

This ~~Draft Environmental Impact Report (EIR)~~ evaluates potential environmental effects that may result from implementation of the proposed Malibu Civic Center Wastewater Treatment Facility Project (proposed Project) in the City of Malibu, California. The proposed Project would include development of a centralized wastewater treatment facility in the Civic Center area of the City that would treat, reuse, and/or dispose of wastewater flows from properties in and around the Civic Center, including a portion of unincorporated Los Angeles County.

2.1 Background

The City of Malibu (City) is a coastal community comprised of approximately 20 square miles of land with more than 22 miles of coastline. The City, located within the western area of Los Angeles County, was incorporated on March 28, 1991 and is home to approximately 12,700 residents; however, its popular sandy beaches and mountains draw more than 15 million visitors annually. Malibu Creek Watershed, which comprises approximately 109 square miles within and north of the City, has been the focus of numerous scientific studies and regional actions related to the water quality of Malibu Creek, Malibu Lagoon, and nearby beaches. These water bodies have been identified by the Los Angeles Regional Water Quality Control Board (LARWQCB) as being impaired for beneficial uses and are listed as 303d Impaired Water Bodies under the Clean Water Act. Wastewater generated from onsite wastewater disposal systems (OWDSs), commonly known as septic systems or onsite wastewater treatment systems (OWTSs) in the City of Malibu, is a concern of the LARWQCB as an alleged source of pollutants for these impairments. In 2009, the LARWQCB presented a Technical Staff Report comprised of five Technical Memoranda addressing the source of these impairments as discharges from OWDSs in the Malibu Civic Center area, resulting in violations of water quality objectives that would impair present and future beneficial uses and degrade water quality of these water bodies.

On November 5, 2009, the LARWQCB adopted Resolution No. R4-2009-007 entitled *Amendment to the Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties to Prohibit On-Site Wastewater Disposal Systems in the Malibu Civic Center Area*. The Water Quality Control Plan is also known as the Basin Plan. The Resolution prohibited any new discharges from OWDSs as of the effective date, the cessation of all commercial discharges from OWDSs on November 5, 2015, and the cessation of all residential discharges from OWDSs on November 5, 2019. Subsequently, the State Water Resources Control Board ratified the LARWQCB Resolution and the Office of Administrative Law upheld the legal authority of these agencies to adopt this amendment to the Basin Plan.

In August of 2011, the City entered into a negotiated Memorandum of Understanding (~~MOU~~) with the LARWQCB (~~“the MOU”~~). The purpose of the MOU is to memorialize the Parties’ agreement to coordinate in the implementation of a wastewater treatment plan in the Malibu Civic Center Area. The MOU sets forth specific tasks to be accomplished with timelines in three distinct phases for the connection of properties to one or more state-of-the-art centralized wastewater treatment facilities in the Civic Center area. Phase 1 requires the connection of commercial properties within the core of

the Civic Center area by November 5, 2015. Phase 2 requires the connection of those residential properties adjacent or in proximity to the impaired bodies of water identified in the Resolution by 2019. Phase 3 requires the connection of the remainder of those residential properties within the Prohibition Area only if the implementation of Phase 1 and 2 has resulted in meaningful reductions in bacterial and nutrient impairments of the identified water bodies.

The adopted Resolution specifically states, “This prohibition does not preclude a publically-owned, community-based, solution that includes specific wastewater disposal sites subject to waste discharge requirements to be prescribed by the Regional Board.” To satisfy this objective, the City is proposing to construct a centralized wastewater treatment facility to serve both commercial and residential properties within the Civic Center Prohibition Area. This is also consistent with the MOU between the City and the Regional Board. The Project has thus been designed to meet the requirements of the MOU, which was formally executed on August 19, 2011, with approval of the State Water Resources Control Board.

Since the signing of the MOU, the City has worked to develop plans for collection and treatment of wastewater, and for reuse and/or disposal of the treated effluent. As part of implementation of the MOU, the City conducted potable water injection testing in three test wells in the Civic Center area to explore the feasibility of using direct well injection for effluent disposal. The results of this testing ~~are currently being~~ have been used to develop the design for a series of injection wells for direct injection of disinfected treated effluent into the lower Civic Center Gravels formation of the Malibu Valley Groundwater Basin.

2.2 Overview of CEQA EIR Process

~~The California Environmental Quality Act (CEQA)~~ was adopted in 1970 so that the significant environmental effects of proposed actions would be disclosed to decision-makers and the public. CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies. The proposed Project is a discretionary activity; therefore, CEQA is applicable. The lead agency under CEQA for the EIR and the Project proponent is the City of Malibu. The major steps that will be taken by the City in preparing and processing the EIR are illustrated in Figure 2-1 and described below.

Figure 2-1. EIR Preparation Process



2.2.1 NOP and Scoping Period

The City, in accordance with CEQA, prepared a Notice of Preparation (NOP), which was released to the public and filed with the State Clearinghouse (SCH No. 2013111075) in the Office of Planning and Research on November 21, 2013. The NOP provided notice to the public and public agencies that an EIR would ~~be~~ prepared, described the proposed Project that would be evaluated in detail in this EIR, listed the probable environmental effects of the proposed Project, and identified the date, time, and location of a scoping meeting, which was held on December 11, 2013 in Malibu City Hall. The NOP was distributed to involved public agencies and interested parties for a 30-day public review period, which began on November 21, 2013, and was set to end on December 23, 2013. The review period was subsequently extended by the City to January 7, 2014.

A copy of the NOP is included in Appendix A of this EIR along with comments provided by the public and public agencies in response to the NOP and the City's responses to those comments. Comments received in response to the NOP during the scoping period were considered in preparing this EIR. A copy of the NOP and public responses to the NOP were also posted on the City's website at <http://www.ci.malibu.ca.us/index.aspx?nid=592>.

2.2.2 Draft EIR Public Review and Comment Period

The ~~is~~ Draft EIR ~~is was now being~~ distributed to the public and interested or affected agencies for review. Release of the Draft EIR to the public ~~begins~~ a 60-day comment period extending from May 29 to July 28, 2014. Subsequent to the release of the Draft EIR, a Recirculated Draft EIR was released on June 12, 2014 for a 47-day comment period, which ended on July 28, 2014. The Recirculated Draft EIR was a partial recirculation of the original Draft EIR and was released to correct errors and/or omissions in the original Draft EIR pertaining to the number and location of pump stations expected to be needed at Project buildout and facilities shown in Project visual simulations, and to add information to the Geology and Soils and References sections.

During the ~~comment period is time frame~~, members of the public and public agencies ~~awere~~ asked to review the Draft ~~and Recirculated Draft~~ EIR and provide comments on the document and the adequacy of the impact analyses. Copies of the Draft ~~and Recirculated Draft~~ EIR ~~have were~~ been made available for general public review at the following locations:

Malibu Library
23519 Civic Center Way
Malibu, CA 90265

In addition, the Draft ~~and Recirculated Draft~~ EIR ~~can be were available for~~ downloaded or ~~review were review~~ at the Current and Long-Range Planning page of the City's website (<http://www.malibucity.org/index.aspx?NID=602>). Any individuals or parties ~~may were invited to~~ provide written comments on the Draft ~~and/or Recirculated Draft~~ EIR. Email comments on the Draft ~~and/or Recirculated Draft~~ EIR ~~may were~~ submitted to Bonnie Blue at bblue@malibucity.org. All email comments received before July 29, 2014 ~~will be were~~ considered. Written comments on the Draft ~~and/or Recirculated Draft~~ EIR ~~must had to~~ be postmarked by July 28, 2014, and ~~should were to~~ be addressed to:

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In accordance with CEQA requirements, public notice of the availability of the Draft and Recirculated Draft EIR ~~was-were~~ published in the Malibu Times and provided via mail to interested parties.

In addition, interested parties ~~may-were invited to~~ subscribe to the City's electronic notification system for the Project at: <http://www.malibucity.org/news>.

The comments received during the 45-day public review period that ended July 28, 2014 are provided in Appendix K of this EIR. The City's responses to the concerns raised in the comments are also provided in Appendix K.

2.2.3 Preparation of the Final EIR and Project Approval

Upon completion of the 60-day Draft EIR public review period and 47-day Recirculated Draft EIR public review period, a Final EIR ~~will be was~~ prepared. ~~The This~~ Final EIR ~~will~~ includes ~~the~~ comments on the Draft and Recirculated Draft EIR received during the formal public review period as well as written responses to those comments. The Final EIR ~~will~~ also contains corrections to the text of the Draft and Recirculated Draft EIR, ~~if needed. This Draft EIR and the Final EIR will comprise the EIR for the proposed Project.~~

Prior to ~~consideration approval of the proposed Project~~ by the decision-making body of the lead agency, i.e., the Malibu City Council, ~~whether to approve the proposed Project~~, CEQA requires that the City Council adopt "findings" with respect to the each significant effect identified in the EIR (Public Resources Code Section 21081; ~~State~~ CEQA Guidelines, Section 15091). For each significant effect, CEQA requires the approving agency to make one or more of the following findings based on substantial evidence in the record:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

In the event that the City, as the lead agency, concludes that the proposed Project will result in significant effects that are identified in the EIR but are not substantially lessened or avoided by feasible mitigation measures and alternatives, the City must adopt a "statement of overriding considerations" prior to approval of the proposed Project (Public Resources Code, Section 21081, subd. (b); State CEQA Guidelines, Section 15093). Such statements are intended under CEQA to provide a written means by which the lead agency balances the benefits of the proposed project and the significant and unavoidable environmental impacts. Where the lead agency concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the lead agency may find such impacts "acceptable" and approve the project.

In addition, pursuant to Section 21081.6 of the Public Resources Code, public agencies, when approving a project, must also adopt a mitigation, monitoring or reporting program (MMRP) for the changes that were incorporated into the project or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The MMRP is adopted at the time of project approval and must be designed to ensure compliance during project implementation.

2.3 About This ~~Draft~~ Final EIR

This ~~Draft~~ EIR has been prepared to meet all of the substantive and procedural requirements of CEQA ~~(the (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines) (California Code of Regulations (CCR), Title 14, Section 15000 et seq.)~~. The City, as the lead agency for this proposed Project, takes primary responsibility for conducting the environmental review and approving or denying the proposed Project.

2.3.1 Project/Program EIR

This EIR for the proposed Project is a combined Project/Program EIR. A Program EIR is described in Section 15168 of the State CEQA Guidelines as an EIR “which may be prepared on a series of actions that can be characterized as one large project and are related either geographically, as logical parts in the chain of contemplated actions, [or] in connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program...” Since the proposed Project would be implemented in phases (Phases 1 to 3) over a period of years and would encompass a fairly large geographic area, the City determined that a Program EIR would be the appropriate document for the proposed Project. According to the State CEQA Guidelines, a Program EIR can provide the following advantages:

- provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
- ensure consideration of cumulative impacts that may be slighted on a case-by-case basis;
- avoid duplicative reconsideration of basic policy considerations;
- allow the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
- allow reduction in paperwork.

A project EIR is defined in Section 15161 of the State CEQA Guidelines as a document that “examines the environmental impacts of a specific development project.” A project EIR provides a site-specific review of all phases of the project, including planning, construction and operation. This ~~Draft~~ EIR contains both Project-level and Program-level analysis. Phase 1 of the Project is evaluated at a project level, while Phases 2 and 3 are considered at a Program level.

Under CEQA, specific projects proposed under the program or plan may rely on the Program EIR as the base environmental document for environmental review. Subsequent activities (or projects) in the program or plan must be examined in light of the Program EIR to determine whether an additional environmental document (e.g., negative declaration, mitigated negative declaration, or EIR) must be prepared. If the lead agency finds that the subsequent activity or project would not result in new effects or require new mitigation measures, the lead agency can approve the activity as

being within the scope of the project covered by the Program EIR, and no new environmental document would be required. If a Subsequent EIR is required for a subsequent activity, the subsequent EIR can focus solely on new effects that were not considered before. According to CEQA, a Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the Program EIR, with the result that no further environmental documents would be required.

2.3.2 CEQA-Plus Requirements

Because the City has applied for funding from the State Revolving Fund (SRF) Loan Program, which is partially funded by the U.S. Environmental Protection Agency (USEPA), this ~~Draft~~ EIR has been prepared to address certain federal environmental compliance requirements, including regulations related to the General Conformity Rule for the Clean Air Act (CAA), Section 7 of the Endangered Species Act (ESA), Migratory Bird Treaty Act, (MBTA), Coastal Zone Management Act (CZMA), Farmland Protection Policy Act (FPPA), Wild and Scenic Rivers Act, and Section 106 of the National Historic Preservation Act (NHPA) as well as regulations regarding floodplain management and wetlands protection. USEPA allows a modified CEQA document, called CEQA-Plus, to be the compliance base for projects that apply for SRF monies. The additional regulatory components for demonstrating the proposed Project's compliance with CEQA-Plus requirements are discussed in the applicable resource sections of Chapter 4.

2.4 Organization of the ~~Draft~~ EIR

As illustrated in Table 2-1, this ~~Draft~~ EIR is organized into nine chapters, each dealing with a separate aspect of the required content of the EIR, as described in the State CEQA Guidelines. To help the reader locate information of particular interest, a brief summary of the contents of each chapter of the EIR is provided.

The following chapters are contained within the EIR:

Table 2-1. Required ~~Draft~~ EIR Contents

Requirement/State CEQA Guidelines Section	Location in Draft EIR
Table of Contents (Section 15122)	Table of Contents
Summary (Section 15123)	Chapter 1
Project Description (Section 15124)	Chapter 3
Intended Uses of the EIR (Section 15124 (d))	Chapter 2
Environmental Setting (Section 15125)	Chapter 4
Significant Environmental Impacts (Section 15126.2 (a))	Chapter 4
Unavoidable Significant Environmental Impacts (Section 15126.2 (b))	Chapters 1 and 4
Mitigation Measures (Section 15126.4)	Chapter 4
Cumulative Impacts (Section 15130)	Chapter 4
Alternatives to the Proposed Project (Section 15126.6)	Chapter 5
Effects Found Not to Be Significant (Section 15128)	Chapter 6
References (Section 15129)	Chapter 9
List of Preparers, Organizations, and Persons Consulted (Section 15129)	Chapters 7 and 8
Acronyms and Abbreviations	Table of Contents

Chapter 1, Summary: This chapter contains an overview of the scope of the EIR as well as a summary of the proposed Project, environmental impacts, proposed mitigation, the level of significance after mitigation, and unavoidable impacts.

Chapter 2, Introduction: This chapter provides an overview of the purpose and use for the EIR, the scope of the EIR, the environmental review process for the EIR and the proposed Project, and the general format of the document, and intended uses of the EIR.

Chapter 3, Project Description: This chapter defines the Project location, summarizes the proposed Project, and outlines the Project objectives and the need for the Project.

Chapter 4, Environmental Setting, Impacts, and Mitigation Measures: This chapter describes and evaluates environmental issue areas, including the existing environmental setting and background, applicable environmental thresholds, environmental impacts (both short-term and long-term), mitigation measures capable of minimizing environmental harm, and cumulative impacts.

Chapter 5, Comparison of Alternatives: This chapter analyzes feasible alternatives to the proposed Project, discusses alternatives that were considered but rejected as infeasible, and identifies the environmentally superior alternative. The four alternatives to the proposed Project analyzed in this EIR include:

- Alternative A: No-Project Alternative,
- Alternative ~~B1~~: Wastewater Treatment Facility with Ocean Outfall,
- Alternative ~~B2C~~: Alternative Wastewater Treatment Facility Site, and
- Alternative ~~C~~D: Pipe Effluent to the Hyperion Wastewater Treatment Plant.

Chapter 6, Other Environmental Considerations: This chapter provides a summary of the proposed Project's potential growth-inducing impacts, includes a list of the proposed Project's impacts that are significant and unavoidable by issue area, discusses the environmental effects of the proposed Project found not to be significant, and identifies any irreversible changes to the natural environment resulting from the proposed Project.

Chapter 7, Persons Consulted: This chapter identifies the public and private agencies as well as individuals contacted during preparation of this report.

Chapter 8, List of Preparers: This chapter identifies all individuals who were responsible for the preparation of this report.

Chapter 9, References: This chapter identifies all references used and cited in the preparation of this report.

2.5 Project Approvals and Intended Uses of the EIR

According to Section 15121 of the State CEQA Guidelines, an EIR is a public document used by a public agency to analyze the potentially significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible environmental damage. As an informational document, an EIR does not recommend for or against approving a project. The main purpose of an EIR is to inform governmental decision makers and the public about potential environmental impacts of the project.

Accordingly, this EIR will be used by the City and City Council and the Planning Commission, as the decision-making bodies of the lead agency under CEQA, in making decisions with regard to approval of the proposed Project and implementation of the improvements described in Chapter 3 of this EIR.

The information in this EIR may also be used by the responsible agencies identified below in deciding whether to grant permits or approvals necessary to construct or operate the proposed Project described in this EIR.