can't comment on scoping without hydrology info. Would like to see results of additional testing required in a RWQCB letter last summer.
John Mazza	• Need analysis of electric supply system of pumps for the area, what back-up systems will be used, and does SCE have sufficient capacity • Study the County wastewater plant across the street (that serves the condominiums) and analyze if there are capacity constraints and whether that plant remains online or gets taken out. • Study the two faults identified on the hotel site EIR and what happens if a pipe breaks, etc. Concern about where pipes will drain if they break because of the location of the plant at the top of a canyon that drains to Amarillo Beach. • Provide a traffic remediation study of traffic during construction and after, given consideration of other potential simultaneous projects, like the Rancho Malibu Hotel, Pepperdine campus life project, other cumulative traffic impacts.
Sally Benjamin	Study traffic on PCH and canyon roads related to truck trips for solid waste removal from the treatment plant site. Study cumulative (project + other projects) traffic impacts for construction traffic.
Don Schmitz	Address the no project alternative, particularly the biological impacts of not constructing a treatment plant, as well as the land use, fiscal/public services, population and housing impacts associated with not having a treatment plant.
Wendy Dunn	Study deep well injection potential effects on the ocean. Concerned about potential for what has occurred with Maui's deep well injection program to occur in Malibu. Concerned with disinfection of the treated water before it is injected (requests UV disinfection), and treatment levels, especially as it relates to nitrates and phosphates and biological impacts.
Steve Uhring	Wants the project to describe a system of measurement for water quality improvements with each phase. Evaluate expected outcomes of each phase (i.e., potential benefits) --- a monitoring program with baseline and benchmarks.
Norm Haynie	Anticipated environmental impacts on affected bodies of water – whether positive or negative – should be discussed in EIR
Nancy Hastings (Surfrider)	Concern about potential effects of irrigation with recycled water from

	the plant in areas where septic systems are still online – will this result in an additional impact to groundwater
Anne Payne	Question about whether EIR issue areas are prioritized based on number of comments
Craig Ricketts	Represents Joanne Knapp's property. EIR should look at land use planning in the heart of Malibu. Potential alternate modes of transportation such as golf carts.
John Mazza	EIR should include discussion on the economics of distributing recycled water back out, especially to the periphery properties at higher elevations, such as Harbor Vista. An alternatives analysis should include a scenario where service doesn't run out to the extremities.
Ryan Embree	Study a lesser alternative where the extremities aren't served.
Hans Laetz	Scoping comment period should be extended due to holidays and the number of other complex projects currently pending before the City.
Joan Lavine	Has not been able to access documents on the City's website.
Peter Shellenbarger (Heal the Bay)	Heal the Bay. • Project should follow the MOU implementation schedule and address the environmental impacts of not following the implementation schedule. • Project should do as much recycling of treated water as possible. • Study the impacts of having excess effluent in the water balance • Look at water quality standards related to injection wells with respect to underlying use of aquifer, connectivity of the underlying aquifer, Malibu Creek/Lagoon TMDL – it is important that no additional degradation results from the project. • EIR should address how much water is being recycled vs. how much is injected and goes into the ocean and make sure that there is sufficient capacity.
Wendy Dunn (Baykeeper)	EIR should explain solutions to low demand periods for recycled water – worst case scenarios related to capacity and storage options
Anne Payne	Asked whether recycled water would be free or sold
Steve Uhring	EIR should look at the impacts for homes that are below road grade that have to pump up to make a connection
Wendy Dunn	Look at non-injection alternatives. Asked that the EIR look at completely redirecting the recycled water instead of injection.
Hans Laetz	Consider option of relocating Title 22 water to another watershed to create salmon habitat. Consider a reuse option to send the water outside the prohibition area. Study use of existing Pepperdine purple pipe for water reuse (sending recycled water to Tapia).
John Mazza	The two crossings of Malibu Creek with the pipelines need to be studied to evaluate the structural capacity of bridges and potential for structural failure.
Norm Haynie	• EIR should consider the positive impacts of sludge removal from the plant vs. the current pumping trucks and their

	impacts to the basin • Has there been any consideration of property owners being able to have their existing OWTSs as back-up in case of natural disaster so homeowners can switch back to septic if the sewer stops working • EIR needs to look at the ultimate disposition of existing OWTSs
Sally Benjamin	• Her property is below the grade of the main line and would like to save her existing OWTS in case of emergency and pump out when needed. • EIR needs to cover fault lines in relation to pipelines and injection wells. • Discuss areas where groundwater will rise and provide mitigation measures for the rise, and monitoring for the groundwater rise • Study the potential breaking and rotting of pipes • SWAT v4, MODFLOW programs – the programs being used, the specific versions of programs and formulas need to be disclosed in the EIR • Three additional agencies should be involved as responsible or participating agencies: California Resource Agency (responsible for ocean and off coast); California State Lands Commission (because they own the ocean land); and the Department of Food and Agriculture (as they relate to food safety, i.e., fish) • Disclose in the EIR the study of the saltwater interface and changes that will result
John Mazza	• Look at the impacts associated with the long lines required to run to Bluffs Park • Look at the potential parking lot/driveway issues with respects to both the existing driveway and parking lot and future driveway/parking lot and the proposed above-grade facilities for the Bluff Park pump station
Don Schmitz	The Coastal Commission recently released draft sea level rise guidance documents. The modeling used in the project should consider and reference these new documents.
Wendy Dunn	Address highway shifting and having pipelines in the highway
Nancy Hastings	Study what are the impacts to creek and lagoon from phasing in treatment and recycling and phasing out the OWDS
Ryan Embree	• Storage of raw sewage in a power failure scheme should be studied in an alternative. • Total cumulative electrical budget associated with the project – including use throughout the system, not just at the plant – should be studied • The current land use/zoning and the land use designation the plant site needs to be changed to should be studied. • The project is very different from what was in the MOU. The impacts associated with absorbing parcels that are non-

	mandated should be studied.
Norm Haynie	Tectonic movement (uplift) of the Santa Monica Mountains coming out of the ocean should be studied.
John Mazza	Asked if the Crummer property was in Phase 1.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

DEC 09 2013

RECEIVED
DEC 11 2013
PLANNING DEPT.

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

Dear Ms. Blue:

NOTICE OF PREPARATION (NOP) FOR THE CITY OF MALIBU (CITY); CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT (PROJECT); LOS ANGELES COUNTY; STATE CLEARINGHOUSE NO. 2013111075

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

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

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml

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

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

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

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

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

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

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

B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.

D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following the preparation of the draft CEQA document for the Project, please provide us a copy of the document to review if the City's is considering CWSRF financing. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review for the Project.

Following the preparation of the draft CEQA document for the Project, please provide us a copy of the document to review if the City's is considering CWSRF financing. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review for the Project.

Thank you for the providing us a copy of your NOP, and the consideration of the CWSRF for the financing of the City's Project. If you have any questions or concerns, please feel free to contact me at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov, or contact Jessica Collado at (916) 341-7388, or by email at Jessica.Collado@waterboards.ca.gov.

Sincerely,

Ahmad Kashkoli
Senior Environmental Scientist

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

Enclosures (3)

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

BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and reports must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.cr.nps.gov/local-law/arch_stnds_9.htm).

REPORT TERMINOLOGY

A cultural resources report used for Section 106 consultation should use terminology consistent with 36 CFR, Section 800.16 of the NHPA. However, this does not mean that the report needs to be "filled" with passages and interpretations of the regulations; the SHPO already knows the law.

- *If "findings" are made, they must be one of the four "findings" listed in Section 106. These include:*

  "No historic properties affected" (no properties are within the area of potential effects [APE], including the below ground APE).

  "No effect to historic properties" (properties may be near the APE, but the project will not impact them).

  "No adverse effect to historic properties" (the project may affect historic properties, but the impacts will not be adverse).

  "Adverse effect to historic properties". Note: The SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.

CURRENT RECORDS SEARCH INFORMATION

- *A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the APE for the project.*

- *The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.*

- *The records search request should be made for an area that extends to a mile beyond the APE to provide information on what types of sites may exist in the vicinity.*

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- *Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.*

- *A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.*

- *The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.*

- *Similar letters should be sent to local historical organizations.*

- *Follow-up contact should be made by phone, if possible, and a phone log should be included in the report.*

WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- *A finding of **"no known resources"** doesn't mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.*

- ***"The area is sensitive for buried archaeological resources",** followed by a statement that **"monitoring is recommended as mitigation".** Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.*

- ***"The area is already disturbed by previous construction"** may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site, or previous construction may have impacted an archaeological site that was never documented.*

- *No mention of **"Section 106"**; a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.*

SHPO CONSULTATION LETTER

- *A Section 106 consultation letter should be prepared by a qualified researcher, and submitted along with the Section 106 Report to the State Water Board to use for consultation with the State Historic Preservation Officer. For additional information on submissions for Section 106 consultation please refer to:*
  http://www.ohp.parks.ca.gov/pages/1054/files/106checklist_shortform_2013_10_10.pdf
  http://www.ohp.parks.ca.gov/pages/1054/files/106checklist_details_2013_10_10.pdf

STATE WATER BOARD CONTACT INFORMATION

If you have any questions related to CWSRF Program cultural resources compliance, please contact Mr. Ahmad Kashkoli at (916) 341-5855 or akashkoli@waterboards.ca.gov.

Clean Water State Revolving Fund Environmental Review Requirements

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

LEAD AGENCY

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

RESPONSIBLE AGENCY: STATE WATER BOARD

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations, the State Water Board is a **Responsible Agency** under CEQA. As a Responsible Agency, the State Water Board must make findings based on information provided by the Lead Agency before funding a project.

ENVIRONMENTAL REVIEW

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

DOCUMENT REVIEW

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

REQUIRED DOCUMENTS

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

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

CONTACT INFORMATION

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

We've got the **green**... to keep California's **water clean**.
CLEAN WATER STATE REVOLVING FUND

STATE OF CALIFORNIA Edmund G. Brown, Jr.Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net

December 2, 2013

RECEIVED
DEC 06 2013
PLANNING DEPT.

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

RE: SCH#2013111075; CEQA Notice of Preparation (NOP); proposed Mitigated Negative Declaration for the **"Civic Center Wastewater Treatment Facility Project;"** located in the City of Malibu; Los Angeles County, California

Dear Ms. Blue:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
Los Angeles County California
December 2, 2013

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes9@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com
Chumash
Tataviam
Ferrnandeño

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chair
365 North Poli Ave
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214
Chumash

Patrick Tumamait
992 El Camino Corto
Ojai , CA 93023
(805) 640-0481
(805) 216-1253 Cell
Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley , CA 93426
mupaka@gmail.com
(805) 472-9536 phone/fax
(805) 835-2382 - CELL
Chumash

Randy Guzman - Folkes
4676 Walnut Avenue
Simi Valley , CA 93063
ndnRandy@yahoo.com
(805) 905-1675 - cell
(805) 520-5915-FAX
Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Coastal Band of the Chumash Nation
Michael Cordero, Chairperson
P.O. Box 4464
Santa Barbara CA 93140
CbcnTRIBALCHAIR@gmail.com
Chumash

Carol A. Pulido
165 Mountainview Street
Oak View , CA 93022
805-649-2743 (Home)
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013111075; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR); City of Malibu; Los Angeles County, California.

Native American Contacts
Los Angeles County California
December 2, 2013

Melissa M. Parra-Hernandez
119 North Balsam Street Chumash
Oxnard , CA 93030
envyy36@yahoo.com
805-983-7964
(805) 248-8463 cell

Frank Arredondo
PO Box 161 Chumash
Santa Barbara CA 93102
ksen_sku_mu@yahoo.com

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Conslnt
P.O. Box 365 Chumash
Santa Ynez , CA 93460
805-688-7997, Ext 37
freddyromero1959@yahoo.com

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo
2762 Vista Mesa Drive Chumash
Rancho Pales Verdes CA 90275
310-831-5295

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
805-987-5314

Coastal Band of the Chumash Nation
Janet Darlene Garcia
P.O. Box 4464 Chumash
Santa Barbara CA 93140
805-689-9528

Coastal Band of the Chumash Nation
Crystal Baker
P.O. Box 723 Chumash
Atascadero , CA 93423
805-466-8406

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013111075; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR); City of Malibu; Los Angeles County, California.

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

Flex your power!
Be energy efficient!

December 2, 2013

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

IGR/CEQA No. 131132AL-NOP
City of Malibu Civic Center Wastewater Treatment Facility Project EIR No. 13-001 and Coastal Development Permit No. 13-057
Vic. LA-01/PM 47.75

Dear Ms. Blue:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project would include development of a centralized wastewater treatment facility in the Civic Center area of the City of Malibu that would treat, reuse and/or dispose of wastewater flows from properties in the Civic Center.

Per your conversation with Caltrans project coordinator, Alan Lin, on December 2, 2013 and to assist in Caltrans' efforts to evaluate the impacts of this project on State Transportation facilities, If a construction traffic study has been prepared, please forward a copy to Caltrans for review. Otherwise, a new construction traffic study should be prepared to analyze the following information:

1. Traffic impacts on State Routes 01 (Pacific Coast Highway), and all significantly impacted streets, crossroads and controlling intersections, as well as analysis of existing condition and construction periods.
2. A truck/traffic construction management plan should be submitted for Caltrans review.
3. Traffic volume counts to include anticipated AM and PM peak-hour volumes.
4. Level of service (LOS) before and during the construction.
5. A brief construction traffic discussion showing ingress/egress, turning movements, and a directional flow for construction vehicle trips.
6. Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts, including sharing of mitigation costs.

We look forward to reviewing the traffic study and expect to receive a copy from the State Clearinghouse when the DEIR is completed. However, to expedite the review process and receive early feedback, you may send a copy in advance to the undersigned.

If you have any questions, please feel free to contact Alan Lin at (213) 897-8391 and refer to IGR/CEQA No. 131132AL.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

WE APPRECIATE YOUR PARTICIPATION!

Malibu Civic Center Wastewater Treatment Plant Project
Environmental Impact Report Scoping Meeting Comment Form

The City of Malibu and RMC/ICF request your participation in the planning process for this project. Your comments will assist us in the preparation of the Environmental Impact Report (EIR).

You may submit your comments at the December 11, 2013 meeting or, if you prefer, you can mail, email or fax your comments to:

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

bblue@malibucity.org
FAX: (310) 456-7650

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DEC 11 2013
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OVER

Find additional information at www.malibucity.org and search "Civic Center Wastewater Treatment"

For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

2, WHAT IS THE PROJECT PLAN FOR SEWAGE PLANT FAILURE, POWER OUTAGES, SEWER LINE BREAK AND OVERFLOW AS IT RELATES TO THE WINTER CANYON DRAINAGE AND STORM DRAIN TO ARROYO BEACH

3. WHAT IS THE TRAFFIC REMEDIATION FOR FINAL PLANT AND MOST IMPORTANTLY DURING CONSTRUCTION ESPECIALLY IN REGUARD THE HOTEL, CREMMER, LA PAZ AND ESPECIALLY PEPPERDINE 500,000 $ EXPANSION

4. ANALYZE SEWAGE LINE BREAKS ESPECIALLY IN REGUARD TO MALIBU FAULT WHICH RUNS THRU SEWAGE PLANT AND LIQUIFICATION IN THE VALLEY PLANES

5. JUSTIFICATION OF REMOVAL OF SEWAGE PLANT (See Over)
ACROSS THE STREET FOR THE CONDOS

6. JUSTIFICATION FOR SEWER SYSTEM IN SERRA RETREAT
IN AREAS OUTSIDE THE AREA SHOWN FOR TREATED WATER DISPOSAL

2. What specific suggestions do you have to avoid or reduce one or more environmental impacts of this project?

7. EVALUATE THE HIGHWAY BRIDGE AND THE SERRA RIVER CROSSING FOR POSSIBILITY OF FAILURE OR NATURAL DISASTER

8 EVALUATE WEBER BLUFFS PARK SHOULD BE IN PHASE 1 OR PHASE 3

3. What is your preferred method of learning about future meetings and obtaining additional information about this project?

- ☐ Newspaper Notices
- ☐ Direct Mail
- ☐ Email
- ☐ City of Malibu Website
- ☐ Facebook / Twitter
- ☐ Other (Please specify) _____

Your Name: _____

Mailing Address: _____

Telephone Number: _____

Email: _____

Group You Represent: _____

WE APPRECIATE YOUR PARTICIPATION!

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Malibu Civic Center Wastewater Treatment Plant Project
Environmental Impact Report Scoping Meeting Comment Form

The City of Malibu and RMC/ICF request your participation in the planning process for this project. Your comments will assist us in the preparation of the Environmental Impact Report (EIR).

You may submit your comments at the December 11, 2013 meeting or, if you prefer, you can mail, email or fax your comments to:

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

bblue@malibucity.org
FAX: (310) 456-7650

Find additional information at www.malibucity.org and search "Civic Center Wastewater Treatment"

For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

Internal traffic flow in CC Master Plan with golf cart, Bycle and Walkways to Bluff Park. architectural geidelines and landscaping theme alternative processed wastewater options. alternative energy options i.e, Solar, etc. Parking Structures – parking management, alternative Mobilization of Pedestrians.

(See Over)

2. What specific suggestions do you have to avoid or reduce one or more environmental impacts of this project?

Put in bycle and golf cart ways to minimize Internal congestion. Use part of legacy parks to include Kiosks for Farmers Market. approach Parentis to modify restrictions for use. Create an architectural theme of Spanish, mediterranean or Santa Barbara architecture to eliminate Hodge Podge architecture in overall Plan

3. What is your preferred method of learning about future meetings and obtaining additional information about this project?

- ☐ Newspaper Notices
- ☐ Direct Mail
- ☒ Email
- ☐ City of Malibu Website
- ☐ Facebook / Twitter
- ☐ Other (Please specify) _____

Your Name: CRAIG RICKETTS

Mailing Address: 31536 ANACAPA VIEW DRIVE 90265

Telephone Number: (310) 923-6103

Email: CRAIG@SWISSAMERICANADVISORS.COM

Group You Represent: JOAN KNAPP AND MYSELF AND FAMILY THAT LIVES HERE

Bonnie Blue

From: Matt Horns <getplanted.native@gmail.com>
Sent: Monday, December 09, 2013 7:16 PM
To: Bonnie Blue
Subject: Public comment on the waste water treatment plan proposal

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DEC 09 2013
PLANNING DEPT.

By law, a DEIR must include a meaningful range of alternatives. I hope that many different ways of disposing the waste water are investigated.

I am highly suspicious of the injection well proposal. It is called "deep well" injection, but in my opinion this does not fit the definition. I have found no set depths for what makes an injection well "deep'" but they are typically much deeper than this proposal. Here's one definition from Wikipedia:

"One application [of deep well injection] is waste water disposal, in which treated waste water is injected into the ground between impermeable layers of rocks to avoid polluting fresh water supplies or adversely affecting quality of receiving waters. Injection wells are usually constructed of solid walled pipe to a deep elevation in order to prevent injectate from mixing with the surrounding environment.."

The problem here is that there is no impermeable layer above the injection site. Thus, in my opinion, it is quite likely that if the wells are used as proposed, much of the water will migrate toward the surface and make already very shallow groundwater levels even shallower.

Added to this is the presence of "salt water intrusion" which is well-documented in the sediments that the freshwater will be injected into. In this process, seawater travels inland from the ocean through permeable coastal sediment deposit substrates. In my opinion, the heavier saltwater will likely force the freshwater to climb over the top of it on its way to the ocean, and will likely add to the tendency of the effluent to raise local groundwater levels along Malibu Colony and surrounding areas.

Regarding the Malibu Fault, there is not even close one geologic reality or shred of evidence that suggests that the injected water in surficial sediments could possibly have even the slightest influence on earthquake activity in Malibu. Fracking deep within Newport-Inglewood Fault's rupture zone? Now that's much different.

One alternative that cannot be ignored is utilizing much or most of the water for irrigation, a process that allows Tapia to discharge almost no water for many months of every year. Even if the well injection is adopted, water recycling would significantly reduce the volume of water that is injected.

Matt Horns

310-866-5718

1040 South Westlake Avenue, Los Angeles, CA 90006

Getplanted.native@gmail.com

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

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

December 19, 2013

Bonnie Blue
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
bblue@malibucity.org
Fax #: (310) 456-7650

Subject: Notice of Preparation for an Environment Impact Report for Malibu Civic Center Wastewater Treatment Facility, SCH # 2013111075, Los Angeles County

Dear Ms. Blue:

The Department of Fish and Wildlife (Department) has received the Notice of Preparation for the Draft Environmental Impact Report (DEIR) for the proposed City of Malibu Civic Center Wastewater Treatment Facility Project (project). The project would include development of a centralized wastewater treatment facility in the Civic Center area of the City of Malibu that would treat, reuse and/or dispose of wastewater flows from properties in the Civic Center.

The treatment plant site is currently developed, in part, with existing wastewater treatment plant related uses. A portion of Winter Canyon Creek (a jurisdictional drainage) and an area of associated riparian habitat are located along the eastern edge of the project site and are considered an environmentally sensitive habitat area (ESHA). Thirty-one native California walnuts (*Juglans californica*) trees are located on the proposed treatment plant site. Two of these trees are expected to be removed while three others walnut trees will be temporarily impacted.

As part of the project, a pipeline distribution system would include a collection system to convey wastewater flows from within the project treatment area zone to the proposed wastewater treatment plant site and a distribution system to distribute the treated effluent (recycled water) from the treatment plant to various land uses for reuse purposes, as well as to groundwater injection wells or other disposal sites, such as percolation ponds.

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. The Department looks forward to working with the City of Malibu to minimize impacts to fish and wildlife resources with a focus on these stressors. Please let Department staff know if you would like a copy of the California Wildlife Action Plan to review.

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See

generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 *et seq.*, the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (*Id.*, § 21069.)

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the DEIR:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area. Particular emphasis should be placed upon identifying endangered, threatened, and rare or unique species and sensitive habitats within the project region:

   a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities. (See Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities at: http://www.dfg.ca.gov/habcon/plant/.

   b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

   c. Endangered, rare, and threatened species to address should include all those species which meet the related definition under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15380.).

   d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed.

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance and minimizing impacts.

   a. CEQA Guidelines, Section 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

   b. Project impacts including deposition of debris should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts

resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration and pest management.

c. A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

e. Impacts from project activities (including but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department generally recommends a minimum 300 foot nest avoidance buffer or 500 feet for all active raptor nests).

f. Impacts from project activities that will result in disturbances to habitat that may provide maternity roosts for bats (e.g., tree cavities, under loose bark, buildings), should occur outside of the bat breeding season which generally runs from March 1-August 31. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish and Game Code Section 4150, California Code of Regulations, Section 251.1). Several bat species are also considered special status species and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines 15065).

g. Proposed impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.

3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified.

b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance.

c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

4. Take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under the California Endangered Species Act (CESA), the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

5. The Department opposes the elimination of watercourses (including concrete channels, blue-line streams and other watercourses not designated as blue-line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of drainage.

   a. The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed project may be required

to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the project's environmental impact report could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project.

Thank you for this opportunity to provide comments. Please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 if you should have any questions and for further coordination on the proposed project.

Sincerely,

Betty J Courtney

Betty Courtney
Environmental Program Manager I
South Coast Region

Attachment

cc: Ms. Betty Courtney, CDFW, Santa Clarita
Ms. Erinn Wilson, CDFW, Los Alamitos
Ms. Kelly Schmoker, CDFW, Laguna Niguel
Mr. Scott Harris, CDFW, Pasadena
State Clearinghouse, Sacramento

WE APPRECIATE YOUR PARTICIPATION!

Malibu Civic Center Wastewater Treatment Plant Project
Environmental Impact Report Scoping Meeting Comment Form

The City of Malibu and RMC/ICF request your participation in the planning process for this project. Your comments will assist us in the preparation of the Environmental Impact Report (EIR).

You may submit your comments at the December 11, 2013 meeting or, if you prefer, you can mail, email or fax your comments to:

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

bblue@malibucity.org
FAX: (310) 456-7650

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Find additional information at www.malibucity.org and search "Civic Center Wastewater Treatment"

For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

1) How is the Assessment to Homes, Condo's & Business arrived at? Is it by # of people / Household & Square footage per unit?

2) How is the Contract for this project decided? Is it an open bidding open to many companies?

(See Over)

2. What specific suggestions do you have to avoid or reduce one or more environmental impacts of this project?

3. What is your preferred method of learning about future meetings and obtaining additional information about this project?

- ☐ Newspaper Notices
- ☒ Direct Mail
- ☐ Email
- ☐ City of Malibu Website
- ☐ Facebook / Twitter
- ☐ Other (Please specify) _____

Your Name: Malibu A Tilus

Mailing Address: 23101 Civic Center Way #355

Telephone Number: _____

Email: _____

Group You Represent: _____

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

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DEC 23 2013
PLANNING DEPT.

December 17, 2013

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

Notice of Preparation of a CEQA Document for the
City of Malibu Civic Center Wastewater Treatment Facility Project EIR No. 13-001 and Coastal Development Permit No. 13-057

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: www.aqmd.gov/ceqa/hdbk.html. SCAQMD staff also recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: http://www.aqmd.gov/ceqa/handbook/signthres.pdf. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore,

when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages at: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/prdas/aqguide/aqguide.html.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (http://www.aqmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at imacmillan@aqmd.gov or call me at (909) 396-3244.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

LAC131126-03
Control Number

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

RECEIVED
JAN 07 2014
PLANNING DEPT.

January 7, 2014

Re: Civic Center Wastewater Treatment Plant Proposed Location on Civic Center Way at Vista Pacifica Street in the land formation known as Winter Canyon.

The location of the proposed project for a sewage treatment plant is inappropriate and not the least environmentally-damaging alternative, or solution, to the commercial sewage generation created in the Civic Center bowl nearly a mile east, for many reasons which I describe further below.]

Truck traffic for maintenance and operation, and construction of the proposed facility would exacerbate an already over-taxed and overused two-lane City road that runs parallel to Pacific Coast Highway. Any and all vehicular access to for a facility at the proposed site should be restricted to only access from Pacific Coast Highway to avoid injecting safety hazards and truck turning movements adjacent to two schools, a church, and over 400 residents of four condominium complexes.

Environmental risk would be exacerbated by proximity to the existing covered storm water-course channelized as Winter Canyon and leading to Amarillo Beach on the Pacific Ocean. Insufficient intervening linear distance exists to trap and catch potential release of untreated sewage prior to contamination of the beach and ocean.

The project site lacks sufficient area for a properly engineered, on-site, emergency detention basin for overflow resulting from plant failure.

Concentration of septic odor in a closed canyon created by fill dirt comprising the grade and installation of Pacific Coast Highway to the south. Odors linger in the "bowl" of Winter Canyon. The potential for odors and release of methane gas in near proximity to school children and residents makes the site inappropriate.

Discharge of increased amount of sewage into the ground table in the adjacent area would compromise the functionality of the existing sewage treatment plant currently serving the four condominium complexes, by decreasing the separation distance between the pits and the water table (raising water table).

Geology and soils conditions in the immediate area, and on Civic Center Way, are historically proved to be instable. The Malibu Canyon Village condominiums performed extensive structural repair to several condominiums, installing caissons, grade beams, and structural slabs to reconstruct residential units in the 1990's. The geologic test borings showed the fill and compromised soil and geologic conditions of the immediate area.

Discharging greater levels of treated sewage into Winter Canyon in general would exacerbate the existing, and known, geologic instability and propensity for land movement, in, around, and under, the existing residential developments of Malibu Canyon Village,

Maison de Ville, Toscana, and Vista Pacifica which currently discharge a relatively-small amount of residential sewage from the existing sewage treatment plant exclusively serving the condominiums under direct permit from RWQCB.

The proposed location for the sewage treatment plant is geologically-compromised by approximately 75 existing sewage pits, creating instability for future development at that location.

Concentration of objectionable odors by importing sewage from Civic Center-area commercial locations, and of increased chemicals and toxicity associated with commercial uses, increases potential contamination of the soil and groundwater in Winter Canyon.

Economic Social degradation
Exportation of industrial uses into a residential neighborhood has socially-degrading consequences to quality of life and nearby property values, desirability of living location, and quality of life.

Sincerely,

Ryan Embree

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SURFRIDER
FOUNDATION
WEST LOS ANGELES / MALIBU CHAPTER

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

January 7, 2014

RE: Notice of Preparation and Scoping - Civic Center Wastewater Treatment Facility Project (EIR No. 13-001 and Coastal Development Permit No. 13-057 - 24000 Civic Center Way)

Dear Ms. Blue,

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 all too frequently polluted waters along Malibu's coastline. Because of this, in 2010 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.")

Below you will find Surfrider Foundation's comments related to the Malibu Civic Center Wastewater Treatment Facility Project - EIR No. 13-001 and Coastal Development Permit No. 13-057 - 24000 Civic Center Way. We focused our comments on impacts to water quality (ocean and groundwater), recreational ocean use, potential impacts to the near-shore coastal resources within the project area, and possible alternatives.

- Recycling and Reuse: The project must prioritize and expand all opportunities for water recycling and reuse before discharging to the ocean via injection.

- Water Quality: The project must in no way impact local ocean water quality, existing groundwater quality, and ensure that no runoff should come from the project site during construction of the Civic Center WWTF.

- Malibu Lagoon: The project must ensure there are no impacts to the recently restored Malibu Lagoon including:
    - No increased volume of water added to the Lagoon from discharge / injection of treated water.
    - No impact to the Lagoon inlet that would alter the location or frequency of the sand berm breach, which opens and closes seasonally.
    - No impact to the endangered fish species in the Lagoon, including the Tidewater Goby and Steelhead Trout.

- Surfing Resources: The project must in no way negatively impact local surfing resources due to poor water quality, coastal erosion, sewage spills, or a sudden alteration of the Lagoon's inlet breaching location or frequency at:
    - Old Joe's - located at the northern end of the Malibu Movie Colony
    - Surfrider Beach - (First, Second, and Third Point) located between Malibu Pier and the first house at the southern end of the Malibu Colony.

- Sea Level Rise: The EIR should carefully consider the location of all project pump stations and pipelines for collection of wastewater and distribution of treated effluent, and ensure the infrastructure will not be significantly impacted by threats of sea level rise in the next 50 years.

- El Nino and/or Major Storm Conditions: The EIR should include analysis of major storm conditions and what the impacts to the wastewater system might be, including potential threats to injection from excessive groundwater volume.

- Seawater Intrusion: The EIR should assess the risks for seawater intrusion into the existing aquifer, and evaluate how any potential threat may be addressed and/or mitigated.

- Winter Canyon / ESHA: The project must ensure that the project will have no environmental impact to this environmentally sensitive habitat area.

- Spill Protection / Emergency Power Source: The EIR must explore on-site generation of power using solar or wind as emergency backup or primary fail-

safe power generation, ensuring that a power failure would not result in a spill of sewage into the watershed.

- Project Site Landscaping: The project should ensure that all landscaping at the Civic Center WWTF be native California plants, compatible with the surrounding area and meeting the criteria for an Ocean Friendly Garden. This would serve two purposes: 1) to eliminate all surface runoff from the property, and 2) to provide an exhibit garden for local Malibu residents to visit and learn more about water quality, conservation and sustainability.

- Dry Composting / Waterless toilets: The West LA/Malibu Chapter of the Surfrider Foundation would like the City of Malibu to test alternative waterless options such as dry composting or waterless toilets as a future solution to their water quality problems associated with the processing and disposal of human waste. Composting and dry toilets protect groundwater, surface water and soil from sewage pollution, prevent the accumulation of hazardous pathogenic waste, and solve the problem of disposing sewage sludge to landfill. They save huge quantities of water in a world where water is an increasingly scarce resource, and require very little infrastructure. They are low-impact, low-maintenance, and can also adapt to places where it is difficult to establish a sewer system, or in an environmentally sensitive area. These alternatives could be tested in some of the harder to reach or more remote upland areas of the Civic Center Area.

In conclusion, the Surfrider Foundation's West LA / Malibu chapter asks the City of Malibu to review and consider all of our comments and suggestions as part of the Draft EIR for the Civic Center WWTF Project. We appreciate the City's efforts to work towards improving water quality along Malibu's priceless coastline, for all to enjoy.

Contact Nancy Hastings at (310) 995-7873 or Graham Hamilton (323) 490-0985 with any questions or concerns.

Sincerely,

Nancy Hastings
Southern CA Regional Manager
nhastings@surfrider.org

Graham Hamilton
Chair, West LA/Malibu Chapter
ghamilton@surfriderwlam.org

WE APPRECIATE YOUR PARTICIPATION!

Malibu Civic Center Wastewater Treatment Plant Project
Environmental Impact Report Scoping Meeting Comment Form

The City of Malibu and RMC/ICF request your participation in the planning process for this project. Your comments will assist us in the preparation of the Environmental Impact Report (EIR).

You may submit your comments at the December 11, 2013 meeting or, if you prefer, you can mail, email or fax your comments to:

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

bblue@malibucity.org
FAX: (310) 456-7650

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Find additional information at www.malibucity.org and search "Civic Center Wastewater Treatment"

For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

1) What location alternatives have been considered and how were they evaluated for cost and environmental impact?

2) How will construction traffic impacts be mitigated to Civic Center Way during Summer and peak hours?

3)a) What are the existing Levels of Service at the intersections of Malibu Canyon/Civic Center Way and Civic Center Way/Webb Way and at Malibu Canyon/Pacific Coast Hwy.

b) How are you going to asses the projected construction Levels of Service's

(See Over)

2. What specific suggestions do you have to avoid or reduce one or more environmental impacts of this project?

4) How does the assessment district determine cost / unit for individual condo. units? Assumptions / occupancy's should be based on specific documentation.

3. What is your preferred method of learning about future meetings and obtaining additional information about this project?

- ☐ Newspaper Notices
- ☐ Direct Mail
- ☑ Email
- ☑ City of Malibu Website
- ☐ Facebook / Twitter
- ☐ Other (Please specify) _____

Your Name: Julie Bauer

Mailing Address: _____

Telephone Number: _____

Email: jbauer@malibucity.org

Group You Represent: _____

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Bonnie Blue

From: Kamibayashi, Terry <tkamibayashi@smmusd.org>
Sent: Monday, January 06, 2014 12:33 PM
To: Bonnie Blue
Cc: Lyon, Sandra; Maez, Jan; Sam, Stuart; Samarge-Powell, Susan
Subject: Civic Center Wastewater Plant

Hi Bonnie My Name is Terry Kamibayashi I am the Manager of Maintenance and Construction for the SMMUSD. I reviewed the Power Point and look forward to reviewing the EIR when available. I saw that quite a few of the concerns from the School District will be covered within the EIR. I do have specific questions and concerns because of the location and proximity to Webster Elementary School,

1. Will the plant create any odors that could be wind driven to the Webster Campus?
2. What type of checks will be in place to insure the air quality is safe?
3. Webster has significant traffic issues at drop off and pick up what is the expected increase in traffic and how will coordination with the School be handled?
4. Because of the geographic condition in the area will any gasses have the ability to settle in the lower basin?

I appreciate the opportunity to ask questions to be addressed within the EIR and look forward to future notifications and Public Input oppurtunities.

Terry Kamibayashi
Manager of Maintenance and Construction
Santa Monica Unified School District
(310)-450-8338 ext 70303
Representing Webster Elementary School
3602 Winter Canyon Malibu CA

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Bonnie Blue

From: Steve Uhring <steve.uhring@gmail.com>
Sent: Tuesday, January 07, 2014 1:55 PM
To: Bonnie Blue
Subject: Comments for Watewater Treatment EIR

Bonnie,

Please include the following comments in the scoping program for the Wastewater Treatment EIR..
Thank you
Steve Uhring

1. The overriding objective of this sewer system is to improve the water quality in Malibu Creek and Lagoon. Accordingly as each phase of the sewer system implementation we should see an improvement in the quality in these bodies of water.

   (a) The EIR should identify the baseline against which water quality improvement will be measured?

   (b) The EIR should detail the specific water quality improvements, measured against this baseline that Malibu expects to achieve as each phase is implemented? (For example a 25 % drop in nitrogen, a 50% drop in bacteria and so on.)

   c) The EIR should detail the water testing program Malibu will implement at the end of each implementation phase to confirm that the expected water improvement results are being achieved.

2. Many of the homes on Malibu Knolls sit on pads that are below street level.

   (a) The EIR should specifically identify each home on Malibu Knolls that will require additional equipment to insure that sewage moves from their homes to the collection piping.

   (b) For the houses build on pads below street level, the EIR should identify the additional equipment (pumps, backup electrical generators, etc) that will need to be installed by these Knolls residents to enable them to effectively connect to the Sewer system.

3. The EIR should identify the steps a resident must take to deal with their existing septic system once they are connected to the sewer system.

4. The EIR should identify where pumping stations will be located on Malibu Knolls.

5. The EIR should detail the steps in testing program that will be conducted between stages 2 and stages 3 to determine if Phase 3 will be required.

6. The EIR should detail a property by property analysis of changes in the quantity of wastewater a Commercial Property Owner will be able to discharge with the sewer in place versus what they can currently discharge under existing water disposal rules in the Civic Center.

7. The EIR should identify who is going to have day to day responsibility for managing the operation of the wastewater treatment system.

8. The EIR should estimate the number of days it will take to fully implement the sewer system in Serra Canyon under Phase two.

9. The EIR should estimate the number of days it will take to fully implement the sewer system on Malibu Knolls under Phase three

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hans laetz, j.d.
zuma impact environmental analysis
6402 surfside way / malibu ca 90265
hanslaetz@gmail.com / office, cell, home (424) 442-ZUMA (6972)

City of Malibu Civic Center Wastewater Treatment Facility Project
EIR No. 13-001 and Coastal Development Permit No. 13-057

These are Scoping Comments from Hans Laetz, regarding the above captioned matter. I thank you for extending the comments period to Jan. 7.

1. The NOP is incomplete, and that makes informed response impossible.

CEQA Guideline 15082 (a) (1) requires the NOP to have "sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response."

There is no description whatsoever as to potential injection of water into the ground. Responsible agencies and individuals are thus not afforded adequate opportunity to react by filing Scoping Comments, and are denied meaningful opportunity to react with cogent questions.

Although the NOP os a CEQA document that is drafted very early in the planning process, the law proscribes certain minimums. This NOP should be recirculated after bare-minimum details are given to the public, to allow informed Scoping Questions to be submitted.

This is the second recent, downtown Malibu-area NOP to suffer serious deficiencies. The adjacent proposed luxury spa-condo also had a deficient NOP, and a gravely-deficient DEIR was the inevitable result.

[CEQA-1] The EIR must consider the cumulative negative effects to the environment of insufficient CEQA work by the City of Malibu on its downtown Malibu-area projects, and how all the various CEQA checklist items here will be affected by the lack of proper NOP and EIR work on this proposal and others.

2. Aesthetics.

[A-1] The EIR must consider if the proposed CCWTP will be ugly from PCH, a protected state scenic resource.

[A-2] The EIR must consider alternate locations that are not within the view shed of PCH.

[A-3] The EIR must consider the likely substantial further degradation of the residential neighborhood that is proposed.

[A-4] Although EIRs are not supposed to consider financial issues, this EIR must examine the aesthetics issues insofar as social and economic problems it will create for nearby residents.

[A-5] The EIR must consider how the Project's view impacts on surrounding parklands and trails can be mitigated.

[A-6] Other sites, such as the La Paz site, are not prominent on the landscape. The EIR must quantify the criteria for selecting the Civic Center Way site over others, and present cost estimates for the alternate sites that are as detailed a stye Civic Center site.

3. Economic Justice.

[E-1] The EIR should examine the economic justice implications of placing this massive sewage treatment plant amidst the lowest-cost housing in Malibu. The sewage plant will clean the effluent from an affluent area in a middle-class area with many students and retirees.

4. Geology and Soils

In other parts of the country, direct injection of wastewater has triggered earthquakes. This project, we are told, differs from other injection schemes in that it is not at great pressure or at great depths.

The CEQA Checklist asks if the Project would place people at risk to seismic-related ground failure, including liquefaction.

Literature reveals that the Malibu Coastal Fault has been active in the venue chosen for the sewage plant. The City Geologist ascertained in 1998 that the fault was active just up the hill from the proposed treatment plant. Now, in the Rancho Malibu EIR, we are told the City has reversed itself, and the fault has ground to a halt.

The status of the Alquist-Priolo Earthquake Fault Zoning Map for the area is unclear, and recent news reports indicate the state mapping project has ground to a halt. And there is an inherent conflict of interest question involving clear and unbiased analysis coming from a City that is evaluating a potential source of tax revenue.

[G-1] The EIR must identify any and all past academic inquiry into shallow, low-pressure injection of liquids into known active or inactive earthquake faults.

[G-2] The EIR must use independent geologists, from the USGS, Caltech or other high-level, independent academic agencies, to determine the status of the faults in this area.

[G-3] The EIR must use that data to calculate, interpolate and describe any and all possible ground movements that could be triggered by the injection of water into local faults.

[G-4] The EIR must use those interpolations to project the potential loss of life, loss of property,. or other adverse effects, and project the probabilities of such losses.

The City has relied for geological and hydrological consulting on consultants who have vested interests in designing and contracting the groundwater injection system. The City itself has invested significant financial resources and time into promulgating and campaigning fro the current disposal scheme. This is an inherent conflict of interest.

[G-5] The City should secure outside geological review — at the highest academic levels - to review the injections plan's efficacy and safety.

The City has been conducting further review as to the nature of the "aquitards" and other sub-surface strata in the proposed disposal area. These studies are not yet complete. It is impossible to properly analyze the hazards that should be addressed by the EIR and prepare Scoping Comments to address the data.

[G-6] The City should allow additional Scoping Comments to be filed once there is enough information for an adequate Notice Of Preparation.

As to the aquitards themselves, the City has relied on these strata to channel the surplus wastewater out to sea. The City relies on them to prevent water from surfacing or rising to levels that could damage structures or utilities and roads. It also relies on them to prevent water from entering faults. But the Regional Water Quality Control Board has raised questions about these "impermeable" aquitards, and there are doubts as to the extent, continuity and fault damage to their sealant properties.

[G-7] The City must explain how much is <u>not</u> known about the aquitards, as opposed to how much is known, and must explain what the consequences of failure of the aquitards would be.

California is in the midst of an unprecedented drought. This Project proposes to take water imported at great expense from the Sacramento and Colorado rivers, treat it to Title 22 standards, and then waste this precious resource by spraying it on landscaping in the hope that

evapotranspiration will dispose of it. That which cannot be wasted through landscaping is to be flushed into the ocean. The drought conditions of California could be partly mitigated if Title 22 water were to be resided for agriculture or domestic use.

[G-8] The City should consider using this water to recharge aquifers outside the Civic Center area, so that the water could be harvested for domestic or agricultural use.

[G-9] The City should consider using this water to augment natural flows in drainage basins other than Malibu Creek, to provide habitat for endangered fish. Specifically, the EIR should examine piping the treated water to uninhabited canyons in the Santa Monica Mountains for habitat restoration or habitat creation uses.

5. Greenhouse gas emissions.

[GR-1] The EIR should examine the possibilities of capturing all methane and other gases from the treatment process to power a fuel cell.

6. Transportation.

From a construction-related congestion standpoint, it is hard to imagine a worse place in the Civic Center to place the sewage plant, other than in the middle of PCH.

[T-1] Please analyze and compare the construction traffic impacts of the proposed site, as opposed to the alternate sites. This analysis should include aggregate and individual delays, and should individually address residents of nearby homes, parents and employees at the schools and churches, and patrons on MTA or school buses, that could reasonably foreseen due to the plant's placement.

[T-2] Given the close proximity to the signals and intersections along Civic Center Way, the EIR must evaluate the proposed site's quantifiable traffic impacts on that street, and on adjacent Pacific Coast Highway.

Thank you for your consideration,

Hans Laetz

To: City of Malibu Senior Planner
Bonnie Blue

January 7, 2014

From the Desk of Joan C. Lavine
Attorney at Law
9000 Sunset Blvd., Suite 1115
Los Angeles, California 90069, U.S.A.
Office Phones: (213)627-3241; Fax Phone: (213)383-8811
E-mail address: JCLavine@aol.com; FoodieJoan@gmail.com

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Tuesday, January 7, 2014

Ms. Bonnie Blue, Senior Planner
Ms. Joyce Parker, Planning Director
Planning Department
Members, City of Malibu Planning Commission
Members, City of Malibu City Council
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Preparation of and scoping meeting for a draft CEQA EIR for sewage treatment plant (mailed on 11/21/2013); City of Malibu Civic Center Waste Treatment Facility Project, EIR No. 13-001, and Coastal Development Permit No. 13-057, comment deadline December 23, 2013, extended to January 7, 2014, 5:30 p.m. PST, continued to January 7, 2014, address to City of Malibu Planner Bonnie Blue (1/7/2014 12:54:16 PM); bblue@malibucity.org. Mailing address: 23825 Stuart Ranch Road, Malibu, CA. 90265. Scoping meeting: Dec. 11, 2013, 6:30 p.m. PST, at City of Malibu Council Chambers, 23825 Stuart Ranch Road, Malibu, CA 90265.

Dear Ms. Parker, Ms. Blue, Members, of Malibu City Council, and Members, City of Malibu Planning Commission:

I hereby submit my comment regarding the preparation of a (Draft) Environmental Impact Report.

I oppose and object to the construction of the proposed City of Malibu Civic Center Waste Treatment Facility Project, EIR No. 13-001, and Coastal Development Permit No. 13-057.

1. The separate consideration areas in CEQA, particularly in the CEQA Guidelines Appendix G checklist, and the cumulative effects of the substantial adverse, negative impacts of the City of Malibu Civic Center Waste Treatment Facility Project, EIR No. 13-001, and Coastal Development Permit No. 13-057, along with other projects pending for approval and/or which are approved are not just significantly adverse. They are catastrophically destructive of the entire Malibu Civic Center residential community.

The cumulative effects of the City of Malibu Civic Center Waste Treatment Facility Project, EIR No. 13-001, and Coastal Development Permit No. 13-057 and the several major proposed pending development projects, commercial and developer mega-mansions, would be to convert the Malibu Civic Center into a downtown commercial center. To put it another way,

this project promotes the destruction of a long-time residential community. I respectfully submit that this effect is contrary to and violates the City of Malibu General Plan.

2. The Malibu Civic Center area is dedicated to residential and recreational use. The City of Malibu Land Use Plan provides for protection of recreational and residential uses, facilities, activities and environment. I object that this proposal therefore undermines, conflicts with, runs counter to and violates the City of Malibu Local Land Use Plan and Coastal Land Use Plan.

The City of Malibu General Plan established Malibu as a rural-style residential community and requires that any commercial uses be local neighborhood-servicing and/or visitor/recreational serving. See City of Malibu General Plan, §§ 1.0, et seq.

City of Malibu General Plan, § I.1 provides in pertinent part:

Malibu has remained a primarily residential community. Commercial areas are limited to small neighborhood serving and visitor serving uses interspersed throughout the City, but located primarily in the Civic Center area and the Point Dume area. (Emphasis added.)

City of Malibu General Plan, § 1.1.2 provides in pertinent part:

The Malibu Land Use Element is designed to provide maximum social, economic and environmental benefits for City residents through planned distribution, location and intensity of land use. (Emphasis added.)

City of Malibu General Plan, § 1.5.5 provides in pertinent part:

The CC (Community Commercial) designation is intended to provide for the resident serving needs of the community similar to the CN designation, but on parcels of land more suitable for concentrated commercial activity. The community commercial category plans for centers that offer a greater depth and range of merchandise in shopping and specialty goods than the neighborhood center although this category may include some of the uses also found in a neighborhood center.

I object that this proposal fails to support, fails to advance, and fails to implement resident-serving uses or needs. This project, alone and cumulatively with the other pending proposed projects for the Malibu Civic Center, would destroy the residential and recreational nature of the Malibu Civic Center.

3. I object to the catastrophic financial burden of $41 million to $60 million, and the projected $500,000 per residential parcel assessment burden, and to the connection and monthly use fees. This is confiscatory taxation and cost-shifting that constitutes seizure of most of the residential properties in the Malibu Civic Center.

4. I object that there has been a lack of funding from the State of California for a State mandated sewer system and treatment facilities.

5. I object to the campaign and goal of coercive, involuntarily obtained funding on the backs of residents and residential property owners by extortious, coercive threats of $10,000 per day fines and sanctions as felonies under California law unless we tax ourselves up to $500,000, and perhaps more, to pay for this sewage plant project. I view same as extortion, voter intimidation, and violation of federal and state civil rights.

6. I object that removal of a large portions or all of the residential housing in the Malibu Civic Center will displace at least about 1500 residents from about 400 to 500 dwellings. This will necessitate replacement housing having to be constructed or obtained elsewhere.

I object that this proposal is invidiously discriminatory against residential property owners. Each property and proposed project on it will have the effect of advancing an agenda or set of agendas that will likely destroy or substantially reduce the residential community. It has the substantial adverse effect of displacing and/or making homeless and destitute, several hundred residents, many of whom are seniors without resources to relocate. Replacement housing for up to 1500 residents will likely be required. What provisions will be made to mitigate this housing loss and residents' dislocation?

7. The alternative of not installing such a system should be chosen.

8. Placement of a sewage disposal plant in a residential community as high-profile as the Malibu Civic Center is will have the effect of deteriorating the area.

9. I dispute the safety of groundwater injection as a means of effluent and residue disposal. The proposed means of disposal by injection into the ground appears to be a form of fracking. There is considerable controversy as to whether fracking is generally safe. This fracking means of disposal in the Malibu Civic Center is also troublesome, because shallow faults run through the Malibu Civic Center. Fluid injected into the ground is likely to increase water table levels and to create a stronger likelihood of liquefaction. As well, it is unclear whether the proposed plant can actually process and dispose of the effluent or residue safely.

10. Failure to identify properties to which the septic ban applies and which are required to cease use of their OWTS's and be burdened by installation of a sewer system, sewage/wastewater treatment plant constitutes lack of fair, reasonable or actual notice of the properties included in the ban and burdened and prejudicially violates the rights of the interested parties to due process. It is fundamentally unfair.

11. Lack of adequate notice and an adequate, reasonable opportunity to respond to the DEIR due November/December, 2013, holidays, scheduling of several CEQA and other proceedings related to the Malibu Civic Center, the Malibu Civic Center septic ban and amendment to the Los Angeles Regional Water Basin Plan likewise constitutes lack of fair, reasonable or actual notice of the properties included in the ban and burdened and prejudicially violates the rights of the interested parties to due process. It is fundamentally unfair.

I urge that this project be rejected.

Very truly yours,
Joan Lavine, Owner Malibu Civic Center residential property

CHRIS & SALLY BENJAMIN

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January 7, 2014

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

Dear Ms. Blue, Senior Planner:

I am writing concerning the Malibu Civic Center Wastewater Treatment Plant Project. Some of my concerns were presented at the Scoping meeting held on December 11, 2013 which I will represent here alone with others. My questions are outlined in the various categories listed in the NOP for this project.

A paper available at the scoping meeting gave individuals two questions: 1) what specific environmental impacts issues would you like to see addressed on the EIR, and 2) what specific suggestions do you have to avoid or reduce one or more environmental impacts of this project? I have given recommendations in various areas of my comments; however, to be sure they are not missed they are under specific suggestions at the end of this document.

I will address certain categories the City proposes in the EIR. They are Air Quality, Geology/Soils, Hazards/ & Hazardous Materials, Hydrology/Water Quality, and Noise. In addition to those categories I also address the issue of Cost and Growth Inducing Impacts which are also required by the CEQA to be included. Please completely and fully answers the questions I have posed; I await your response. My suggestions to avoid or reduce environment impacts have been included under some of those categories.

Environment Impact Issues/Questions which the EIR Should Address

Air Quality

The location of the proposed plant is in a depressed area geographically not experiencing the air flow which brings in allot of "fresh air" and air circulation in general. That means that gases produced from the plant, waste materials stored at the plant (till removal) or exhaust produced by operation and

upkeep of the septic plant can get trapped; therefore, build up. There is a major street running along the site as well as large condominium complex. People working in the area landscaping, maintenance work, driving through or living in the area can/could be affected by the emission of these gases.

- What gasses will be emitted from the operation of the septic system plant causing odor or toxic gases such as carbon dioxide, hydrogen sulfide, ammonia, methane, sulfur dioxide and nitrogen oxides?
- What monitoring devices will be installed for the safety of the people living close by and at the plant itself?
- What monitoring devices will residents living close to the plant need to install in their homes?

Geology and Soils

The septic plant proposed site is currently used for "multiple" seepage pits and has landfill. The land might be too moist or not compacted enough to hold the said structure or the activities which it will generate.

- What is the stability and geological composition of the proposed site and is it capable of handling the weight of the structure(s) and various activities necessary to operate and maintain a septic plant?
- Phase 2 & 3 will bring additional sewage to the plant, what will the build-out of the plant look like (not just phase1)?

All three (3) phases of this project have miles of pipes for retrieval of sewage and redistribution of recycled water. The topography of the area is hilly and undulating requiring pumping stations to move the material from one location to another. There are also many "known" earthquake faults in this area. Injecting water into the alluvium will increase the risk of earthquakes and liquefaction when an earthquake does occur.

- In relationship to the various collection pipes, where are the earthquake faults in the Malibu Basin area?
- Has the geology of the Civic Center and the data for this proposal been evaluated by an independent geologist who has "no financial interest in Malibu", to ensure that the assumptions being made are accurate and the ground water conditions in the Malibu Creek Flood Plain are well understood?

In the scoping documents "pumps" at various locations are identified for phase 1to move sewage to the plant or recycle water back to the properties due to the topography of the area. In both phase 2 and 3 the gradients and topography is much more extreme than found in phase 1. In phase 2 & 3 there are multiple properties at various levels to one another and property

levels are different from the main sewage pipes. There is such a difference in topography between phase 1 & phase 2, & 3 and yet no "pump stations" locations have been specified for phase 2 or phase 3.

- Where will the "pump stations" for phase 2 and phase 3 be located?

During the initial studies and discussions the City was discussing using SWAT Version 4 as their modeling program. The major assumption in the SWAT program is not applicable to the unconfined conditions in the Civic Center. In unconfined conditions the fresh ground water forms an interface with saline water in the permeable alluvium. This is the type of condition which exists in the Malibu Basin, an unconfined condition. Presently the City is saying it is using MODFLOW program which does model the unconfined conditions. MODFLOW has different versions and various modules one can use.

- What model, version and modules are being used to calculate, and project/model the ability of the geology in the area to manage the volumes of water being injected?
- What are the modeling results of the 3 well/test sites the City conducted to locate areas within the Civic Center conducive to injection 150,000 gallons per day?
- What is the amount of water level rise in each of those 3 test wells?
- Over time and with the rising water levels due to global warming what is the MODFLOW projecting the impact of this water injection?
- What are the modeling results for the volumes to be injected into the Winter Canyon Condominium complex site?

An area on the corner of the property of the proposed sewer plant has been designated as a Wetland. This designated area is on land which is not flat. It has a drastic slope which couldn't hold water if it tried, the water would just runoff. The area identified as a wetland in the scoping map is incapable of being a Wetland. I have never seen a water fowl in that area since I have lived here (since 1983). There have been water fowl in Legacy Park area, prior to the area developed into Legacy Park, and along Civic Center Way next to the Condominiums. The grasses along Civic Center Way area also suggest that it is/was a Wetland area. The Title 22 water could be used to bring back the Wetlands which Malibu once had. Those Wetlands areas along Civic Center Way where one could watch the white egrets back in the '80s and '90s and before. Use the title 22 water to create wetlands and habitats for water birds and natural wildlife.

- What if the Title 22 water was placed back into areas that were once Wetlands and give back the Wetlands that Malibu has lost?
- What amount of water could be used in developing Wetlands instead of injection?

Hazard and Hazardous Materials

This project is located in Malibu which is frequently in the path of natural wildfires. With flammable gases due to being a sewer processing plant and in a high rise fire hazard another agency needs to be included in the review of the EIR and that is the Fire Department and US Forestry.

- What protection is planned for fire prevention of the plant?
- What additional protection must be implemented with many citizens, citizens and commercial properties in need of this sewer processing plant and being in a high fire hazard area?

With fires bring power outages, which can be several days at a time.

- What will be done to maintain the plant and the "pump stations" during a power outage?
- What additional protections need to be in place during a power outage for phase 2 & 3 with increase residential properties connecting?
- What alternative(s) is/are available to a residential property owner who cannot remove waste off their property due to a power outage?
- What mechanisms are in place to manage the breaking of a collection pipe?

Electrical systems within the plant or in outlaying pump stations are capable of failing. It will take time to repair them. The plant will probably have people on hand to manage the situation, it will still take time. A resident who is below the grade of the main sewer line will have to have a "pump" to move sewage up to the main sewer collection pipe. This type of residential "pump" could also fail. An individual's ability to repair/fix the situation for their residential property could take a few days (weekend, busy time, holiday, and massive need of their services due to fire or earthquake). The property is now at risk of being flooded in its own "waste" from sewage not being able to move off the property. This is a massive biohazard waiting to happen.

- What is the City prepared to do to assist the resident move their waste of their property?
- What if the old septic system was still able to be used as a residents holding tank? The waste would be able to be trapped there (in the tank only no outflow) and moved out later when the pump was working. The homeowner could turn a valve which would allow the current septic tank to hold only sewage till the pump(s) was functional.

As mentioned under Geology, The Civic Center area is susceptible to liquefaction from earthquakes. With the additional Title 22 water proposed to be injected increase the risk of liquefaction. Liquefaction would mean pipes are broken; sewer will be everywhere, and no water available.

- What modeling has been done to evaluate the impact of liquefaction in the area due to an earthquake with the increase of underground water?
- What amount of residential, commercial, pipes, and roadways damage would occur and how long could it take to repair and would be affected?
- What would be the environmental impact to the ocean, and Malibu Creek if liquefaction were to occur?
- What if in case of liquefaction, a resident could turn their current septic tank into a holding tank? This would avert another massive biohazard, as was seen in Christchurch, New Zealand after their earthquake.

Hydrology and Water Quality

The project proposes to inject Title 22 water into 150 feet underground, into the Malibu Creek Flood plain which has unconfined conditions. In such conditions the ground water forms an interface with saline water in the permeable alluvium. With high and low tide of the ocean that occurs naturally the waters, ground water and the ocean, mix. The mixing of the ocean water and underground water is a natural process. Injecting 150,000 gallon of water per day in phase 1 only, additional water will be injected in phase 2 and then more in phase 3 creates and environment deep underground which is "not natural". The ocean will need to "mix" with a solution which is not natural to that underground environment and will create a mini "non-natural" environment in the area where the Title 22 water is being injected.

- What is the impact on the current environment growing, living and breeding in brackish water underground to inject highly processed water, Title 22?
- What impact to this life and to the soil will occur with such large amounts of Title 22 water injected into brackish water? What life is being killed due to the force of the water?
- Should this injected water be of some other consistency (not Title 22) which resembles the natural water found in brackish water? One which could combine more easily and resemble the components of the environment already there.
- What monitoring devices and frequency of monitoring for rising ground water levels will be done in the area? What alarms/notices will be given to the citizens that the underground levels are raising?
- What mechanism are the Salt and Nutrition Management and Groundwater Management Plan going use to "STOP" salt water intrusion? Is the pressure of the water being injected going to be

monitored and mimic the tides force so it can be injected with the same amount of pressure with the ocean current produced at the time as injection?

- What mechanism will be used to keep other ocean water from not mixing/intruding with the injection Title 22 water? Title 22 water will have less salt/minerals than ocean water, creating a gradient between the two types of water. The ocean water will be naturally drawn to the Title 22 water due to the gradient pressure.

One of the areas being identified as an injection area is the Condominium complex across from the proposed sewer plant. While the condominium complex has injected their waste water into the site for years it has not handled the quantities being suggested by the City. The Condominium Complex also owns the property where they are currently injecting?

- What testing has the City done at this site to determine water level rise as they have done with the other 3 test wells?
- What is the capacity of the underground area to handle the quantities of water being proposed for phase 1, 2 & 3?
- Has the Condominium Complex granted the City rights to inject into the soil below their units which they own?
- What has the City paid the Condominium Complex to inject Title 22 water into their land, in easements, title change?
- If the City what financial arrangements have been made between the City and the Condominium Complex to inject into their soil?

The sewer plant is being built due to a requirement of State Water Quality Control Board. There is a MOU in place between the City of Malibu, Regional Water and The Knolls. While this MOU does not mandate water quality monitoring between phase 1 & phase 2 it behooves the City of Malibu to do testing anyway. Once the plant is built and phases completed the MOU will no longer exist. The City needs to have a baseline of water quality at the starting point to identify what has been achieved at each stage of this process; irrelevant of what is stated in the MOU.

- What water quality measurements will be used to determine that water quality has indeed improved?
- When will the first baseline measurements be taken, just prior to connection and operation or just prior to breaking ground for the project?

These injections will affect the environment of the ocean and the area which these waters interface. There are several Agencies, which the city has not named earlier at the Scoping meeting, who should have input into this EIR project as well.

- California Resource Agency – they protect wildlife and the ocean off the coast.
- The California State Lands Commission – they own the land which is submerged along the coast line for 3 miles. While the water isn't being directly injected into the ocean, as mentioned earlier it will interface. They need to be involved as the injection will affect our ocean.
- Department of Food and Agriculture – has a department called aquaculture and is interested in food safety and water discharge. We have a lot of people who catch fish off Malibu pier and directly off our shores. They need to be involved to evaluate the affects of water injection on fish catch off shore.

NOISE

There is no structure or plant currently at the proposed site; therefore, no noise coming from the site.

- What noise and amount of noise will be generated during construction and operation of the plant?
- Will alarms be sounded during operations which will disturb the area at night/ early morning hours?
- What is a phone number the citizens can call if alarms are going off or if there is allot of noise coming from the plant?

Cost

Section 15131 economic and social effects may be included in an EIR.
While at the scoping meeting we were told the EIR apparently can't address financial impact. The above section within CEQA states the opposite AND this is the only venue for the residential property owners to begin to identify future costs to them. This system is a mandated by RWQCB and the EIR can specify the daily fine to a residential owner if they do not comply. The City does have an obligation to outline areas of cost which the City's citizens will have to bare. The City should outline the areas of cost responsibility to the residential property owner. Cost such as:

1. Assessment amount and duration of the assessment on their property bill
2. Assessment on the property bill for the additional build out of the sewer plant for each phase
3. Assessment for maintenance of the structure

4. Monthly bills for use of the sewer system
5. Monthly bills for recycled water use
6. Cost of maintenance of the sewer plant
7. Initial cost outlay:
   a. Laying pipes for collection and recycle water
   b. Water meter and its installation for recycled water
   c. Pumps, running and maintenance cost if their property is below the grade of the main sewer line
   d. Repaving private roads (if applicable) and private concreted or landscaped areas which might be disturbed
   e. Disconnecting their septic system
   f. Adjustment to the septic tank if allowed to used as holding tank during emergencies

- What is the cost to the commercial properties?
- What is the debt to the City and how will it be repaid?
- Are the citizens paying the commercial properties to develop their properties and financial gains? This would be inequitable to the residential land owner.

Growth Inducing Impact

Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following criteria:

Removal of a major obstacle to development and growth

The major obstacle being removed is the ability for commercial properties to remove waste off their properties by connecting to a sewer system. The sewer system will remove the major obstacle which has plagued the commercial properties in this area.

The Civic Center area has a lot of open space due to the requirements that each commercial property must dispose of their own waste/sewage on "their property". This is City regulations at this time. The water table in the area is too high. There is no place to have a leach field or septic pits for the onsite waste water system. This means that the properties can't get rid of the sewage that might be produced from their tenants. Because this hurdle could never be overcome, much of the Civic Center land has gone undeveloped.

With a sewer plant, this problem has been solved for the commercial properties. All sewage produced will be removed by connecting to the sewer plant. The properties not currently developed are now moving through their EIR processes. The open space viewed now will diminish, and more people and cars will be in the area.

- What is the projected amount of increase in carbon dioxide and nitrogen into the air from car exhaust; increased traffic flows/congestion? As this level rises more exhaust falls on to the water of Malibu Creek and Lagoon creating algae bloom.

- What are the number and size of the projects being processed by the City of Malibu that are in the Civic Center Septic Ban area to establish the amount of development to occur in the very near future?
- What is a complete list of projects in the pipeline for the civic Center area? This is a list of some of the known projects; however, the City will be more equipped to identify all of the projects in the pipeline.

1. Whole Foods
2. La Paz Property Development
3. Crummer Property on Bluffs Park
4. Hotel on the corner of PCH and Malibu Canyon
5. Renovation of Hotel along PCH (Larry Ellison's property)
6. Malibu Bay Company Development on the IOKI property
7. Santa Monica College Extension
8. Winter Mesa Subdivision
9. Development of recreation area on Bluff Parks land swap

Specific Suggestions to Reduce Environment Impacts

While I have provided suggestions some of my concerns in the text above they might get lost in the reading; therefore, they are presented again here.

Geology and Soil

Do geological testing of the soil for composition, moisture and compactness at the proposed sewer plant site to determine that the area can handle the proposed phase 1 structure and future build out of the sewer plant (phase 2 &3)?

Hire an independent geologist who has no financial interest in Malibu, to review the data (MODFLOW modeling data) and give an objective evaluation if the assumptions being made are accurate, and the ground water conditions are well understood.

Evaluative the alternative of using this 150,000 gallons per day inject able water some other way which would improve the environment (and not just through recycling of water)? Could some of the Title 22 water be used to improve the environment by creating Wetlands?

Hydrology and Water Quality

Evaluate an alternative of increasing water use regulations to minimize the amount of waste water being injected. In commercial building use only waterless urinals, double flush level toilets, use recycle water in all toilets, water distributed in restaurants upon request only, water saving dishwashers for commercial kitchens, all faucets have a sensor to turn them on or and off and water restrictors to limit the amount flow high water use business must use equipment which is water saving. Old commercial buildings have a period

of time to upgrade to the new standard. New commercial buildings must comply with the new standards.

Evaluate an alternative of processing the waste water to a level of Title 22 quality injected 150 feet below ground to at the rate of minimum of 150,000 gallons per day. This amount of water is only going to increase when other phases are connected to the sewer and the Civic Center gets more developed. This doesn't include how Malibu as we know it will change towards additional development in the years to come and require "MORE" amounts of water to be injected. As the injection amount increases the environment underground in the natural brackish water will be affected even more. Possibly the injected water should "not" be at a standard of Title 22 which is void of the salts and minerals found in brackish water. It should be void of "bad", harmful, disease causing bacteria of course! The injected water should mirror the components found in brackish water, minus bad bacteria as mentioned above. Is the water to be injected as Title 22 being over processed causing problems to the underground environment?

Evaluate an alternative to injecting this amount and future amounts of water into the underground.

Evaluate an alternative of requiring all residential properties to connect their septic system to an Ultraviolet Water Disinfection System rather than to the sewer system.

Establish water quality goals; take measurements before construction and at the beginning of <u>each</u> phase (connection) of the sewer development irrelevant of what the MOU requires. The City needs to take responsibility and part of doing that is being knowledgeable about what the bacterial and mineral counts are at the beginning, connecting at <u>each</u> phase and at the completion of the project.

Hazard and hazardous materials

Provide additional fire protection to the plant, and to the residents in this area due to the gasses from the sewer, and storage of materials and being in a high risk fire area (the City of Malibu).

Allow current septic tanks to be turned into holding tanks of sewage in times of emergency (earthquake liquefaction, flooding, pipe breakage, tsunami) sewage plant failures and/or "pump station" and /or pump failures at commercial or residential properties or along the collection and redistribution route.

Thank you for your review and consideration. I await your complete answers to my questions and your thoughts my suggestions in reducing the

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

Sincerely,

Sally Benjamin

3216 COLONY VIEW CIRCLE • MALIBU, CA • 90265
PHONE: 310.456.2736 • FAX: 310.456.7736

RECEIVED
JAN 07 2014
PLANNING DEPT.

January 7, 2014

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

Re: Comments during 30-day scoping review period on the Civic Center Wastewater Treatment Facility Project (EIR No. 13-001 and Coastal Development Permit No. 13-057 - 24000 Civic Center Way).

Dear City of Malibu,

We, the Commenting Organization, believe the proposed location, 24000 Civic Center Way, for the Civic Center Wastewater Treatment Facility Project (EIR No. 13-001) is an unacceptable choice for the following reasons; health, environmental, safety, and view impact issues as outlined in the bullets below.

We first discovered the information on the proposed site in the Malibu Times without any notification from the city. Since this is a "high density" population area we urge you to seek other sites that the city has previously proposed. Furthermore, we seek to have a town hall meeting with all residents in the affected area, including at a minimum, the Commenting Organizations, the Supporting Organizations, and the other organizations contacted and affected, as defined below, to discuss other locations and ask questions about the research and data that was used to select the currently proposed location.

We look forward to engaging in an open and constructive dialogue that can advance the requirement for a centralized wastewater treatment facility for the Civic Center area of Malibu while protecting the health, safety, environment, and views of current residents. Thank you.

Issues at hand:

- Proximity (<100m) to Webster Elementary School – Potential Health and Safety issues to ~300 students and staff
- Proximity to residences – Potential Health and Safety issues to residents
  - <25m to Maison DeVille (48 residences)
  - <100m to Toscana (22 residences)
  - <100m to Vista Pacifica (17 residences)
- Treated water disposal into existing natural watershed – Environmental issues to groundwater

- View impacts to existing residents (>50 residences)
  - ~14 in Toscana
  - ~28 in Maison DeVille
  - ~12 in Vista Pacifica
  - Unknown number of other single family homes

From: Commenting Organization:
Toscana Homeowners Association (22 residences)
Point of contact: Steve Bobzin

Supporting Organizations:
Maison De Ville Homeowners Association (48 residences)
Vista Pacifica Homeowners Association (17 residences)

Other organizations contacted and affected:
Webster Elementary School
Santa Monica-Malibu Unified School District (SMMUSD)
Malibu Canyon Condominium Homeowners Association
Pepperdine University
Malibu Tennis and Racquet Club

Sincerely,

Toscana Homeowners Association
Point of contact: Steve Bobzin, Ph.D.
scbobzin@yahoo.com

RECEIVED
JAN 06 2014
PLANNING DEPT.

Patricia Salazar

From: anne payne <anne.payne@me.com>
Sent: Monday, January 06, 2014 9:54 PM
To: Patricia Salazar; bblue@malibu.city.org
Subject: Re: Public Scoping Meeting for the City of Malibu Civic Center Wastewater Treatment Facility Project

I attended the Scoping meeting for the City of Malibu Civic Ctr. Wastewater Treatment Project. I am very glad that the deadline was extended to allow in-put following the December holiday period. Thank you, Anne Payne

Here are the items which concern my family and neighbors in the adjacent, residential enclave known as"Serra Retreat" :

1. NOISE increase due to machinery operations and clean-out which may require trucks i in and out of the small streets in the Malibu Civic Center. The Malibu Civic Ctr. has a natural bowl or amphitheater configuration, as it sits at the base of Malibu Canyon with the SM Mts. behind, creating a place where sound echoes and reverberates in the space below.

2. ODOR may result from the wastewater treatment plant which would remain in the natural bowl of the Civic Ctr. There is already an existing, terrible ODOR problem on Civic Ctr Way, between Malibu Canyon and Webb Way in the Civic Center !

3. SAFETY is a huge concern, especially with regard to evacuation procedures during a fire or other disaster. PCH is usually closed by the local law enforcement, so that the 100 residential homes in Serra Canyon must evacuate horses, vehicles and families via Cross Creek Road near Civic Ctr. Way. The local Fire Dept. often needs canyon access for fire trucks into the Cross Creek Road entrance. Having evacuated several times in the past 26 years, we are quite concerned when any additional traffic is added to the evacuation process.

Please add these areas of concern to the list for the EIR Scoping for the Malibu Wastewater Treatment PLant which is proposed

Anne and John Payne, 3507 Cross Creek Lane, Malibu, Ca 90265 , 310-456-3507

On Dec 26, 2013, at 2:06 PM, Civic Center Wastewater Treatment wrote:

View this in your browser

Public Scoping Meeting for the City of Malibu Civic Center Wastewater Treatment Facility Project

Date: December 11, 2013
Time: 6:30 p.m.
Place: City Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265

A notice of preparation (NOP) of an Environmental Impact Report (EIR) for the City of Malibu Civic Center Wastewater Treatment Facility Project was published on November 21, 2013. The City's EIR consultants will now begin the process of preparing the Draft EIR. The first step in the process is a public scoping meeting during which interested parties and other agencies are asked for input on the information and analysis to be included in the EIR.

For project information or to review the NOP: http://www.malibucity.org/index.aspx?NID=592

City of Malibu Contact: Bonnie Blue, Senior Planner, bblue@malibucity.org; (310) 456-2489 extension 258.

Deadline to submit scoping comments: December 23, 2013

How to submit scoping comments:

- Attend the scoping meeting
- Email to bblue@malibucity.org
- Mail to Bonnie Blue, Senior Planner, City of Malibu, 23825 Stuart Ranch Road, Malibu, CA 90265

You are receiving this message because you are subscribed to Civic Center Wastewater Treatment on www.malibucity.org. To unsubscribe, click the following link:
http://www.malibucity.org/list.aspx?mode=del
If clicking the link doesn't work, please copy and paste the link into your browser.

RECEIVED
JAN 07 2014
PLANNING DEPT.

January 7, 2014

Mr. Bonnie Blue
City of Malibu
Planning Division
23825 Stuart Ranch Road
Malibu, CA, 90265

NOTICE OF PREPARATION FOR DRAFT ENVIROMENTAL IMPACT REPORT (NOP/DEIR)
CITY OF MALIBU CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT
24000 CIVIC CENTER WAY
CITY OF MALIBU

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS COMMENTS

We completed our review of the NOP/DEIR for the Malibu Civic Center Wastewater Treatment Facility project located at 24000 Civic Center Way in the City of Malibu. The project is for development of a centralized wastewater treatment facility to treat, reuse and/or dispose wastewater flows from the properties in the Malibu Civic Center Area. This project is intended to replace the use of onsite wastewater disposal systems (OWDS's) and to cease their discharge by November 2019.

The Project would include construction of a centralized wastewater treatment plant, six pump stations, approximately 13.3 miles of pipeline-for collection of wastewater and distribution of treated effluent-, disposal facilities (such as injection wells and percolation ponds), and associated ancillary facilities. Based on flow projections, modeling and testing results available at this time, the treatment capacity is expected to be 507,000 gallons per day.

The following are County of Los Angeles, Department of Public Works' comments for your consideration and relate to the environmental document only:

Hydrology/ Water Quality

1. The Los Angeles County Flood Control District (LACFCD) owns and maintains Stuart Ranch Road -BI 9302 Drainage system (Drawing Number DDN 470-9302-D3). Any impacts to LACFCD system should be discussed in the DEIR. A connection/construction permit from the LACFCD prior to construction is required for any new connection to these drains/facilities. In addition, a hydrology study and storm drain improvement plans must be submitted to the Los Angeles County Department of Public Works for review and approval prior to permit issuance. This should specifically be noted in the environmental document.

   If you have any questions regarding the Hydrology and Water Quality comment above, please contact Mr. Toan Duong of Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov. For submittal and permit fees associated with connections to

LACFCD facilities, please contact Land Development Division, Permits Section at (626) 458-3129.

Transportation/Traffic

1. We would like to review the project's DEIR, including the traffic impact study for potential impacts to County roadway and intersections in the area. The County's methodology shall be used when evaluating the County intersections. A copy of our Traffic Impact Analysis Report guidelines may be obtained on the Public Works' website at http://dpw.lacounty.gov/Traffic.

If you have any questions regarding the transportation/traffic comment, please contact Andrew Ngumba of Traffic and Lighting Division at (626) 300-4851 or angumba@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Teni Mardirosian of Land Development Division at (626) 458-4910 or tmardirosian@dpw.lacounty.gov.

TM:
\\PW01\PWPublic\ldpub\SUBPCHECK\Plan Checking Files\Zoning Permits\NonCounty Projects\24000 Civic Center Way - City of Malibu Civic Center Wastewater Treatment Facility\2013-12-04 Submittal\2400 Civic Center Way.docx

RECEIVED
JAN 07 2014
PLANNING DEPT.

Marilyn Dove
24958 Malibu Road
January 6, 2014

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

Dear Ms Blue:

I am writing concerning the Malibu Civic Center Wastewater Treatment Plant Project. Below are my scoping questions:

Malibu is prone to power outages especially in fire and storm emergencies. These outages often last days.

- What safeguards are planned to prevent the backflow of sewage into homes that are below grade?
    - Will below-grade property owners be able to close off the connection to the sewer line? Ideally such an option should be automatic with a manual override.
    - Will below-grade property owners be able to resort to their existing septic systems during these emergencies?

This project has a huge negative impact on Malibu's effort to reduce greenhouse gas emissions. Has the city adequately considered this impact? This project replaces gravity-based, greenhouse-emission-neutral onsite septic management for over 1000 homes with one that will use electrical pumping stations. *For Phase 1 only,* the estimated effluent to be pumped is 150,000 gallons per day. Based on 20ft average lift the energy consumed will be 560,000 watts per day instead of ZERO currently. This amount is almost doubled to implement recycled water usage. In light of this impact alone, the city of Malibu must demand that the RWQCB prove that this project is necessary and that the project will provide a net benefit to the environment which is commensurate to its overall cost. It is outrageous that our city government has allowed the RWQCB to levy this burden on the citizens of Malibu without any proof of benefit.

What will be done about the odor and noxious gas pollution? How will this be effectively monitored and controlled?

What methods will be used to monitor for ground saturation and resulting slippage due to the proposed injection of wastewater. What will be done with the effluent during heavy rains?

A sewer system will be growth-inducing and the higher costs incurred because of this project's implementation will drive the need for higher density development in our fragile environment. What is planned to address or control the negative impacts of such rampant growth?

A sewer system will allow people to be less water conscious thereby promoting heavier water demand and straining our infrastructure and water supply even more. How will this impact be addressed?

Why is there a septic system ban when right at the Phase 3 boundary (specifically at 24573 Malibu Road) the county dumps effluent at least 3 times a week with the RWQCB blessing? The city should fight this arbitrary "septic system ban" based on that fact alone.

Sincerely
Marilyn Dove

Bonnie Blue

From: Healypatt@aol.com
Sent: Tuesday, January 07, 2014 4:56 PM
To: Bonnie Blue
Subject: sewer EIR comments

RECEIVED
JAN 07 2014
PLANNING DEPT.

Hi Bonnie,
In no particular order here are items to be discussed in EIR
1.What agricultural soils will be disturbed or lost by the project? The civic center was once agriculture because of its proximity to Malibu Creek and has some of the prime agricultural soils in the state.there needs to be an agricultural component in this EIR
2. What will the treatment plant look like?
3. Who owns the mineral rights in the property and how do/ can determine will it be determined wherher or not they exisr?
4. Will any retaining walls be required to protect the bluff face plant from slippage? If so how high and what is aesthetic impact How will the plant be screened?
5 What negative impact would the proposed hotel have on the site since their proposed structures are so close to the bluff face?
6. How will the treatment plant effect the wetland?
7. What happens if there is a spill?
8.What happens if their is a failure in operation for an extended period of time?
9 Since the purposed location of the plant site is a waste water disposal site can the plant be subject to liquefaction?
10. In case of failure what will happen to the untreated waste water ?
11.If untreated waste water needs to be released in an emergency where will it be released?
12. How will a spill be handled?
13. what happens to the waste water of the residences if the plant is not working ?
I3. Is the plant being designed for all three hookup phases?Where is the other needed infrastructure going to be placed?
15.Will it have capacity to hold all the waste water on all the yet to be built parcels ?
16. What will be the geological impact of injecting water into the ground?
17. Could ground water migrate into any of the faults in the area.
18. Could the ground water migrate inland?
19 how long will it take for this water to reach the ocean ?
20 Where will the ocean outfall be? can this water have any negative impact on ocean resourcesat its outfall?
21. What will be the impact of the saltwater interface will the increase in ground water?
22 What if injection does not work? what are the results of such a failure.
23.Will any of the tertiary treated water be used beneficially or just put in the ground?
24.Does any of the wastewater, treated or untreated have the potential of winding up in Malibu creek.
25. Will this sewer system be growth inducing in the Civic Center area?
26.Can this sewer be expanded?

Thank you Bonnie for the opportunity to make comments. Patt

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED
DEC 2 6
PLANNING

December 19, 2013

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

Dear Ms. Blue:

PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT," TO PROVIDE SUFFICIENT INFORMATION ABOUT THE PROPOSED PROJECT AND ITS POTENTIAL ENVIRONMENTAL IMPACTS, IT WOULD TREAT, REUSE AND/OR DISPOSE OF WASTEWATER FLOWS FROM PROPERTIES IN THE CIVIC CENTER, 24000 CIVIC CENTER WAY, MALIBU (FFER #201300203)

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

PLANNING DIVISION:

1. We will reserve our comments for the draft EIR analysis.

LAND DEVELOPMENT UNIT:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that

contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities. The County of Los Angeles Fire Department, Land Development Unit, may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.

2. The County of Los Angeles Fire Department, Land Development Unit's comments are only general requirements. Specific fire and life safety requirements and conditions set during the environmental review process will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review there may be additional requirements

3. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

4. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.

5. Access roads shall be maintained with a minimum of 10 feet of brush clearance on each side. Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet 6 inches.

6. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

7. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet.

8. Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.

9. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.

10. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

    a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

    b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

    c) Additional hydrants will be required if hydrant spacing exceeds specified distances.

    d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.

    e) A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.

11. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

12. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.

13. All access devices and gates shall meet the following requirements:

    a) Any single gated opening used for ingress and egress shall be a minimum of 26 feet in-width, clear-to-sky.

    b) Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.

    c) Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.

    d) All limited access devices shall be of a type approved by the Fire Department.

    e) Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.

14. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions.

15. Submit proposals for all street vacations (closures) to the County of Los Angeles Fire Department, Land Development Unit for review and approval. The proposal shall be submitted through the Department of Public Works.

16. Submit three sets of water plans to the County of Los Angeles Fire Department, Land Development Unit. The plans must show all proposed changes to the fire protection water system, such as fire hydrant locations and main sizes. The plans shall be submitted through the local water company.

17. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Nancy Rodeheffer, at (323) 890-4243 or nrodeheffer@fire.lacounty.gov.

18. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft Environmental Impact Report.

HEALTH HAZARDOUS MATERIALS DIVISION:

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

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

Very truly yours,

Frank Vidales by mm

FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl

RECEIVED
JAN 07 2014
PLANNING DEPT.

LOS ANGELES WATERKEEPER®

Heal the Bay

January 7, 2014

Bonnie Blue
Senior Planner
City of Malibu
23285 Stuart Ranch Road
Malibu, CA 90265
E-mail:bblue@malibucity.org

RE: Notice of Preparation and Scoping - City of Malibu Civic Center Wastewater Treatment Facility Project, EIR No. 13-001 and Coastal Development Permit No. 13-057

Dear Ms. Blue,

Los Angeles Waterkeeper ("Waterkeeper") and Heal the Bay appreciate the opportunity to submit comments regarding the scope of the Environmental Impact Report ("EIR") for the proposed Civic Center Wastewater Treatment Facility Project ("Civic Center WWTF"). Our organizations have worked for decades to protect the quality of Malibu's precious water resources from all sources of pollution. To achieve this goal, Waterkeeper and Heal the Bay have consistently advocated for the elimination of septic system discharges in the Civic Center area for many years and are strong supporters of the Malibu Civic Center area Septic Prohibition ("Septic Prohibition"). The proposed Civic Center WWTF is the culmination of this effort and we applaud the City of Malibu for working to accomplish this once-in-a-generation project. Our comments are specifically focused on ways to improve the project, conduct a thorough CEQA analysis of the project's impacts and enhance the project's benefits to the environment and public health.[1]

First, and as we have stated on numerous occasions, the City must avoid any further delays to the project and should follow as closely as possible the implementation schedule outlined in the Memorandum of Understanding ("MOU") in order to comply with the November 5, 2015 Septic Prohibition Phase I deadline. We urge the City to make every effort to eliminate the anticipated 9 to 12-month delay in the project and we

[1]"The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3rd 376, 390, fn. 2.

are hopeful the City will achieve this because of the simultaneous work currently conducted by City officials and consultants on design preparation, groundwater injection studies, coastal development permits, formation of the assessment district, etc. Nonetheless, because at present the City anticipates delays in completion of the Civic Center WWTF, the EIR must analyze the environmental impacts from these delays and propose mitigation measures to address their impacts. In the event there are additional delays, environmental impacts stemming from such delays also need to be considered and analyzed in the project's EIR.

Second, the project must expand water recycling as much as possible in an effort to reduce potable water demand and minimize ground water injection volumes. In the event that water recycling and well injection volumes do not balance treated effluent volumes discharged from the Civic Center WWTF, any environmental impacts stemming from this water imbalance need to be considered and mitigation measures for the impacts must be included in the EIR and implemented. Additionally, we ask that water balance worst case scenarios (i.e. minimal/zero water recycling and zero well injection) be examined and their associated impacts be addressed in the document.

Third, Malibu's surface and groundwater resources need to be evaluated for impacts. Depending on conclusions reached from the injection well study and modeling, treated effluent from the Civic Center WWTF may impact the impaired Malibu Creek, Malibu Lagoon and Surfrider Beach. In addition, treated effluent may affect the Malibu Valley Groundwater Basin which, as the November 21, 2013 Notice of Preparation and Scoping recognizes, is assigned by the Los Angeles Region Basin Plan a potential municipal drinking water supply beneficial use. Moreover, the connectivity between surface and groundwater resources as recycled water irrigation increases in the area must also be evaluated in terms of impacts on Malibu's already impaired water bodies. All possible environmental impacts on Malibu's surface and groundwater resources, including compliance with established water quality standards and TMDLs for the surface and subsurface water bodies that may be affected, must therefore be evaluated and addressed in the Civic Center WWTF EIR. No further impairment to water resources should result from the project.

Fourth, the EIR should evaluate impacts of the Civic Center WWTF in conjunction with other concurrent or planned project in the area, such as the proposed Rancho Malibu Hotel development and Crummer site subdivision. Furthermore, the EIR needs to address environmental impacts from other commercial or residential properties located outside of the Septic Prohibition area that may in the future connect to the Civic Center WWTF.[2]

Fifth, the EIR should evaluate storm water pollution impacts from the project's construction including the construction of the WWTF itself as well as the installation of

[2] *See* CEQA Guideline 15130; *Laurel Heights Improvement Assn*, 47 Cal.3rd at 394 (an EIR must adequately describe and analyze the significant cumulative impacts of the proposed projects and other past, present or reasonably foreseeable projects).

the sewer collection and recycled water distribution pipes. Moreover, the EIR must discuss and require mitigation measures for these environmental impacts.[3]

Finally, considering the fact that the construction of the Civic Center WWTF and the sewer collection and recycled water distribution system will be highly capital-intensive that will result in significant land disturbances, we urge the City to seize this opportunity and maximize project benefits by installing Low Impact Development BMPs to control storm water flows and pollution wherever possible. This will undoubtedly help the City in achieving compliance with the Los Angeles County MS4 Permit and will benefit water quality, aquatic life and public health.

In conclusion, Waterkeeper and Heal the Bay appreciate the City's efforts towards achieving the goals of the Septic Prohibition and ask the City to consider all above comments and suggestions to ensure this unique project will result in significant improvement to Malibu's water resources and the environment.

Please contact Tatiana Gaur at (310) 394-6162 or Kirsten James at (310) 451-1500 if you want to discuss our comments.

Sincerely,

Tatiana K. Gaur

Tatiana Gaur
Staff Attorney
Quality
Los Angeles Waterkeeper

Kirsten James
Science and Policy Director, Water

Heal the Bay

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

Michael Blum
Stewardship Chair
Malibu Surfing Association

[3] *See* CEQA Guideline 15002 (one of the basic purposes of CEQA is to "prevent significant, avoidable damage to the environment by requiring changes in projects through the use of ... mitigation measures when the government agency finds the changes to be feasible").

Malibu Civic Center Wastewater Treatment Facility Scoping Comments

Comment No.	Name	Comment	Response
	Oral Comments		
1	Ryan Embree	Doesn't want Winter Canyon to become a concentrated wastewater area. Concerned with siting of plant and concentration of wastewater in this area and with potential impacts of the proposed percolation on groundwater. EIR should study what will happen in the event of a power failure.	Please see Chapter 4.7 Hydrology and Water Quality of the Public Draft EIR, which describes potential impacts to Winter Canyon. The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures.
2	Hans Laetz	No information has been provided so far on location of injection wells. Can't comment on scoping without hydrology info. Would like to see results of additional testing required in a RWQCB letter last summer.	Information regarding the location of the injection wells is include in Chapter 3 Project Description of the Public Draft EIR. The comment did not provide a specific reference to the RWQCB letter, so it is not possible to respond to that portion of the comment.
3	John Mazza	Need analysis of electric supply system of pumps for the area, what back-up systems will be used, and does SCE have sufficient capacity	Please see Chapter 4.12 Utilities, Service Systems, and Energy of the Public Draft EIR. The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures.
4		Study the County wastewater plant across the street (that serves the condominiums) and analyze if there are capacity constraints and whether that plant remains online or gets taken out.	Studying the County's wastewater treatment plant is not within the scope of this EIR. The CCWTF has been designed to accommodate the wastewater flows that are currently being treated at the County's plant. Per the MOU, these flows are scheduled to be connected to the Project during Phase 2.

Comment No.	Name	Comment	Response
5		Study the two faults identified on the hotel site EIR and what happens if a pipe breaks, etc. Concern about where pipes will drain if they break because of the location of the plant at the top of a canyon that drains to Amarillo Beach.	The EIR for the hotel site noted that there are fault traces that cross the site, but that they are inactive. The Rancho Malibu Hotel Project EIR thus concluded that "there are no onsite active faults on the Project site". The CCWTF would be required by the State Water Resources Control Board to develop and implement a Sewer System Management Plan which would, among other things, present an emergency response plan to address pipeline breaks and overflows. Faults are discussed in Chapter 4.5 Geology and Soils.
6		Provide a traffic remediation study of traffic during construction and after, given consideration of other potential simultaneous projects, like the Rancho Malibu Hotel, Pepperdine campus life Project, other cumulative traffic impacts.	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
7	Sally Benjamin	Study traffic on PCH and canyon roads related to truck trips for solid waste removal from the treatment plant site. Study cumulative (project + other projects) traffic impacts for construction traffic.	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
8	Don Schmitz	Address the no project alternative, particularly the biological impacts of not constructing a treatment plant, as well as the land use, fiscal/public services, population and housing impacts associated with not having a treatment plant.	Please see Chapter 5.3.1 Alternative A - No Project of the Public Draft EIR.
9	Wendy Dunn	Study deep well injection potential effects on the ocean. Concerned about potential for what has occurred with Maui's deep well injection program to	Please see the Ocean Dilution Analysis Technical Memorandum included in Appendix G1 of the Public Draft EIR. Additionally, the

Comment No.	Name	Comment	Response
		occur in Malibu. Concerned with disinfection of the treated water before it is injected (requests UV disinfection), and treatment levels, especially as it relates to nitrates and phosphates and biological impacts.	Maui discharges were historically not disinfected, which may have contributed to the problems occurring there. Injected recycled water would be fully disinfected prior to and during injection.
10	Steve Uhring	Wants the project to describe a system of measurement for water quality improvements with each phase. Evaluate expected outcomes of each phase (i.e., potential benefits) --- a monitoring program with baseline and benchmarks.	Water quality parameters to be measured during Project operations and between phases, including points of compliance and monitoring intervals, would be set forth in the operating permits issued to the Project by the LARWQCB. A monitoring program would be prepared and implemented as part of the permitting requirements; requirements would be established by the LARWQCB, not by the City of Malibu. Monitoring parameters are anticipated to in+D166clude nitrogen and phosphorus.
11	Norm Haynie	Anticipated environmental impacts on affected bodies of water – whether positive or negative – should be discussed in EIR	Please see Chapter 4.7 Hydrology and Water Quality of the Public Draft EIR, and the Ocean Dilution Analysis Technical Memorandum, which is included in Appendix G1 of the Draft EIR.
12	Nancy Hastings (Surfrider)	Concern about potential effects of irrigation with recycled water from the plant in areas where septic systems are still online – will this result in an additional impact to groundwater	Impacts to groundwater resources are evaluated in Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality).
13	Anne Payne	Question about whether EIR issue areas are prioritized based on number of comments	No, the issue areas are not prioritized based on the number of comments. The comments allow for the identification and addressing of concerns.

Comment No.	Name	Comment	Response
14	Craig Ricketts	Represents Joanne Knapp's property. EIR should look at land use planning in the heart of Malibu. Potential alternate modes of transportation such as golf carts.	Land use planning for Malibu, including use of alternate modes of transportation, is outside the scope of this Project. Please refer to Chapter 4.8 Land Use and Planning of the Public Draft EIR for a discussion of land use impacts of the Project. .
15	John Mazza	EIR should include discussion on the economics of distributing recycled water back out, especially to the periphery properties at higher elevations, such as Harbor Vista. An alternatives analysis should include a scenario where service doesn't run out to the extremities.	Cost of alternatives is not evaluated as part of the environmental review. This is outside the scope of the EIR. However, it should be noted that the recycled water distribution pipelines would generally be located in the same trench as the wastewater collection lines, thereby avoiding the need for a separate trench / construction activities.
16	Ryan Embree	Study a lesser alternative where the extremities aren't served.	A lesser alternative is not feasible because the Project is required to serve the entire Prohibition Area
17	Hans Laetz	Scoping comment period should be extended due to holidays and the number of other complex projects currently pending before the City.	The scoping comment period was extended from December 23, 2013 to January 7, 2014.
18	Joan Lavine	Has not been able to access documents on the City's website.	This is not a comment on the scope of environmental review.
19	Peter Shellenbarger (Heal the Bay)	Project should follow the MOU implementation schedule and address the environmental impacts of not following the implementation schedule.	The Project is being designed and constructed to follow the MOU compliance schedule as closely as is feasible. (see Executive Summary). The No Project alternative considers the impacts of not constructing the Project in compliance with the MOU.

Comment No.	Name	Comment	Response
20		Project should do as much recycling of treated water as possible.	Maximizing recycled water use in the Prohibition Area is a primary Project objective.
21		Study the impacts of having excess effluent in the water balance	Please see the Draft EIR, Section 3.3.4 of the Project Description: Reuse/Dispersal. There would be adequate capacity to inject or disperse the recycled water. There would not be an excess of effluent in the water balance.
22		Look at water quality standards related to injection wells with respect to underlying use of aquifer, connectivity of the underlying aquifer, Malibu Creek/Lagoon TMDL – it is important that no additional degradation results from the project.	Please see Chapter 4.7 Hydrology and Water Quality of the Public Draft EIR, which summarizes the results of a Technical Memorandum entitled Assimilative Capacity and Anti-Degradation Analysis for Proposed Injection Dispersal (RMC 2014a).
23		EIR should address how much water is being recycled vs. how much is injected and goes into the ocean and make sure that there is sufficient capacity.	Please see Chapter 3 Project Description and the Groundwater Modeling Analysis of Proposed Waste Water Dispersal included in Appendix G4 of the Public Draft EIR.
24	Wendy Dunn (Baykeeper)	EIR should explain solutions to low demand periods for recycled water – worst case scenarios related to capacity and storage options	Please see the section on Dispersal in Chapter 3 Project Description of the Public Draft EIR, which explains options for injection and percolation during periods when there is low demand for recycled water. As is noted there, based on groundwater modeling results, there is sufficient capacity to disperse recycled water than can not be used for irrigation.
25	Anne Payne	Asked whether recycled water would be free or sold	This comment does not relate to the scope of the environmental analysis
26	Steve Uhring	EIR should look at the impacts for homes that are below road grade that have to pump up to make a	The Draft EIR notes that individual property owners would be responsible for providing

Comment No.	Name	Comment	Response
		connection	hook-ups to the collection system. While some homes may need to pump wastewater into the collection system, it is anticipated that the OWDS decommissioing and/or modifications will be conducted consistent to requirements set forth in the Uniform Plumbing Code and as set forth by the LA RWQCB. These changes are not expected to result in any significant environmental impacts. The City is, however, addressing these concerns through other Project-related venues.
27	Wendy Dunn	Look at non-injection alternatives. Asked that the EIR look at completely redirecting the recycled water instead of injection.	Recycled water demands are not high enough for 100 percent reuse to dispose of treated water (i.e., treated wastewater supply exceeds recycled water demand). Non-injection alternatives are evaluated in Chapter 5 Comparison of Alternatives.
28	Hans Laetz	Consider option of relocating Title 22 water to another watershed to create salmon habitat. Consider a reuse option to send the water outside the prohibition area. Study use of existing Pepperdine purple pipe for water reuse (sending recycled water to Tapia).	Please see Chapter 5 Comparison of Alternatives of the Public Draft EIR.
29	John Mazza	The two crossings of Malibu Creek with the pipelines need to be studied to evaluate the structural capacity of bridges and potential for structural failure.	As noted in the Project description, the structural integrity of the existing bridge would be evaluated during Project design.
30	Norm Haynie	EIR should consider the positive impacts of sludge removal from the plant vs. the current pumping trucks and their impacts to the basin	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.

Comment No.	Name	Comment	Response
31		Has there been any consideration of property owners being able to have their existing OWTSs as back-up in case of natural disaster so homeowners can switch back to septic if the sewer stops working	The Project is designed to ensure that the sewer system would operate under emergency conditions.
32		EIR needs to look at the ultimate disposition of existing OWTSs	As noted in the Project Description (Chapter 3 of this EIR), individual property owners would be responsible for the decommissioning of their existing OWDS consistent with requirements set forth in the Uniform Plumbing Code and in conformance with any requirements set forth by the LARWQCB. The City is, however, addressing these concerns through other Project-related venues.
33	Sally Benjamin	Her property is below the grade of the main line and would like to save her existing OWTS in case of emergency and pump out when needed.	As noted in the Project Description (Chapter 3 of this EIR), individual property owners would be responsible for the decommissioning of their existing OWDS consistent with requirements set forth in the Uniform Plumbing Code and in conformance with any requirements set forth by the LARWQCB. The City is, however, addressing these concerns through other Project-related venues.
34		EIR needs to cover fault lines in relation to pipelines and injection wells.	There are no earthquake faults delineated on Alquist-Priolo Fault Zone maps within the Project area. Please see Chapter 4.5 Geology and Soils of the Public Draft EIR. The only faults close to the project area have been determined to be inactive, and are thus not delineated as Alquist-Priolo Fault Zones.

Comment No.	Name	Comment	Response
35		Discuss areas where groundwater will rise and provide mitigation measures for the rise, and monitoring for the groundwater rise	Please see Effects of Groundwater Levels Chapter in Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality). There would be no significant impacts associated with rising groundwater levels, so mitigation measures are not identified.
36		Study the potential breaking and rotting of pipes	The CCWTF would be required by the State Water Resources Control Board to develop and implement a Sewer System Management Plan which would, among other things, present an emergency response plan to address pipeline breaks and overflows.
37		SWAT v4, MODFLOW programs – the programs being used, the specific versions of programs and formulas need to be disclosed in the EIR	Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report prepared for the Project and included as Appendix G4 of the Public Draft EIR.
38		Three additional agencies should be involved as responsible or participating agencies: California Resource Agency (responsible for ocean and off coast); California State Lands Commission (because they own the ocean land); and the Department of Food and Agriculture (as they relate to food safety, i.e., fish)	The permits and approvals needed for Project implementation are identified and summarized in Chapter 3 Project Description. It is not expected that permits would be required from any of the agencies referenced in the comment. However, the City has consulted with the California Resource Agency. An ocean disposal permit is not required because the project does not include discharge to the ocean.
39		Disclose in the EIR the study of the saltwater interface and changes that will result	Please see the Assimilative Capacity and Anti-Degradation Analysis for Proposed Injection Dispersal Technical Memorandum and the Ocean Dilution Analysis Technical

Comment No.	Name	Comment	Response
			Memorandum included in Appendix G of the Public Draft EIR.
40	John Mazza	Look at the impacts associated with the long lines required to run to Bluffs Park	The Draft EIR evaluates the impacts associated with construction of all of the proposed pipelines. Bluffs Park would be a significant user of recycled water during Phase 1. As noted earlier, the recycled water pipelines would be located in the same trench as the wastewater collection pipelines.
41		Look at the potential parking lot/driveway issues with respects to both the existing driveway and parking lot and future driveway/parking lot and the proposed above-grade facilities for the Bluff Park pump station	As noted in the Chapter 3, Project Description, of the Draft EIR, the Project would include provisions for maintaining access to all properties. The facilities located in the Bluffs Park parking lot would be underground. The above-ground facilities would be located adjacent to the parking lot and would not interfere with park use. Refer to Section 3.3.2, Collection and Distribution Systems, and Figure 3-1.6.
42	Don Schmitz	The Coastal Commission recently released draft sea level rise guidance documents. The modeling used in the project should consider and reference these new documents.	Please see the Sea Level Rise Technical Memorandum in Appendix I of the Public Draft EIR.
43	Wendy Dunn	Address highway shifting and having pipelines in the highway	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR for discussion of impacts on roadways, and Chapter 4.5, Geology and Soils, for a discussion of stability of the areas where pipelines are proposed.

Comment No.	Name	Comment	Response
44	Nancy Hastings	Study what are the impacts to creek and lagoon from phasing in treatment and recycling and phasing out the OWDS	These impacts have been analyzed. Please see Chapter 4.7 Hydrology and Water Quality of the Public Draft EIR and the referenced appendices.
45	Ryan Embree	Storage of raw sewage in a power failure scheme should be studied in an alternative.	Storage of raw sewage is not expected to be required, though the treatment facility does have an equalization basin to manage incoming flows, which provides buffering capacity to allow the plant to retain untreated effluent for a short period of time. The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures.
46		Total cumulative electrical budget associated with the project – including use throughout the system, not just at the plant – should be studied	Please see Chapter 4.12 Utilities, Service Systems, and Energy of the Public Draft EIR.
47		The current land use/zoning and the land use designation the plant site needs to be changed to should be studied.	Please see Chapter 4.8 Land Use and Planning of the Public Draft EIR. The Project includes a Local Coastal Program Amendment and Zoning Text Amendment to ensure compliance with City land use and zoning standards.
48		The project is very different from what was in the MOU. The impacts associated with absorbing parcels that are non-mandated should be studied.	The EIR evaluates the impacts of the Project as currently defined and inlcudes all parcel within the mandated Prohibition Area. Only parcel phasing has been changed to include additional parcels in the Phase 1 project at the request of the owners.

Comment No.	Name	Comment	Response
49	Norm Haynie	Tectonic movement (uplift) of the Santa Monica Mountains coming out of the ocean should be studied.	Seismicity is evaluated in Chapter 4.5 Geology and Soils of the Public Draft EIR.
50	John Mazza	Asked if the Crummer property was in Phase 1.	This comment does not relate to the scope of the environmental analysis. However, the Crummer property is in the Phase 1 Project.
	Written Comments		
51	SWRCB	Obtain Chapter 7 clearance from USFWS and/or NMFS for any potential effects to special-status species	The need for compliance with Section 7 of the Endangered Species Act is identified in the Draft EIR in Table 3.1-4. Permits and Approvals Needed.
52		Identify whether the Project will involve direct effects from construction activities or indirect effects shuch as growth inducement, that may affect federally listed threatened, endangered or candidate species that are known or that have a potential to occur onsite, in the surrounding areas, or in the service area, and identify applicable conservation measures to reduce such effects.	Please see Chapter 6 Other Environmental Considerations and Chapter 4.3, Biological Resources, of the Public Draft EIR.
53		Retain a consultant that meets the Secretary of Interior's professional qualification standards to prepare a Chapter 106 compliance report	The cultural resources report for the Project was prepared by a staff member of ICF who meets the Secretary of the Interior's Professional Qualifications Standards.
54		Identify the Area of Potential Effects (APE), including construction and staging areas and depths of excavations.	Please see Chapter 4.4 4.4. Cultural and Paleontological Resources of the Public Draft EIR. Also see the Staging Areas Chapter in Chapter 3.4.3 Construction.
55		Provide air quality studies that have been done for the project, and if the project is in an nonattainment	Please see Chapter 4.2 Air Quality of the Public Draft EIR.

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		area or attainment are subject to a maintenance plan, provide a summary of estimated emissions (tons/year) that are expected from both construction and operation of the Project for each federal criteria pollutant and indicate if nonattainment designation is moderate, serious or severe. And if emissions are above federal de minims levels and the Project is sized to meet only needs of current population projections that are used in approved State implementation Plan, quantitatively indicate how the proposed capacity increase was calculated.	
56		Identify whether the Project is within the coastal zone and the status of any coordination with the California Coastal Commission	The Project is within the coastal zone and coordination with the Coastal Commission and Local Coastal Program is identified in the Draft EIR in Table 2-2, Permits and Approvals Needed.
57		Identify any portion of the Project area that should be evaluated for wetlands or US waters delineation by USACE or requires permit from USACE and identify status of coordination with USACE.	As noted in Section 4.3, Biological Resources, which summarizes the results of a Jurisdictional Wetlands Delineation complted in 2014, there are wetlands present within the wastewater treatment plant site, and the Project includes two stream crossings. However, because the Project is designed to avoid these resources, no impacts to wetlands or waters of the US are expected, and no permit from USACE is anticipated to be needed. The City is consulting with USACE through the State Water Resources Control Board.

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58		Identify whether the Project will result in the conversion of farmland. State the status of farmland it the Project area and determine if this area is under a Williamson Act Contract.	Please see Chapter 4.8 Land Use and Planning of the Public Draft EIR. The Project would not result in a conversion of farmland.
59		List any birds protected under the Migratory Bird Treaty Act that may be impacted by the Project and identify conservation measures to minimize impacts.	Please see Chapter 4.3 Biological Resources of the Public Draft EIR.
60		Identify if the Project is located in a Flood Management Zone and include a copy of the FEMA flood zone maps for the area.	The Project facilities, including pump stations and injection wells, would be located within FEMA Zone A, the 100-year floodplain. The wastewater treatment plant is outside the 100-year floodplain. Please see Chapter 4.7.2 Environmental Setting (Hydrology and Water Quality) of the Public Draft EIR.
61		Identify if any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.	There are no Wild and Scenic Rivers in the Project area.
62	Native American Heritage Commission	Contact appropriate Information Center for record search to determine if a part or all of the area of the project effect (APE) has been previously surveyed for cultural place(s).	A records search has been conducted and the results are discussed in the Draft EIR in Section 4.4, Cultural Resources
63		If additional archaeological inventory survey is required, prepare professional report detailing the findings and recommendations of the records search and field survey.	A cultural resources report has been prepared and is summarized in the Draft EIR in Section 4.4, Cultural Resources
64		Include in the mitigation plan provisions for identification and evaluation of accidently discovered archeological resources pursuant to CA H&SC Chapter 7050.5 and CEQA Chapter 15064.5(f)	Please see Section 4.4.3 Mitigation Measures (Cultural and Paleontological Resources) of the Public Draft EIR.

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65	CA Dept. of Transportation	A construction traffic study should be prepared to analyze:	Please see Section 6.2.3 Transportation/Traffic of the Public Draft EIR. Because construction traffic impacts are expected to be minor, a detailed study has not been prepared.
66		o Traffic impacts on State Route 1 (PCH) and all significantly impacted streets, crossroads and controlling interChapters as well as analysis of existing conditions and construction periods.	
67		o A traffic/truck construction management plan (submitted for Caltrans review)	
68		o Traffic volume counts to include anticipated AM and PM peak-hour volumes	
69		o Level of service (LOS) before and during construction	
70		o Brief construction traffic discussion showing ingress/egress, turning movements, and a directional flow for construction vehicle trips	
71		Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts, including sharing of mitigation costs.	
72	No Name	What is the Project Plan for sewer plant failure, power outage, sewer line break and overflow as it relates to the Winter Canyon drainage and storm drain to Amarillo Beach?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures. The CCWTF would be required by the State Water Resources Control Board to develop and implement a Sewer System Management Plan which would, among other things, present an emergency response plan to address pipeline breaks and overflows.
73		What is the traffic remediation for the final plant,	Please see Chapter 6.2.3 Transportation/Traffic

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		and most importantly, during construction, especially in regard to the hotel, Crummer, La Paz, and especially Pepperdine 500,000 Expansion?	of the Public Draft EIR.
74		Analyze sewage line breaks, especially in regards to Malibu Fault which runs through sewage plant and liquefaction in the valley plane.	The CCWTF would be required by the State Water Resources Control Board to develop and implement a Sewer System Management Plan which would, among other things, present an emergency response plan to address pipeline breaks and overflows. Faults and liquefaction are discussed in Chapter 4.5 Geology and Soils, which notes that there are no active faults within the site for the treatment facility.
75		Justification for removal of sewage plant across the street for the condos	The Project has been designed to accommodate treatment of wastewater flows currently being treated at the County's wastewater treatment plant (across the street) as required by the Prohibition. Disposition of the plant itself after flows are connected to the Project is not evaluated in the EIR as it is not part of the Project.
76		Justification for sewer system in Serra Retreat in areas outside the area shown for treated water disposal.	Serra Retreat is located within the Prohibition Area, and its inclusion in the Project has been considered in the EIR.
77		Evaluate the highway bridge and the Serra River Crossing for possibility of failure in natural disaster	As noted in the Project description, the structural integrity of the existing Pacific Coast Highway bridge would be evaluated during Project design for Phase 2. For the Malibu Creek crossing within Serra Canyon, trenchless technology is proposed. As with the bridge

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			crossing, this trenchless stream crossing will be analyzed in more detail during Project design for Phase 2.
78		Evaluate whether Bluffs Park should be in Phase 1 or Phase 3	Bluffs Park is in Phase 1 of the Project and is evaluated in the Draft EIR.
79	Craig Ricketts	Internal traffic flow in Civic Center Master Plan with golf cart, bicycle and walkways to Bluff Park.	Use of alternate modes of transportation in the Civic Center area is outside the scope of this Project. It is noted that the City Council has commissioned a Civic Center Specific Plan and design guidelines which may address these issues.
80		Architectural guidelines and landscaping theme.	Please see Chapter 4.1, Aesthetics, of the Public Draft EIR
81		Alternative processed wastewater options.	Please see Chapter 5. Comparison of Alternatives, of the Public Draft EIR.
82		Alternative energy options (i.e. solar)	Please refer to the Draft EIR, Section 4.12, Utilities. The EIR did not identify any significant impacts associated with energy, so solar energy options have not been evaluated at the present time, thought they could be considered in the future.
83		Parking structure – parking management, alternative mobilization of pedestrians	Parking for plant operators would be provided within the treatment plant site. Management of other parking demands in the area is outside the scope of this Project.
84		Put in bicycle and golf cart ways to minimize internal congestion	The Project would require two full-time operators and would have minimal traffic impacts. No internal congestion is anticipated

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85		Use Legacy Park to include kiosks for Farmers Market	Refer to Response No. 79.
86		Approach Perentio to modify restrictions for use.	This is not a comment on the scope of environmental review for this Project.
87		Create an architectural theme of Spanish, Mediterranean, or Santa Barbara architecture to eliminate hodge podge architecture in overall plan	Refer to Response No. 79.
88	Matt Horns	Evaluate alternative ways for disposing of wastewater.	Please see Chapter 5 Comparison of Alternatives of the Public Draft EIR.
89		Concerned that, as there is no impermeable layer above injection site, water will migrate towards the surface and make the very shallow groundwater levels shallower	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality), Effects on Groundwater Levels, of the Public Draft EIR.
90		Concerned that saltwater wedge will force injected water above it and will add to tendency of effluent to raise local groundwater levels along Malibu Colony and surrounding areas.	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality), Effects on Groundwater Levels, of the Public Draft EIR.
91		Utilize most of the recycled water for irrigation	Maximizing recycled water use in the Prohibition Area is a primary objective of the Project.
92	CA Dept. of Fish and Wildlife	Flora and fauna within and adjacent to the project area should be completely assessed, with particular emphasis placed on identifying endangered, threatened and rate or unique species and sensitive habitats in the project region:	Please see Chapter 4.3 Biological Resources and Appendices C (Habitat Assessment) and D (Native Tree Protection Plan) of the Public Draft EIR .
93		o Thorough recent assessment of rare plants and natural communities following the Departments Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities	

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94		o Complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required	
95		o Endangered, rare, and threatened species to address should include all those species which meet the related definition under the CEQA Guidelines	
96		o The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed	
97		A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance and minimizing impacts	Please see Chapter 4.3 Biological Resources and Appendices C (Habitat Assessment) and D (Native Tree Protection Plan) of the Public Draft EIR . Also see Chapter 3.5 Related Projects regarding Chapter 15130 and cumulative impacts analysis. The EIR includes mitigation measures to protect nesting birds and roosting bats. A fuel modification plan is being
98		o CEQA Guidelines, Chapter 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that	

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		special emphasis should be placed on resources that are rare or unique to the region	prepared.
99		o Project impacts including deposition of debris should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration and pest management	
100		o A cumulative effects analysis should be developed as described under CEQA Guidelines, Chapter 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats	
101		o Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and nee-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are	

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		protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Chapter 10.13). Chapters 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA	
102		o Impacts from project activities (including but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department generally recommends a minimum 300 foot nest avoidance buffer or 500 feet for all active raptor nests)	
103		o Impacts from project activities that will result in disturbances to habitat that may provide maternity roosts for bats (e.g., tree cavities, under loose bark, buildings), should occur outside of the bat breeding season which generally runs from March 1-August 31. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish and Game Code Chapter 4150, California Code of Regulations, Chapter 251.1).	

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		Several bat species are also considered special status species and meet the CEQA definition of rare, threatened or endangered species	
104		o Proposed impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ	
105		A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate	Please see Chapter 5 Comparison of Alternatives of the Public Draft EIR.
106		o Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified	Mitigation Measures are identified in the Draft EIR, in Section 4.3, Biological Resources. The Project has been designed to avoid sensitive habitat.
107		o The Department considers Rare Natural Communities as threatened habitats having both regional and local significance	Comment; no response required
108		o The Department generally does not support the use of relocation, salvage, and/or transplantation as	The Project would not affect sensitive species

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		mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful	
109		Take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under the California Endangered Species Act (CESA), the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that	The Draft EIR acknowledges the need for compliance with the CESA. See Table 2.2, Permits and Approvals. It is expected that this EIR would be sufficient to meet CEQA requirements for issuance of an ITP.

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		will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP	
110		The Department opposes the elimination of watercourses (including concrete channels, blue-line streams and other watercourses not designated as blue-line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of drainage	The Project would not eliminate or channelize watercourses. All required buffers would be maintained and/or mitigated where not fully maintained. Please refer to Chapter 4.3, Biological Resources, and Appendix E, Wetlands Delineation.
111		The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Chapter 1602 of the Fish and Game Code. Based on this notification and other information, the	The City is aware of the requirements for LSA Agreements for any projects affecting streams and/or lakes, and is consulting with the Department of Fish and Wildlife.

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		Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources . Again, the failure to include this analysis in the project's environmental impact report could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project	
112	M. Titus	How is the assessment for houses, condos and businesses arrived at? Is it by the number of people per household or by square footage per unit?	This is outside the scope of the EIR; however, the City is addressing this question under a different venue associated with formation of the assessment district.
113		How is the contract for this project decided? Is it an open bidding open to many companies?	Yes, the Project would be open to multiple bidders from various companies/contractors.
114	South Coast Air Quality Management District	Requested copy of DEIR sent to them; including all appendices or technical documents and electronic versions of all air quality modeling and health risk assessment files.	A copy of the Draft EIR will be made available to SCAQMD.

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115		Recommends use of the California Environmental Quality Act Air Quality Handbook (1993) in preparing air quality analysis.	The air quality analysis was prepared to address the District's Air Quality Handbook.
116		Recommends use of CalEEMod land use emissions software.	CalEEMod was used in the analysis of impacts.
117		Should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Including air quality impacts from construction and from operations.	Completed; please see Chapter 4.2 Air Quality of the Public Draft EIR.
118		Air quality impacts from indirect sources (i.e. sources that generate or attract vehicular trips) should be included in the analysis.	Completed; please see Chapter 4.2 Air Quality of the Public Draft EIR.
119		Requests quantification of criteria pollutant emissions and comparison of results to recommended regional significance thresholds.	Completed; please see Chapter 4.2 Air Quality of the Public Draft EIR.
120		Recommends calculating localized air quality impacts and comparing those results to localized significance thresholds (LSTs)	Completed; please see Chapter 4.2 Air Quality of the Public Draft EIR.
121		Recommends performing a localized analysis by using either LSTs developed by the SCAQMD or performing dispersion modeling as necessary.	Completed; please see Chapter 4.2 Air Quality of the Public Draft EIR.
122		If project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, recommends performing a mobile source health risk assessment.	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR. A mobile source health risk assessment is not deemed necessary.
123		An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutant should also be included.	Please see Chapter 4.2 Air Quality of the Public Draft EIR. No meaningful long-term TAC emissions sources would be present, because

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			emissions from treatment processes would be captured and filtered through an organic media bed.
124	Ryan L. Embree	Location of proposed sewage treatment plant is inappropriate and not the least environmentally-damaging alternative or solution	The Draft EIR evaluates an alternative site for the wastewater treatment plant. Please refer to Chapter 5.
125		Truck traffic for maintenance and operation and construction of proposed facility would exacerbate an already over-taxed and overused two-lane City road that runs parallel to PCH. Any and all vehicular access for a facility at the proposed site should be restricted to only access from PCH to avoid injecting safety hazards and truck turning movements adjacent to two schools, a church and four condominium complexes.	Access to the proposed treatment plant site via PCH is not feasible due to steep slopes and onsite wetlands. Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR. A construction traffic management plan would be prepared for the Project to avoid creation of safety hazards.
126		Environmental risk would be exacerbated by proximity to existing covered storm water-course channelized as Winter Canyon and leading to Amarillo Beach. Insufficient intervening linear distance exists to trap and catch potential release of untreated sewage prior to contamination of beach and ocean.	As noted in the Draft EIR, Chapter 3, Project Description, process areas within the site would be designed so that runoff would be captured within the site and returned to the headworks for treatment.
127		Insufficient area for properly engineered, on-site, emergency detention basin for overflow resulting from plant failure.	Sufficient area is available. Refer to Response 126.
128		Concentration of septic odor in a closed canyon created by fill dirt comprising the grade and installation of PCH. Potential for odors and release of methane gas in near proximity to school children and residents.	Please see Chapter 4.2 Air Quality of the Public Draft EIR, which summarizes the results of an analysis regarding odors from the project.

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129		Discharge of increased amount of sewage into the ground table in the adjacent area would compromise the functionality of the existing sewage treatment plant currently serving the four condo complexes.	The exisitng sewage treatment plant will be decommissioned and removed as the sewer flows to this system are transitioned to the new treatment plant, therefore, there will be no net increases in the discharges of treated effluent beyond that planned for future development. Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality) of the Public Draft EIR and associated technical memoranda included in the EIR appendices.
130		Geology and soils conditions in the immediate area and on Civic Center Way are historically proven to be instable.	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.
131		Discharging greater levels of treated sewage into Winter Canyon in general would exacerbate the existing and known geologic instability and propensity for land movement in, around, and under the existing residential development of Malibu Canyon Village, Maison de Ville, Toscana, and Vista Pacifica, which currently discharge a relative-small amount of residential sewage from the existing sewage treatment plant.	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.
132		Proposed location for sewage treatment plant is geologically-compromised by approximately 75 existing sewage pits, creating instability for future development at that location.	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR. As noted in the Project Description in Chapter 3 of the Draft EIR, existing facilities that would not be reused. such as seepage pits, septic tanks and various piping and treatment facilities would be demolished or properly abandoned in place.

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			The plant site has been evaluated for geotechnical concerns by a licensed geotechnical consulting firm and approved for conformance to City codes and geotechnical guidelines by the City Geologist.
133		Concentration of objectionable odors by importing sewage from Civic Center-area commercial locations, and increased chemicals and toxicity associated with commercial uses, increases potential contamination of soil and groundwater in Winter Canyon.	Please see Chapters 4.2 Air Quality, which summarizes the reults of a Technical Memorandum on Odor, 4.5 Geology and Soils, 4.6 Hazardous Materials, and 4.7 Hydrology and Water Quality of the Public Draft EIR.
134		Exportation of industrial uses into a residential neighborhood has socially-degrading consequences to quality of life and nearby property values, desirability of living location and quality of life.	The Project site is already used for wastewater treatment. Please see Chapter 4.1, Aesthetics, Chapter 4.2 Air Quality, which summarizes the results of a Tehnical Memorandum on Odor, and Chapter 4.8, Land Use.
135	Surfrider Foundation (Nancy Hastings and Graham Hamilton)	The project must prioritize and expand all opportunities for water recycling and reuse before discharging to the ocean via injection.	Maximizing recycled water use in the Prohibition Area is a primary objective of the Project
136		The project must in no way impact local ocean water quality, existing groundwater quality and ensure that no runoff should come from the project site during construction of the Civic Center WWTF.	Impacts to ocean water quality, existing groundwater quality, and the potential for runoff during construction were evaluated and described in Chapter 4.7 Hydrology and Water Quality and Appendix G. The project would include measures to protect water quality during construction, including a Storm Water Pollution Prevention Plan.
137 - 140		The project must ensure that there are no impacts to the recently restored Malibu Lagoon, including: o No increased volume of water added to the	Please see the Effects on Malibu Creek and Lagoon Flows in Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality).

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		Lagoon from discharge/injection of treated water o No impact to the Lagoon inlet that would later the location or frequency of the sand berm breach, which opens and closes seasonally o No impact to the endangered fish species in the Lagoon, including the Tidewater Goby and Steelhead Trout	Groundwater flow modeling conducted in support of the Project indicates that, as each phase of the Project is implemented, average annual flows from the groundwater basin to Malibu Creek and Lagoon would increase (from ~560,000 gpd to ~675,000 gpd) as a result of changes in flow regime in that hydraulic zone. These changes in flows are considered not to be of significance. Biological Resources are evaluated in Chapter 4.3.
141 - 143		The project must in no way negatively impact local surfing resources due to poor water quality, coastal erosion, sewage spills or a sudden alteration of the Lagoon's inlet breaching location or frequency at: o Old Joes' (Northern end of Malibu Movie Colony) o Surfrider Beach (between Malibu Pier and first house at southern end of the Malibu Colony)	Please see the Effects on Malibu Creek and Lagoon Flows in Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality). Also refer to response to comments 137-140 above.
144		The EIR should carefully consider the location of all project pump stations and pipelines for collection of wastewater and distribution of treated effluent, and ensure the infrastructure would not be significantly impacted by threats of sea level rise in the next 50 years.	Please see the Sea Level Rise Technical Memorandum in Appendix I of the Public Draft EIR.
145		The EIR should include analysis of major storm conditions and what the impacts to the wastewater system might be, including potential threats to injection from excessive groundwater volume.	The simulation period used in analyzing the impacts of injection on groundwtaer elevations included one of the wettest storm event recorded in the area. Please see the Modeling Report in Appendix G4 of the Public Draft EIR.

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146		The EIR should asses the risks for seawater intrusion into the existing aquifer and evaluate how any potential threat may be addressed or mitigated.	The injection program act as a seawater intrusion barrier. Please see the Assimilative Capacity and Anti-degradation Analysis Technical Memorandum in Appendix G2 of the Public Draft EIR.
147		The project must ensure that the project will have no environmental impact to this (Winter Canyon/ESHA) environmentally sensitive habitat area.	Please see Chapter 4.3.2 Environmental Impact Analysis (Biological) of the Public Draft EIR, which summarizes the results of a Habitat Assessment and Wetland Delineation. The creek and associated riparian vegetation would not be directly affected by construction activities, and construction of the Project is not expected to affect the hydrology of the riparian zone, or result in habitat fragmentation. However, as part of the review process, additional measures may be identified to avoid impacts to riparian vegetation.
148		The EIR must explore on-site generation of power using solar or wind as emergency backup or primary fail-safe power generation ensuring that a power failure would not result in a spill of sewage into the watershed.	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures. The treatment facility is designed to capture spills and direct them back to the headworks for treatment.
149		The project should ensure that all landscaping at the Civic Center WWTF be native California plants, compatible with the surrounding area and meeting the criteria for an Ocean Friendly Garden. This would serve two purposes: 1) to eliminate all surface water	As noted in the Draft EIR, Chapter 4.1, Aesthetics, the Project would be required to comply with the Local Implementation Plan (LIP) and fire code regulations, which require landscaping comprised primarily of native and

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		runoff from the property and 2) to provide an exhibit garden for local Malibu residents to visit and learn more about water quality, conservation and sustainability.	drought tolerant plant species.
150		The West LA/Malibu Chapter of the Surfrider Foundation would like the City of Malibu to test alternative waterless options, such as dry composting or waterless toilets, as a future solution to their water quality problems associated with the processing and disposal of human waste.	This comment does not relate to the scope of the environmental analysis for the Project.
151	Julie Bauer	What location alternatives have been considered and how were they evaluated for cost and environmental impact?	Please see Chapter 5.3.3 Alternative C - Alternative Wastewater Treatment Facility Site of the Public Draft EIR.
152		How will construction traffic impacts be mitigated to Civic Center Way during summer and peak hours?	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
153		What are the existing levels of service at the intersections of Malibu Canyon/Civic Center Way and Civic Center Way/Webb Way, and at Malibu Canyon/Pacific Coast Highway.	Because the Project generates a minimal amount of traffic, the City determined that a level of service analysis was not required.
154		How are you going to assess the projected construction levels of service?	Please refer to Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
155		How does the assessment district determine the cost/unit for individual condo units? Assumptions of occupancies should be based on specific documentation.	This is outside the scope of the EIR. A separate assessment is being conducted parallel to this EIR.
156	Terry Kamibayashi, Manager of Maintenance and Construction for the	Will the plant create any odors that could be wind driven into the Webster Campus?	Please see Chapter 4.2.2 Environmental Impact Analysis (Air Quality) of the Public Draft EIR, which summarizes the results of a Technical Memorandum on Odor.

Comment No.	Name	Comment	Response
157	SMMUSD	What types of checks will be in place to insure the air quality is safe.	Please see Chapter 4.2 Air Quality of the Public Draft EIR, which summarizes the results of a Technical Memorandum on Odor. .
158		Webster has significant traffic issues at drop off and pick up. What is the expected increase in traffic and how will coordination with the school be handled?	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR , and the Construction section of the Project Description, which describes the Traffic Management Measures that will be included in the project during construction.
159		Because of the geographic condition of the area, will any gasses have the ability to settle in the lower basin?	Please see Chapter 4.2 Air Quality of the Public Draft EIR.
160	Steve Uhring	The EIR should identify the baseline against which water quality improvement will be measured.	Please see the Assimilative Capacity and Anti-Degradation Analysis for Proposed Injection Dispersal Technical Memorandum included in Appendix G2 of the Public Draft EIR.
161		The EIR should detail the specific water quality improvements, measured against this baseline that Malibu expects to achieve as each phase is implemented.	Water quality parameters to be measured during Project operations and between phases, including points of compliance and monitoring intervals, would be set forth in the operating permits issued to the Project by the LARWQCB. A monitoring program would be prepared and implemented as part of the permitting requirements. Monitoring requirements would be established by the LARWQCB, not by the City of Malibu. Monitoring parameters are anticipated to include nitrogen and phosphorus.

Comment No.	Name	Comment	Response
162		The EIR should detail the water quality testing program that Malibu will implement at the end of each phase to confirm that the expected water improvement results are being achieved.	Water quality parameters to be measured during Project operations and between phases, including points of compliance and monitoring intervals, would be set forth in the operating permits issued to the Project by the LARWQCB. Monitoring requirements would be established by the LARWQCB, not by the City of Malibu. Monitoring parameters are anticipated to include nitrogen and phosphorus.
163		The EIR should specifically identify each home on Malibu Knolls that will require additional equipment to insure that sewage moves from their homes to the collective piping.	The Draft EIR notes that individual property owners would be responsible for providing hook-ups to the collection system. While some homes may need to pump wastewater into the collection system, it is not expected that this would have any environmental impacts. This comment thus does not pertain to the scope of the environmental analysis. The City is, however, addressing these issues in other Project-related venues, and it is anticipated that all OWDS decommissioning and/or modifications will be consistent with requirements set forth in the Uniform Plumbing Code and with any requirements set forth by the LARWQCB.
164		For houses built on pads below street level, the EIR should identify the additional equipment (pumps, backup electrical generators, etc.) that will need to be installed by these Knolls residents to enable them to effectively connect to the sewer system.	The Draft EIR notes that individual property owners would be responsible for providing hook-ups to the collection system. While some homes may need to pump wastewater into the collection system, it is not expected that this

Comment No.	Name	Comment	Response
			would have any environmental impacts. This comment thus does not pertain to the scope of the environmental analysis. The City is, however, addressing these issues in other Project-related venues, and it is anticipated that all OWDS decommissioning and/or modifications will be consistent with requirements set forth in the Uniform Plumbing Code and with any requirements set forth by the LARWQCB.
165		The EIR should identify the steps a resident must take to deal with their existing septic system once they are connected to the sewer system.	As noted in the Project Description (Chapter 3 of this EIR), individual property owners would be responsible for the decommissioning of their existing OWDS consistent with requirements set forth in the Uniform Plumbing Code and in conformance with any requirements set forth by the LARWQCB. The City is, however, addressing these concerns through other Project-related venues.
166		The EIR should identify where pumping stations will be located on Malibu Knolls.	Please see Chapter 3 Project Description of the Public Draft EIR. Pump stations are described in the section on Collection and Distribution System, and shown in Figure 3-1.3.
167		The EIR Should detail the steps in testing program that will be conducted between stages 2 and 3 to determine if Phase 3 will be required.	Water quality parameters to be measured during Project operations and between phases, including points of compliance and monitoring intervals, would be set forth in the operating permits issued to the Project by the LARWQCB. Monitoring requirements would be established

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			by the LARWQCB, not by the City of Malibu. .Anticipated monitoring parameters are anticipated to include nitrogen and phosphorus.
168		The EIR should detail a property by property analysis of changes in the quantity of wastewater a Commercial Property Owner will be able to discharge to the sewer in place versus what they can currently discharge under existing water disposal rules in the Civic Center.	This is outside the scope of the environmental analysis. However, such an analysis was prepared in order to determine the magnitude of anticipated sewer flows for design of the CCWTF collection and treatment system and for formation of the assessment district.
169		The EIR should identify who is going to have day-to-day responsibility for managing the operation of the wastewater treatment system.	Please see Chapter 3.4.4 Operation and Maintenance.
170		The EIR should estimate the number of days it will take to fully implement the sewer system in Serra Canyon under Phase two.	The Public Draft EIR is a programmatic-level EIR covering all three phases of the proposed Project; only Phase 1 of the Project is analyzed in detail. Project-level analyses would be required for each subsequent phase of the Project (Phases 2 and 3) before they are constructed. Detailed information regarding each subsequent phase, including Project timing, would be included in these subsequent Project-level documents.
171		The EIR should estimate the number of days it will take to fully implement the sewer system on Malibu Knolls under Phase three.	The Public Draft EIR is a programmatic-level EIR covering all three phases of the proposed Project; only Phase 1 of the Project is analyzed in detail. Project-level analyses would be required for each subsequent phase of the Project (Phases 2 and 3) before they are

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			constructed. Detailed information regarding each subsequent phase, including Project timing, would be included in these subsequent Project-level documents.
172	Hans Laetz	The NOP is incomplete…there is no description whatsoever as to the potential injection of water into the ground. This NOP should be recirculated after bare-minimum details are given to the public to allow informed Scoping Questions to be submitted.	The Notice of Preparation indicates that treated effluent would be injected into the underlying groundwater basin. Details regarding this injection, including analyses evaluating the impacts of that injection, are presented in the Public Draft EIR. There will be opportunities to comment on the proposed design and analysis as part of the Draft EIR public review period, per CEQA guidelines.
173		The EIR must consider the cumulative negative effects to the environment of insufficient CEQA Work by the City of Malibu on its downtown Malibu-area projects, and how all the various CEQA checklist items here will be affected by the lack of proper NOP and EIR work on this proposal and others.	Per CEQA guidelines, the CCWTF Public Draft EIR will evaluate the impacts of the Project on the environment, including consideration of these impacts when combined with other pending Projects in the area. Per California Code of Regulations, Title 14, Chapter 15130) "…a cumulative impact consists of an impact which is created as a result of the combination of the Project evaluated in the EIR together with other Projects causing related impacts. An EIR should not discuss impacts which do not result in part from the Project evaluated in the EIR." Cumulative impacts are evaluated in each impact Chapter of the Public Draft EIR. Also, please see Chapter 3.5 Related Projects.

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174		The EIR must consider if the proposed CCWTP will be ugly from PCH, a protected state scenic resource.	Please see Chapter 4.1 Aesthetics of the Public Draft EIR.
175		The EIR must consider alternate locations that are not within the view shed of PCH.	Please see Chapter 5.3.3 Alternative C - Alternative Wastewater Treatment Facility Site of the Public Draft EIR.
176		The EIR must consider the likely substantial further degradation of the residential neighborhood that is proposed.	Land use impacts are evaluated in the Draft EIR in Chapter 4.8, Land Use. Please also see Chapter 4.1, Aesthetics, Chapter 4.2 Air Quality, and Chapter 4.3 Biological Resources. No long term significant adverse impacts are expected.
177		Although EIRs are not supposed to consider financial issues, this EIR must examine the aesthetics issues insofar as social and economic problems it will create for nearby residents.	The California Code of Regulations, Title 14, Chapter 15131 states that "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires. (a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." To this end, aesthetics are addressed in Chapter 4.1 of the Public Draft EIR.

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178		The EIR must consider how the Project's view impacts on surrounding parklands and trails will be mitigated.	Please see Chapter 4.1 Aesthetics of the Public Draft EIR
179		Other sites, such as the La Paz site, are not prominent on the landscape. The EIR must quantify the criteria for selecting the Civic Center Way site over others and present cost estimates for alternate sites that are as detailed a stye [sic] Civic Center site.	Please see Chapter 5 Comparison of Alternatives of the Public Draft EIR. Development of cost estimates for alternatives is outside the scope of the EIR and are being addressed in other related public venues, such as that currently being conducted for formation of an assessment district.
180		The EIR should examine the economic justice implications of placing this massive sewage treatment plant amidst the lowest-cost housing in Malibu. The sewage plant will clean effluent from an affluent area in a middle-class area with many students and retirees.	Economic justice is not a required category for impact evaluation per CEQA guidelines. The project is not expected to have disproportionate impacts on minority or low-income communities.
181		Literature reveals that the Malibu Coast Fault has been active in the venue chosen for the sewage plant. The City Geologist ascertained in 1998 that the fault was active just up the hill from the proposed treatment plant. IN the Rancho Malibu EIR, we are told the City has reversed itself and the fault has ground to a halt. There is an inherent conflict of interest question involving the clear and unbiased analysis coming from a City that is evaluating a potential source of tax revenue.	Comment noted.
182		The EIR must identify any and all past academic inquiry into shallow, low-pressure injection of liquids into known active or inactive earthquake faults.	The Project would not be injecting water into any fault in or around the Civic Center Area. Please see Chapter 4.5 Geology and Soils.

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183		The EIR must use independent geologists, from the USGS, Caltech, or other high-level, independent academic agencies to determine the status of faults in this area.	An official Alquist-Priolo map of the Malibu quadrangle places the Project area outside of an Alquist-Priolo Fault Zone as described in Chapter 4.5 Geology and Soils of the Public Draft EIR.
184		The EIR must use that data to calculate, interpolate, and describe any and all possible ground movements that could be triggered by the injection of water into local faults.	The Project would not be injecting water into any fault in or around the Civic Center Area. Please see Chapter 4.5 Geology and Soils.
185		The EIR must use those interpolations to project the potential loss of life, loss of property or other adverse effects and project the probabilities of such losses.	Please see Chapter 4.5 Geology and Soils regarding seismicity.
186		The City should secure outside geological review – at the highest academic levels – to review the injections plan's efficacy and safety.	A licensed geotechnical consulting firm was used in evaluating potential geological-related impacts from injection wells. Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.
187		The City should allow additional Scoping Comments to be filed once there is enough information for adequate Notice of Preparation [as it related to geology/hydrogeology].	The scoping period was extended to January 7th at the request of the public. Additional comments will be collected during the public review comment period for the Public Draft EIR.
188		The City must explain how much is not known about the aquitards, as opposed to how much is known, and must explain what the consequences of failure of the aquitards would be.	Please see Groundwater Modeling Analysis of Proposed Waste Water Dispersal report prepared for the Project, included as Appendix G4 of the Public Draft EIR.
189		The City should consider using this [recycled water] to recharge aquifers outside the Civic Center area so that the water could be harvested for domestic or agricultural use.	There are no designated groundwater basins adjacent to the Malibu Valley Groundwater Basin and Winter Canyon is not sufficiently large for use as a storage project.

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190		The City should consider using this water to augment natural flows in drainage basins other than Malibu Creek, to provide habitat for endangered fish. Specifically, the EIR should examine piping the treated water to uninhabited canyons in the Santa Monica Mountains for habitat restoration or habitat creation uses.	Please see Chapter 5.2.3 Alternatives Suggested During Scoping of the Public Draft EIR.
191		The EIR should examine the possibilities of capturing all methane and other gases from the treatment process to power a fuel cell.	Cogeneration is not proposed as part of the Project and is outside the scope of the environmental analysis.
192		Please analyze and compare the construction traffic impacts of the proposed site, as opposed to the alternate sites. This analysis should include aggregate and individual delays, and should individually address residents of nearby homes, parents and employees at the schools and churches, and patrons on MTA or school buses, that could reasonably foreseen due to the plant's placement.	Please see Chapter 5 Comparison of Alternatives and Chapter 6.2.3 Transportation/Taffic of the Public Draft EIR.
193		Given the close proximity to the signals and intersection along Civic Center Way, the EIR must evaluate the proposed site's quantifiable traffic impacts on that street, and on adjacent Pacific Coast Highway.	Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
194	Joan Lavine	The proposed project and several major proposed pending development projects would convert the Malibu Civic Center into a downtown commercial center. This effect is contrary to and violates the City of Malibu General Plan.	Consistency with the Malibu General Plan is evaluated in Chapter 4.8, Land Use. Please also see Section 6.3, Growth Inducement and Indirect Impact, of the Draft EIR.

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195		This proposal fails to support, fails to advance, and fails to implement resident-serving uses or needs. This project, alone and cumulatively with the other pending proposed projects for the Malibu Civic Center, would destroy the residential and recreational nature of the Malibu Civic Center.	Consistency with the Malibu General Plan is evaluated in Chapter 4.8, Land Use.
196		Object to the catastrophic financial burden of $41 million to $60 million, and the projected $500,000 per residential parcel assessment burden, and to the connection and monthly use fees.	Economic impacts are outside the scope of the environmental analysis. The City is, however, addressing these concerns through other Project-related venues.
197		Object that there has been a lack of funding from the State of California for a State mandated sewer system and treatment facilities.	Economic impacts are outside the scope of the environmental analysis. The City is, however, addressing these concerns through other Project-related venues.
198		Object to the campaign and goal of coercive, involuntarily obtained funding on the backs of residents and residential property owners by extortious, coercive threats of up to $10,000 per day fines and sanctions as felonies under California law unless we tax ourselves up to $500,000 and perhaps more, to pay for this sewage plant project.	Economic impacts are outside the scope of the environmental analysis. The City is, however, addressing these concerns through other Project-related venues.
199		Object to the removal of a large portions or all of the residential housing in the Malibu Civic Center will displace that at least about 1500 residents from about 400 to 500 dwellings. This will necessitate replacement housing having to be constructed or obtained elsewhere.	The proposed Project would not displace any residents.
200		This proposal is invidiously discriminatory against residential property owners.	This comment does not pertain to the scope of the environmental analysis.

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201		The alternative of not installing such a system should be chosen.	A No Project alternative is evaluated in the EIR. Please refer to Chapter 5, Section 5.3.1.
202		Placement of a sewage disposal plant in a residential community as high-profile as the Malibu Civic Center will have the effect of deteriorating the area.	Land use impacts are evaluated in the Draft EIR in Chapter 4.8, Land Use. Please also see Chapter 4.1, Aesthetics, Chapter 4.2, Air Quality, and Chapter 4.3 Biological Resources. No long term significant adverse impacts are expected.
203		Dispute the safety of groundwater injection as a means of effluent and residue disposal. This proposed means of disposal by injection into the ground appears to be a form of fracking.	Fracking (also referred to as fracturing) consists of fracturing rock by a pressurized liquid (typically water mixed with sand and chemicals) to access natural gas or oil. Groundwater injection wells are similar to wells used for groundwater extraction. The water would be injected into the Civic Center Gravels and Malibu Valley Groundwater Basin (without the use of sand, chemicals or the purpose of fracturing rock). Please see Chapter 3 Project Description, Chapter 4.5 Geology and Soils, and Chapter 4.7 Hydrology and Water Quality.
204		Fluid injected into the ground is likely to increase water table levels and to create a stronger likelihood of liquefaction.	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR. The potential for injection to increase liquefaction was evaluated by Geosyntec Consultants (2013), and it was determined that increases in groundwater levels as a result of injection would have a negligible effect on liquefaction potential. In addition, hydrologic modeling has demonstrated that Project implementation

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			would lower groundwater levels in the shallow alluvial aquifer. Please see Chapter 4.7 Hydrology and Water Quality.
205		Failure to identify properties to which the septic ban applies and which are required to cease use of their OWTS's and be burdened by installation of a sewer system, seawater/wastewater treatment plant constitutes lack of fair, reasonable or actual notice of the properties included in the ban and burdened and prejudicially violates the rights of interested parties to due process.	Information regarding the extent of the Prohibition Area, and therefore the properties located within it, is include in Chapter 3 Project Description of the Public Draft EIR.
206		Lack of adequate notice and an adequate, reasonable opportunity to respond to the DEIR due November/December 2013 holidays, scheduling of several CEQA and other proceedings related to the Malibu Civic Center, the Malibu Civic Center septic ban and amendment to the Los Angeles Regional Water Basin Plan likewise constitutes lack of fair, reasonable or actual notice of the properties included in the ban and burdened and prejudicially violates the rights of interested parties do due process.	The Notice of Preparation (NOP), not the draft EIR, was released in November of 2013. The NOP was released and a comment period held per CEQA guidelines. The Scoping period deadline was extended at the request of the public from December 22nd to January 7th to accommodate the holidays. Public comments will also be collected during the public review period for the Draft EIR.
207	Chris and Sally Benjamin	What gasses will be emitted from the operation of the septic system plant causing odor or toxic gases, such as carbon dioxide, hydrogen sulfide, ammonia, methane, sulfur dioxide and nitrogen oxides	Please see Chapter 4.2 Air Quality, D278and Section 4.6, Hazardous Materials.
208		What monitoring devices will be installed for the safety of the people living close by and at the plant itself.	South Coast Air Quality Management District (SCAQMD) maintains a network of air quality monitoring stations throughout the Basin.

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			Please see Chapter 4.2 Air Quality of the Public Draft EIR. No onsite monitoring at the proposed wastewater treatment facility is required.
209		What monitoring devices will residents living close to the plant need to install in their homes.	Monitoring devices at nearby residents' homes would not be required. Please see Chapter 4.2 Air Quality of the Public Draft EIR.
210		What is the stability and geological composition of the proposed site and is it capable of handling the weight of the structure(s) and various activities necessary to operate and maintain a septic plant.	The plant site has been evaluated for geotechnical concerns by a licensed geotechnical consulting firm and approved for conformance to City codes and geotechnical guidelines by the City Geologist. Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.
211		Phase 2 & 3 will bring additional sewage to the plant, what will the build-out of the plant look like (not just phase 1)?	Renderings of the buildings at the Treatment Plant site are included in Chapter 3 Project Description and Chapter 4.1 Aesthetics of the Public Draft EIR.
212		In relationship to the various collection pipes, where are the earthquake faults in the Malibu Basin area?	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR. There are no active faults in the project vicinity.
213		Has the geology of the Civic Center and the data for this proposal been evaluated by an independent geologist who has 'no financial interest in Malibu' to ensure that the assumptions being made are accurate and the ground water conditions in the Malibu Creek Flood Plain are well understood.	The plant site has been evaluated for geotechnical concerns by a licensed geotechnical consulting firm and approved for conformance to City codes and geotechnical guidelines by the City Geologist. Please see Chapter 4.5 Geology and Soils and Chapter 9 References of the Public Draft EIR.

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214		Where will the 'pump stations' for phase 2 and phase 3 be located?	Please see Chapter 3 Project Description, Section 3.3.2 Collection and Distribution Systems, and Figure 3-1.3 of the Public Draft EIR.
215		What model, version and modules are being used to calculate, and project/model the ability of the geology in the area to manage the volumes of water being injected?	Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report prepared for the Project and included as Appendix G4 of the Public Draft EIR.
216		What are the modeling results of the 3 wells/test sites the City conducted to locate areas within the Civic Center conducive to injection 150,000 gallons per day?	Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report prepared for the Project and included as Appendix G4 of the Public Draft EIR.
217		What is the amount of water level rise in each of those 3 test wells?	Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report and the injection testing report prepared for the Project and included in Appendix G to the Public Draft EIR.
218		Over time and with the rising water levels due to global warming, what is the MODFLOW projecting the impact of this water injection?	Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report and the Sea Level Rise analysis prepared for the Project and included in Appendix G to the Public Draft EIR.
219		What are the modeling results for the volumes to be injected into the Winter Canyon Condominium complex site?	No treated effluent would be injected into the Winter Canyon Condominium complex.
220		What if the Title 22 water was placed back into areas that were once wetlands and give back the wetlands that Malibu has lost?	Wetlands construction is not part of the Project, therefore this is outside the scope of the EIR. Constructing wetlands was not considered feasible as former wetlands are now privately-held properties.

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221		What amount of water could be used in developing wetlands instead of injection?	Wetlands construction is not part of the Project, therefore this is outside the scope of the EIR.
222		What protection is planned for fire prevention at the plant?	The wastewater treatment plant facility has been designed to comply with all State, County, City and Local Coastal Program fire protection requirements and a Fuel Modification Plan has been prepared for the site. Facility designs would be reviewed and approved by the Los Angeles County Fire Department prior to construction.
223		What additional protection must be implemented with many citizens, citizens and commercial properties in need of this sewer processing plant and being in a high fire hazard area?	No additional protections are required for residents surrounding the wastewater treatment facility beyond those already required by State, County, City and Local Coastal Program regulations.
224		Provide additional fire protection to the plant, and to the residents in this area due to the gasses from the sewer and storage of materials and being in a high fire risk area (the City of Malibu).	A Fuel Modification Plan was submitted to the Los Angeles County Fire Department, Fire Prevention Division to ensure adequate fire protection at the WWTF plant site. Additionally, facility designs would be reviewed and approved by the Los Angeles County Fire Department prior to construction.
225		What will be done to maintain the plant and the pump stations during a power outage?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures.

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226		What additional protections need to be in place during a power outage for Phase 2 &3 with increase residential properties connecting?	The wastewater treatment facility has been designed to accommodate flows at build-out, and this includes meeting all emergency power generation needs at build-out. Each pump station (including those to be constructed in Phase 2 and Phase 3 of the Project) would be equipped with its own back-up emergency power generator.
227		What alternative(s) is/are available to a residential property owner who cannot remove waste off their property due to a power outage?	The Draft EIR notes that individual property owners would be responsible for providing hook-ups to the collection system. While some homes may need to pump wastewater into the collection system, it is anticipated that the OWDS decommissioing and/or modifications will be conducted consistent to requirements set forth in the Uniform Plumbing Code and as set forth by the LA RWQCB. Furthermore, the wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures. The City is addressing concerns such as these through other Project-related venues.
228		What mechanisms are in place to manage the breaking of a collection pipe?	The CCWTF would be required by the State Water Resources Control Board to develop and implement a Sewer System Management Plan which would, among other things, present an emergency response plan to address pipeline breaks and overflows.

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229		What is the City prepared to do to assist the resident to move their waste of their property [in the event of electrical systems failure within the plant or in outlying pump stations or if residential pumping systems required to get to the collection system fail]?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures. Additionally, the City is addressing concerns such as these through other Project-related venues.
230		What if the old septic system was still able to be used as a residents holding tank? The waste would be able to be trapped there (in the tank only; no outflow) and moved out later when the pump was working. The homeowner could turn a valve which would allow the current septic tank to hold only sewage till the pump(s) was functional.	
231		Allow current septic tanks to be turned into holding tanks of sewage in times of emergency (earthquake, liquefaction, flooding, pipe breakage, tsunami) sewage plant failures and/or pump station and /or pump failures at commercial or residential properties or along the collection and redistribution route.	
232		What modeling has been done to evaluate the impact of liquefaction in the area due to an earthquake with the increase of underground water?	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.
233		What amount of residential, commercial, pipes and roadways damage would occur and how long could it take to repair and would be affected?	Evaluating damage caused by liquefaction not related to the Project is not within the scope of this EIR. Potential for pipelines to be affected by liquefaction is addressed in Chapter 4.5, Geology and Sols, of the Public Draft EIR.
234		What would be the environmental impact of the ocean and Malibu Creek if liquefaction would occur?	Please see Chapter 4.5 Geology and Soils of the Public Draft EIR.

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235		What if in case of liquefaction, a resident could turn their current septic tank into a holding tank? This would avert another massive biohazard as was seen in Christchurch, New Zealand after their earthquake.	Liquefaction occurs in saturated soils and is a phenomenon in which the strength and stiffness of the soil is reduced by earthquake shaking or other rapid loading. This results in the differential movement of soils and typically causes structural damage. In such a situation, it is unlikely that the septic tanks would be undamaged, and use of those systems following liquefaction could, in fact, release untreated sewage to the surrounding area
236		What is the impact on the current environment growing, living and breeding in brackish water underground to inject highly processed water, Title 22?	Bacteria present in groundwater in the Civic Center Gravels would be largely unaffected by the proposed Project injection.
237		What impact to this life and to the soil will occur with such large amounts of Title 22 water injected into brackish water? What life is being killed due to the force of the water?	Recycled water would be injected into the groundwater basin at low pressure and at a depth of about 150 feet, therefore, no impacts are anticipated as related to injection pressures.
238		Should this injected water be of some other consistency (not Title 22) which resembles the natural water found in brackish water? One which could combine more easily and resemble the components of the environment already there?	The groundwater is currently brackish which prevents the beneficial use of pumping groundwater for a water supply. The groundwater is brackish becuase overpumping in the project area has resulted in seawater intrusion in an area where groundwater was once low in salinity. Injecting Title 22 recycled water is expected to prevent seawater intrusion that contributes to the aquifer being unfit for drinking water use. Injecting water that more closely matches the brackish water would not provide this benefit.

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239		What monitoring devices and frequency of monitoring for rising water levels will be done in the area? What alarms/notices will be given to the citizens that the underground levels are raising?	Groundwater monitoring wells and pressure transducers are currently being used to measure groundwater elevations in the Civic Center Area, and would continue to be used through implementation of the Project. No alarms or notices would be sent to residents regarding water elevation increases as part of the Project; rather, injection and percolation would be monitored and adjusted, as required, to stay within parameters set forth by the Regional Board when it issues the facility's operating permits (WDR).
240		What mechanisms are the Salt and Nutrition Management and Groundwater Management Plan going to use to "STOP" salt water intrusion? Is the pressure of the water being injected going to be monitored and mimic tidal forces so it can be injected with the same amount of pressure with the ocean current produced at the time of injection?	The Salt and Nutrient Management Plan would not (and is not intended to) stop salt water intrusion. In fact, the injection of treated effluent into the groundwater basin would create an injection barrier against future sea water intrusion. The injection has been designed to operate 24-hours per day, 7-days per week, and considers tidal cycles in its design. Recycled water injection would be continuously monitored during Project operations. Project operations are discussed in the Project Description, Chapter 3 of this EIR.
241		What mechanism will be used to keep other ocean water from not mixing/intruding with the injection Title 22 water? Title 22 water will have less salt/minerals than ocean water, creating a gradient between the two types of water. The Ocean water	The injected recycled (Title 22) water would mix with ambient groundwater and would flow offshore following existing groundwater flow direction. Once offshore, these waters would mix with ocean water as the freshwater diffuses

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		will be naturally drawn to the Title 22 water due to the gradient pressure.	up through the ocean floor, as is currently occurring with the existing flows. Please see the Ocean Dilution Analysis Technical Memorandum included in Appendix G1 of the Public Draft EIR.
242		What testing has the City done at this site [Condominium complex across from the proposed sewer plant] to determine water level rise as they have done with the other 3 test wells?	Groundwater injection would only be occurring in the Malibu Road and Legacy Park areas, and therefore testing was only conducted in this area. Percolation may occur in the Winter Canyon area, but no field testing was required for this procedure as operational performance data from existing seepage pits were available for use in design.
243		What is the capacity of the underground area to handle the quantities of water being proposed for phase 1, 2 & 3?	Please see Chapter 4.7 Hydrology and Water Quality. Based on modeling results, the injection wells are anticipated to have the ability to inject up to 611,000 gpd of recycled water into the underlying groundwater basin.
244		Has the Condominium Complex granted the City rights to inject into soil below their units which they own?	No injection or percolation would occur on Condominium Complex grounds, and therefore no property rights or rights-of-way are necessary at that location.
245		What has the City paid the Condominium Complex to inject Title 22 water into their land, in easements, title change?	The City has not paid the Condominium Complex any fees as no injection or percolation would occur on Condominium Complex grounds, and therefore no property rights or right-of-ways are necessary at that location.

Comment No.	Name	Comment	Response
246		If the City what financial arrangements have been made between the City and the Condominium Complex to inject into their soil?	No injection or percolation would occur on Condominium Complex grounds, and therefore no property rights or right-of-ways are necessary at that location.
247		What water quality measurements will be used to determine that water quality has indeed improved?	Water quality parameters to be monitored to demonstrate improved Malibu Creek and Lagoon water quality would be established in the Project operating permits issued by the Los Angeles Regional Water Quality Control Board (LARWQCB). While these are not currently known, they are anticipated to include nitrogen and phosphorous.
248		When will the first baseline measurements be taken, just prior to connection and operation or just prior to breaking ground for the project?	Baseline groundwater monitoring data will be collected prior to initiating system operations; the number of sampling events to be conducted and the timing of those events have yet to be determined and are currently being discussed with the LARWQCB.
249		Evaluate an alternative of increasing water use regulations to minimize the amount of wastewater being injected [e.g., waterless urinals, double flush level toilets, use recycle water in all toilets, distribute water in restaurants upon request]	The City of Malibu General Plan and Building Code already have extensive policies and implementation programs requiring water conservation, including a water conservation ordinance that specifies restaurants shall only serve water on request. In addition, maximizing recycled water use in the Prohibition Area is a primary objective of the Project.

Comment No.	Name	Comment	Response
250		Evaluate an alternative of processing the waste water to a level of Title 22 quality injected 150 feet below ground at minimum of 150,000 gallons per day	Please see Chapter 4 Environmental Setting, Impacts, and Mitigation Measures, and Chapter 5 Comparison of Alternatives of the Public Draft EIR.
251		Is the water to be injected as Title 22 being over processed causing problems to the underground environment?	The water quality standards the recycled water needs to be meet are set forth in the California Code of Regulations, Title 22 and are designed to be protective of human health and the environment. Please also see Chapter 4.7 Hydrology and Water Quality.
252		Evaluate an alternative of requiring all residential properties to connect their septic system to an Ultraviolet Water Disinfection System rather than to the sewer system.	This alternative would not be considered as Ultraviolet (UV) Water Disinfection Systems would destroy viruses and bacteria, but would not treat the effluent for nitrogen or phosphorous (other constituents identified to be impacting Malibu Creek and Lagoon by the LARWQCB). Additionally, the LARWQCB has prohibited the use of onsite wastewater treatment systems, including those that use advanced treatment technologies.
253		Establish water quality goals; take measurements before construction and at the beginning of each phase (connection) of the sewer development irrelevant of what the MOU requires.	Water quality goals (and objectives) are set forth by the Los Angeles Regional Water Quality Control Board (LARWQCB) in their Water Quality Control Plan (also known as the Basin Plan) and by the State Water Resources Control Board in the Ocean Plan. Water quality parameters to be measured during Project operations, including points of compliance and monitoring intervals, would be set forth in the operating permits issued to the Project by the LARWQCB.

Comment No.	Name	Comment	Response
254		There are several Agencies, which the city has not named earlier at the Scoping meeting, who should have input into this EIR project as well.	See response to Comment No. 38.
255		o California Resource Agency	
256		o California State Lands Commission	
257		o Department of Food and Agriculture [as it related to aquaculture and offshore water quality impacts on fish]	
258		What noise and amount of noise will be generated during construction and operation of the plant?	Please see Chapter 4.9 Noise and Vibration of the Public Draft EIR.
259		Will alarms be sounded during operations which will disturb the area at night/early morning hours?	No, alarms would not be sounded. Please see Chapter 4.9 Noise and Vibration of the Public Draft EIR.
260		What is a phone number the citizens can call if alarms are going off or if there is a lot of noise coming from the plant?	As described in Chapter 4.9 Noise and Vibration of the Public Draft EIR, a permanent increase in the ambient noise level is not expected. A designated Project liaison shall be responsible for responding to noise complaints during the construction phases. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advance notifications.
261		Per Chapter 15131, economic and social effects may be included in an EIR… This system is a mandated by the RWQCB and the EIR can specify the daily fine to a residential owner if they do not comply. The City does have an obligation to outline areas of cost which the City's citizens will have to bare. The City should outline the areas of cost responsibility to the residential property owner.	The California Code of Regulations, Title 14, Chapter 15131 states that "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires. (a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes

Comment No.	Name	Comment	Response
			resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." To this end, the economic and social effects of the Project will not be addressed in the EIR, but will be addressed under other venues (i.e. assessment district formation) being conducted parallel to this EIR.
262		What is the cost to the commercial properties?	This question will be addressed during the public assessment district formation processes being conducted parallel to this EIR
263		What is the debt to the City and how will it be repaid?	This question will be addressed during the public assessment district formation processes being conducted parallel to this EIR
264		Are the citizens paying the commercial properties to develop their properties and financial gains? This would be inequitable to the residential land owner.	This question will be addressed during the assessment district formation processes being conducted parallel to this EIR
265		What is the projected amount of increase in carbon dioxide and nitrogen into the air from car exhaust; increased traffic flows/congestion? As this level rises more exhaust falls on to the water of Malibu Creek and Lagoon creating algae bloom.	Please see Chapter 4.2 Air Quality of the Public Draft EIR. Wastewater treatment facility and conveyance system operation would involve approximately 23 vehicle trips per week for all regular staffing, waste disposal, and inspection activities. Given the low level of vehicle trips associated with Project operation, congestion and related CO concentrations are unlikely to measurably increase.

Comment No.	Name	Comment	Response
266		What are the number and size of the projects being processed by the City that are in the Civic Center Septic Ban area to establish the amount of development to occur in the very near future?	Projects that could be implemented concurrent to this Project that are located within the Civic Center area are documented in the Draft EIR in Chapter 3.5, Related Projects.
267		What is a complete list of projects in the pipeline for the Civic Center area?	Please contact the City Planning Department for this information. All Projects that could be implemented in the Civic Center area concurrent to this Project are documented in Chapter 3.5 Related Projects of the Public Draft EIR.
268	Toscana Homeowners Association	Request town hall meeting with all residents in the affected area, including at a minimum, the commenting organizations, supporting organizations and other organizations contacted and affected, as defined below, to discuss other locations and ask questions about the research and data that was used to select the currently proposed location.	This comment does not pertain to the scope of the environmental analysis. As part of the EIR process a scoping meeting was held. There will also be a public hearing before the Planning Commission to receive comments on the Draft EIR.
269		Concerned about proximity (<100 m) to Webster Elementary School – potential health and safety issues to ~300 students and staff.	Please see Chapter 4.6 Hazards and Hazardous Materials of the Public Draft EIR.
270		Concerned about proximity to residents – potential health and safety issues to residents of Maison DeVille, Toscana and Vista Pacifica.	Please see Chapter 4.6 Hazards and Hazardous Materials of the Public Draft EIR.
271		Concerned about treated water disposal into existing natural watershed – environmental issues to groundwater.	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality) of the Public Draft EIR.
272		Concerned about view impacts to existing residents (>50 residences in Toscana, Maison DeVille, Vista Pacifica and an unknown number of other single family homes).	Please see Chapter 4.1 Aesthetics of the Public Draft EIR

Comment No.	Name	Comment	Response
273	Anne Payne	Noise increases due to machinery operations and clean-out which may require trucks in and out of the small streets in the Malibu Civic Center. The Malibu Civic Ctr. Has a natural bowl or amphitheater configuration, as it sits at the base of Malibu Canyon with the Santa Monica Mts. Behind, creating a place where sound echoes and reverberates in the space below.	Please see Chapter 4.9 Noise and Vibration of the Public Draft EIR.
274		Odor may result from the wastewater treatment plant which would remain in the natural bowl of the Civic Ctr. There is already an existing, terrible ODOR problem on Civic Ctr. Way, between Malibu Canyon and Webb Way in the Civic Center.	Please see Chapter 4.2 Air Quality of the Public Draft EIR, D285
275		Safety is a huge concern, especially with regard to evacuation procedures during a fire or other disaster. PCH is usually closed by the local law enforcement, so that the 100 residential homes in Serra Canyon must evacuate horses, vehicles and families via Cross Creek Road near Civic Ctr. Way. The local Fire Dept. often needs canyon access for fire trucks into the Cross Creek Road entrance. Having evacuated several times in the past 26 years, we are concerned when any additional traffic is added to the evacuation process.	The CCWTF operations is expected to add two full-time staff to the City and would more than offset the number of trucks that currently maintain OWTSs within the Prohibition Zone at any given time. This would have minimal impacts in terms of additional cars evacuating in an emergency. A Traffic Control Plan is included in the Project scope to ensure safe access is maintained in the Project area, in general and during emergencies. Please refer to Chapter 3, Project Description, Section 3.4.3., as well as Chapter 4.6, Hazards and Hazardous Materials, Section 4.6.2.

Comment No.	Name	Comment	Response
276	Teni Mardirosian, Los Angeles Department of Public Works	The Los Angeles County Flood Control District (LACFCD) owns and maintains Stuart Ranch Road – Bl 9302 Drainage System (Drawing number DDN 470-9302-D3). Any impacts to LACFCD system should be discussed in the EIR. A connection/construction permit from the LACFCD prior to construction is required for any new connection to these drains/facilities. In addition, a hydrology study and storm drain improvement plans must be submitted to the Los Angeles County Department of Public Works for review and approval prior to permit issuance. This should specifically be noted in the environmental document.	This is a wastewater project and the Phase 1 Project would not be making any hydraulic connections to or from the LACFCD facilities. Phases 2 and 3 of the Project would connect some of the privately owned parcels currently served by the County. The Public Draft EIR is a programmatic-level EIR covering all three phases of the proposed Project; only Phase 1 of the Project is analyzed in detail. Project-level analyses would be required for each subsequent phase of the Project (Phases 2 and 3) before they are constructed. Detailed information regarding each subsequent phase, including any connections to be made, would be included in these subsequent Project-level documents.
277		We would like to review the project's DEIR, including the traffic impact study for potential impacts to County roadway and intersection in the area. The County's methodology shall be used when evaluating the County intersections. A copy of our Traffic Impact Analysis Report guidelines may be obtained on the Public Works' website.	The City of Malibu determined that a detailed traffic analysis was not required due to the minimal traffic associated with the Project. Please see Chapter 6.2.3 Transportation/Traffic of the Public Draft EIR.
278	Marilyn Dove	What safeguards are planned to prevent the backflow of sewage into homes that are below grade?	The Draft EIR notes that individual property owners would be responsible for providing hook-ups to the collection system. Since some homes may need to pump wastewater into the collection system, these privately owned systems would likely include backflow prevention and cutoff devices. Since this work

Comment No.	Name	Comment	Response
			would occur on private property and is not part of the Project, this comment does not pertain to the scope of the environmental analysis. The City is, however, addressing these issues in other Project-related venues.
279		Will below-grade property owners be able to close off the connection to the sewer line? Ideally, such an option should be automatic with a manual override?	See response to Comment No. 278.
280		Will below-grade property owners be able to resort to their existing septic systems during these emergencies?	As noted in the Project Description (Chapter 3 of this EIR), individual property owners would be responsible for decommissioning their existing OWDS consistent with requirements set forth in the Uniform Plumbing Code and in conformance with any requirements set forth by the LARWQCB. The City is, however, addressing these concerns through other Project-related venues.
281		Has the City adequately considered the impact (of greenhouse gas emissions)? The project replaces gravity-based, greenhouse-emission neutral onsite septic management for over 1,000 homes with one that will use electrical pumping stations.	Please see Chapter 4.14 Greenhouse Gas Emissions of the Public Draft EIR.
282		For Phase 1 only, the estimated effluent to be pumped is 150,000 gallons per day. Based on a 20 ft average lift the energy consumed will be 560,000 watts per day instead of zero currently…The City must demand that the RWQCB prove that this project is necessary and that the project will provide a net benefit to the environment which is commensurate to its overall cost.	This is outside the scope of the EIR

Comment No.	Name	Comment	Response
283		What will be done about the odor and noxious gas pollution? How will this be effectively monitored and controlled?	Please see Chapter 4.2 Air Quality of the Public Draft EIR, which summarizes the results of a Technical Memorandum on Odor.
284		What methods will be used to monitor for ground saturation and resulting slippage due to the proposed injection of wastewater? What will be done with the effluent during heavy rains?	Groundwater elevation monitoring would be a part of the monitoring program that would be prepared and implemented as part of the Project permitting requirements. Injections are expected to occur under all weather conditions, and injections were simulated under a variety of precipitation events in the hydrologic modeling documented in the Groundwater Modeling Analysis of Proposed Waste Water Dispersal, included in Appendix G4 of the Public Draft EIR.
285		A sewer system will be growth-inducing and the higher costs incurred because of this project's implementation will drive the need for higher density develop in our fragile environment. What is planned to address or control the negative impacts of such rampant growth?	While the Project would potentially facilitate planned growth, the indirect impacts associated with this growth have been accounted for in the City of Malibu General Plan and Local Coastal Program, and would be required to undergo environmental review and approval on an individual project basis. Please see Chapter 6.3 Growth-Inducement and Indirect Impacts and Chapter 4.10 Population and Housing.
286		A sewer system will allow people to be less water conscious thereby promoting heavier water demand and straining our infrastructure and water supply even more. How will this be addressed?	The City would continue to enforce its policies on water conservation.

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287		Why is there a septic system ban when right at the Phase 3 boundary (specifically at 24573 Malibu Road) the county dumps effluent at least 3 times a week with the RWQCB blessing? The city should fight this arbitrary 'septic system ban' based on that fact alone.	This comment does not pertain to the scope of the environmental analysis.
288	Patt Healy	What agricultural soils will be disturbed or lost by the project? The civic center was once agricultural because of its proximity to Malibu Creek and has some of the prime agricultural soils in the state. There needs to be an agricultural component in this EIR.	None of the land in the Project area is designated as agricultural. Land uses in the Civic Center area generally consist of a mix of commercial, residential, open space/undeveloped, public land uses. Please see Chapter 4.8 Land Use and Planning and Chapter 6.2.1 Agriculture and Forestry Resources of the Public Draft EIR.
289		What will the treatment plant look like?	Renderings of the buildings at the Treatment Plant site are included in Chapter 3 Project Description and in Chapter 4.1 Aesthetics of the Public Draft EIR.
290		Who owns the mineral rights in the property and how will it be determined whether or not they exist?	According to the Malibu General Plan, no mineral resources are known to exist on the plant site or in the Project service area. Also, see Chapter 6.2.2 Mineral Resources of the Public Draft EIR. Furthermore, title reports on file with the City for the proposed treatment plant site address mineral rights.
291		Will any retaining walls be required to protect the bluff face plant from slippage? If so, how high and what is aesthetic impact? How will the plant be screened?	Retaining walls would not be required on the bluff face at the treatment facility site.

Comment No.	Name	Comment	Response
292		What negative impact would the proposed hotel have on the site since their proposed structures are so close to the bluff face?	Evaluating the impacts of other projects on the proposed Project is not part of the EIR process. However, each section of the Draft EIR, including Chapter 4.5, Geology and Soils, does contain a cumulative impact analysis. Furthermore, the Rancho Malibu Hotel project will be required to obtain the City Geologist's conformance approval for compliance with all City codes and geotechnical guidelines prior to obtaining a coastal development permit.
293		How will the treatment plant effect the wetland?	Please refer to Chapter 4.3, Biological Resources, as well as Appendices C and E, the Habitat Assessment and Wetland Delineation Study. The treatment plant has been designed to provide a 100-foot buffer zone between the wetlands and all plant infrastructure. Only the required site access driveway, which largely overlays the existing unpaved driveway, ies expected to encroach within the buffer. Where the full 100 foot buffer cannot be maintained, the buffer area would be mitigated by an equivalent restoration area onsite. Wastewater treatment facility operations are not expected to adversely impact on the identified wetlands.
294		What happens if there is a spill?	The wastewater treatment facility would operate under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program run by the Los Angeles County Fire Department. A Hazardous Substance Control and

Comment No.	Name	Comment	Response
			Emergency Response Plan would be prepared for the plant site. Please see Chapter 4.6 Hazards and Hazardous Materials of the Public Draft EIR. As noted in the Draft EIR, Chapter 3, Project Description, process areas within the site would be designed so that runoff would be captured within the site and returned to the headworks for treatment, so any spills of wastewater would not leave the site.
295		What happens if there is a failure in operation for an extended period of time?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations can be maintained during power failures.
296		Since the purposed location of the plant site is a waste water disposal site, can the plant be subject to liquefaction?	The Project area has been evaluated by a geotechnical engineer for liquefaction potential. Please see Chapter 4.5 Geology and Soils of the Public Draft EIR. The wastewater treatment facility site is subject to liquefaction. However, design and construction of the Project would incorporate appropriate engineering practices to ensure seismic stability, as required by the California Building Standards Code, which would ensure that facilities are not damaged by liquefaction.
297		In case of failure, what will happen to the untreated waste water?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure continual plant and pipeline operations.

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298		If untreated wastewater needs to be released in an emergency, where will it be released?	Release of untreated wastewater is not expected to occur. The treatment plant has been designed with buffering capacity to allow the plant to retain untreated effluent for short period of time.
299		How will a spill be handled?	The wastewater treatment facility would operate under the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program run by the Los Angeles County Fire Department. A Hazardous Substance Control and Emergency Response Plan would be prepared for the plant site. Please see Chapter 4.6 Hazards and Hazardous Materials of the Public Draft EIR.
300		What happens to the wastewater of the residences if the plant is not working?	The wastewater treatment facility and all pump stations are equipped with back-up emergency power generators that would ensure plant and pipeline operations during power failures. The treatment processes would also be designed with redundancy to minimize the potential for spills or upsets at the facility, as well as back-up power generation equipment. Reliability is ensured by providing unit redundancy (i.e. more than one unit so that one unit can be operational if maintenance or repair is needed on the other unit) including two biological reactors, dual force mains to the treatment plant, and multiple membrane tanks; in addition spare equipment will be kept on site,

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			and flows will be managed using an equalization basin and clearwell storage.
301		Is the plant designed for all three hookup phases? Where is the other needed infrastructure going to be placed?	The Project Description (Chapter 3 of the Public Draft EIR) describes the Project in its entirety, including Phase 2 and Phase 3 infrastructure.
302		Will it have capacity to hold all the wastewater on all the yet to be built parcels?	The Project has been designed to accommodate the Prohibition Area at build-out conditions; that is, to accommodate construction on all parcels as presently anticipated by the City's General Plan and LCP.
303		What will be the geological impact of injecting water into the ground?	Please see Chapter 4.5.3 Environmental Impact Analysis (Geology and Soils) of the Public Draft EIR. No adverse geologic impacts are expected.
304		Could ground water migrate into any of the faults in the area?	Groundwater currently exists at all fault areas within the Malibu Valley Groundwater Basin. Groundwater injection is not expected to affect faults.
305		Could the ground water migrate inland?	The present direction of groundwater flow is from the inland mountains, offshore to the ocean
306		How long will it take for this water to reach the ocean?	The time for the injected water to reach the ocean will vary depending on the location and project phase. Based on the modeling analyses conducted, it is anticipated that it will take between 5 and 50 years for all injected water to reach the ocean. Please see the Groundwater Modeling Analysis of Proposed Waste Water Dispersal report and the Ocean Dilution Analysis Technical Memorandum included in Appendix G of the Public Draft EIR.

Comment No.	Name	Comment	Response
307		Where will the ocean outfall be? Can this water have any negative impact on ocean resources at its outfall?	An ocean outfall is not proposed as part of the project, but is considered as an alternative. Please see Chapter 5.3.2 Alternative B - Wastewater Treatment Facility with Ocean Outfall, of the Public Draft EIR. As discussed in Chapter 4.7, Hydrology and Water Quality, ocean water quality impacts resulting from the Project are not anticipated to be significant.
308		What will be the impact of the saltwater interface will the increase in ground water?	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality), Effects on Groundwater Levels, of the Public Draft EIR. Refer to Response 312 above.
309		What if injection does not work? What are the results of such a failure?	The modeling and analyses completed as part of the environmental review process conclude that injection would be successful; please see Appendix G of the EIR for the technical analysis. Percolation in Winter Canyon has been identified as an alternative to groundwater injection; however, percolation and the anticipated level of reuse will not provide adequate disposal capacity for the Prohibition Area at buildout. If injection is not found to work, alternatives such as an ocean outfall may have to be considered.
310		Will any of the tertiary treated water be used beneficially or just be put in the ground?	Reuse of the tertiary treated water is a primary objective of the Project. The City is presently working to facilitate maximum recycled water reuse that is technically and economically feasible and reasonable.

Comment No.	Name	Comment	Response
311		Does any of the wastewater, treated or untreated, have the potential of winding up in Malibu Creek?	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality).
312		Will this sewer system be growth inducing in the Civic Center area?	No. Please see Chapter 6.3 Growth-Inducement and Indirect Impacts of the Public Draft EIR.
313		Can this sewer be expanded?	The Project has been designed to accommodate the City at buildout conditions; that is, to accommodate construction on all parcels as presently anticipated by the City's General Plan. There would be no room on the plant site for additional expansion once buildout conditions are reached.
314	County of Los Angeles Fire Department	The Land Development Unit's emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues.	Comment; no response required
315		Specific fire and life safety requirements and conditions set during the environmental review process will be addressed and conditions set at the building and fire plan check phase.	Comment; no response required
316		The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.	The Project would comply with applicable codes and ordinance requirements.
317		This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans must be met.	The Project would comply with applicable codes and ordinance requirements.

Comment No.	Name	Comment	Response
318		Access roads shall be maintained with a minimum of 10 feet of brush clearance on each site. Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet 6 inches.	The Project would comply with applicable codes and ordinance requirements.
319		Every building constructed shall be accessible to Fire Department apparatus by way of access roads, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.	The Project would comply with applicable codes and ordinance requirements.
320		The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet.	The Project would comply with applicable codes and ordinance requirements.
321		Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.	The Project would comply with applicable codes and ordinance requirements.

Comment No.	Name	Comment	Response
322		The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.	The Project would comply with applicable codes and ordinance requirements.
323		Fire hydrant spacing shall be 300 feet and shall meet the following requirements:	The Project would comply with applicable codes and ordinance requirements.
324		o No portion of lot frontage shall be more than 200 feet via vehicular access form a public fire hydrant.	
325		o No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.	
326		o Additional hydrants will be required if hydrant spacing exceeds specified distances.	
327		o When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.	
328		o A cul-de-sac shall not be more than 500 feet in length, when servicing land zoned for commercial use.	
329		Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.	The Project would comply with applicable codes and ordinance requirements.
330		All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of	The Project would comply with applicable codes and ordinance requirements.

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		all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.	
331		All access devices and gates shall meet the following requirements:	The Project would comply with applicable codes and ordinance requirements.
332		o Any single gated opening used of ingress and egress shall be a minimum of 26 feet in width, clear-to-sky.	
333		o Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.	
334		o Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.	
335		o All limited access devices shall be of a type approved by the Fire Department.	
336		o Gate plans shall be submitted to the Fire Department prior to installation. These plans shall show all locations, widths and details of the proposed gates.	
337		Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions.	The Project would comply with applicable codes and ordinance requirements.

Comment No.	Name	Comment	Response
338		Submit proposals for all street vacations (closures) to the County of Los Angeles Fire Department, Land Development Unit for review and approval. The proposal shall be submitted through the Department of Public Works.	No existing streets are expected to be vacated by the Project. A portion of the former Malibu Canyon Road right of way that exists within the proposed treatment plant site but which has never been developed would be vacated or abandoned as necessary prior to construction.
339		Submit three sets of water plans to the County of Los Angeles Fire Department, Land Development Unit. The plans must show all proposed changes to the fire protection water system, such as fire hydrant locations and main sizes. The plans shall be submitted through the local water company.	The Project would comply with applicable codes and ordinance requirements.
340		The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft Environmental Impact Report.	Please see Chapter 4.11 Public Services of the Public Draft EIR.
341	Los Angeles Waterkeeper/Heal the Bay	The City must avoid further delays to the project and should follow as closely as possible the implementation schedule outlined in the Memorandum of Understanding (MOU) in order to comply with the November 5, 1015 Septic Prohibition Phase 1 deadline.	It is the City's intent to follow the MOU implementation schedule as closely as feasible.

Comment No.	Name	Comment	Response
342		The EIR should analyze impacts from anticipated schedule delays and propose mitigation measures to address their environmental impacts.	Although the City intends to follow the MOU schedule, the Draft EIR does evaluate the impacts of the No Project Alternative. Because the City is committed to the MOU implementation schedule, mitigation has not been developed for a different schedule.
343		The project must expand water recycling as much as possible in an effort to reduce potable water demand and minimize ground water injection volumes. In the event that water recycling and well injection volumes do not balance treated effluent volume discharges from the Civic Center WWTF, any environmental impacts stemming from this water imbalance must be considered and mitigation measures for the impacts included in the EIR and implemented.	Maximizing recycled water use in the Prohibition Area is a primary objective of the Project. Please see Chapter 3.3.4 Reuse/Dispersal of the Public Draft EIR. Technical analyses conducted have indicated that there would be adequate capacity to inject or disperse the recycled water. Existing City potable water conservation policies would remain in place.
344		Request that water balance worst case scenarios (i.e. minimal/zero water recycling and zero well injection) be examined and their associated impacts be addressed in the document.	Please see Chapter 5 Comparison of Alternatives of the Public Draft EIR. A non-injection / complete reuse alternative was discussed during scoping. Reuse of all recycled water has been determined to be infeasible due to the lack of demand. Injection capacity of the groundwater basin has been analyzed assuming that all treated wastewater is dispersed via injection and has been shown to be more than adequate. The only way to avoid use of injection wells to disperse a portion of the recycled water would be to dispose of the excess recycled water through an ocean outfall.

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345		Malibu's surface and groundwater resources need to be evaluated for impacts… The connectivity between surface and groundwater resources as recycled water irrigation increases in the area must also be evaluated in terms of impacts on Malibu's already impaired water bodies. All possible environmental impacts on Malibu's surface and groundwater resources, including compliance with established water quality standards and TMDLs for the surface and subsurface water bodies that may be affected, must therefore be evaluated and addressed in the Civic Center WWTF EIR. No further impairment to water resources should result from the project.	Please see Chapter 2.1 Background and Chapter 4.7 Environmental Impact Analysis (Hydrology and Water Quality) of the Public Draft EIR. The LARWQCB has determined that onsite wastewater disposal systems (OWDSs), also referred to as septic systems, are a significant source of pollutants to Malibu Creek, Malibu Lagoon, and nearby beaches. The Project objective is to provide centralized wastewater treatment in the Malibu Civic Center area to eliminate the need for septic systems and improve water quality in the impaired water bodies of Malibu Creek and Lagoon. The project is not expected to increase existing impairment.
346		The EIR should evaluate impacts of the Civic Center WWTF in conjunction with other concurrent or planned project in the area, such as the proposed Rancho Malibu Hotel development and Crummer site subdivision.	The EIR evaluates the CCWTF Project in conjunction with other Projects as required by Chapter 15130 of the State CEQA Guidelines. Please see Chapter 3.5 Related Projects of the Public Draft EIR for the list of projects. Each subsection of Chapter 4, Environmental Impact Analysis, contains an evaluation of cumulative impacts for the resource evaluated in that section.
347		The EIR needs to address environmental impacts from other commercial or residential properties located outside of the Septic Prohibition area that may in the future connect to the Civic Center WWTF.	The proposed Project service area is wholly within the defined Prohibition Area. Evaluation of properties outside this zone is outside the scope of the EIR. Any future connections of properties outside the Prohibition Area to any

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			of the Project recycled water pipelines would be addressed during future phases of the Project, as necessary, and in the associated Project-level environmental documentation.
348		The EIR should evaluate storm water pollution impacts from the project's construction including the construction of the WWTF itself as well as the installation of the sewer collection and recycled water distribution pipes.	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality) of the Public Draft EIR. Contractors would be required to prepare Storm Water Pollution Prevention Plans (SWPPPs) and obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities and comply with Local Coastal Program Local Implementation Plan Chapter 7 (Water Quality).
349		The EIR must discuss and require mitigation measures for these [aforementioned] environmental impacts.	Please see Chapter 4.7.3 Environmental Impact Analysis (Hydrology and Water Quality) of the Public Draft EIR.
350		Urge the City to seize this opportunity and maximize project benefits by installing Low Impact Development BMPs to control storm water flows and pollution wherever possible.	As noted in the Draft EIR, in Chapter 3, Project Description, process areas within the site would be designed so that runoff would be captured within the site and returned to the headworks for treatment. In addition, the City Council has commissioned the Civic Center Specific Plan, which may include provisions for incorporating low impact development into the area.