COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"Enriching Lives"

JAMES A. NOYES, Director

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 6, 2003

IN REPLY PLEASE REFER TO FILE: W-9

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT
APPROVE MITIGATED NEGATIVE DECLARATION
ADOPT THE MITIGATED MONITORING AND REPORTING PROGRAM
SUPERVISORIAL DISTRICT 3
3 VOTES

IT IS RECOMMENDED THAT YOUR BOARD:

As the governing body of the Consolidated Sewer Maintenance District, Trancas Zone:

1. Consider the enclosed Mitigated Negative Declaration (MND) for the construction of the Trancas Water Pollution Control Plant Rehabilitation Project together with any comments received during the public review process; find on the basis of the whole record before the County that there is no substantial evidence that the project with the proposed mitigation measure will have a significant effect on the environment; find that the MND reflects the independent judgment of the County; adopt the MND, and specify that the MND and all documents which constitute the record of proceedings can be reviewed at Waterworks and Sewer Maintenance Division of Public Works, located at 1000 South Fremont Avenue, Alhambra, California 91803.

2. Approve the project and authorize Public Works to carry out the project.

3. Adopt the Mitigation Monitoring and Reporting Program included in the MND to ensure compliance with the project and conditions adopted to mitigate or avoid significant effects on the environment.

4. Authorize Public Works to file a Notice of Determination.

5. Declare that, considering the record as a whole, there is no evidence before the County that the project has the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, and therefore, the presumption of adverse effect set forth in 14 Cal. Code. Regs § 753.5(d) does not apply. Authorize Public Works to complete and file a Certificate of Fee Exemption for the project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions are to adopt the MND and adopt the Mitigation Monitoring and Reporting Program for the rehabilitation and upgrade of the Trancas Water Pollution Control Plant, as required by the Regional Water Quality Control Board.

The Trancas Water Pollution Control Plant is 25 years old and has exceeded its rated useful life. The facility has experienced corrosion problems with its tanks and equipment due to the age of the plant and the harsh coastal environment. In March 2000, the Los Angeles Regional Water Quality Control Board adopted new Waste Discharge Requirements that established more stringent treatment and monitoring requirements and mandated the rehabilitation and upgrade of the facilities.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Service Excellence since rehabilitating and upgrading wastewater treatment facilities protects public health and the environment, which improves the quality of life in the County.

FISCAL IMPACT/FINANCING

There will be no impact on the County General Fund. Funding for the preparation and filing of this MND will be financed with available funds from the Trancas Zone of the Consolidated Sewer Maintenance District.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Under the California Environmental Quality Act (CEQA), any lead agency preparing a MND must provide a public notice within a reasonable period of time prior to certification of the MND. To comply with this requirement, a Public Notice, pursuant to Section 21092 of the Public Resources Code, was published in the Malibu Times on June 19, 2003. The Public Notice was also mailed to the agencies and individuals shown in Attachment A of the MND. Copies of the draft MND were sent to the agencies indicated on Attachment A of the MND.

The public review period of the draft MND ended on July 21, 2003. During the review period, comments were received from the Malibu West Homeowners Association (homeowners group representing 237 property owners served by the plant and in support of the project) and the Surfside Neighbors (group of seven property owners opposed to the project as proposed). These letters and the Public Works responses are enclosed in Attachment B of the MND.

Based upon the Initial Study of Environmental Factors, the comments received on the draft MND, and the responses to those comments, it was determined that the project with proposed feasible mitigation measures will not have a significant impact on the environment. Therefore, we recommend that your Board adopt the MND and adopt the Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL DOCUMENTATION

In accordance with the provisions in the CEQA (Public Resources Code, §§ 21000 et seq., "CEQA"), the State CEQA Guidelines (14 Cal. Code Regs., §§ 15000 et seq.), and the Los Angeles County Environmental Reporting Procedures and Guidelines, a draft Negative Declaration for the project was prepared and circulated for review on June 14, 2002. The review period ended on July 29, 2002. Written comments were received from various agencies and property owners during and after the review period. The comments identified surrounding recreational trails that were not included in the draft Negative Declaration and potential impacts of the project on aesthetics and recreational activities. Based on the comments, staff reevaluated the project according to CEQA and the State CEQA Guidelines, and identified impacts that could be potentially significant unless mitigated.

A revised Initial Study and draft MND were prepared and circulated for public review on June 20, 2003. A Public Notice of Intent to Adopt the MND was published in The Malibu Times on June 19, 2003, pursuant to Section 21092 of the

Public Resources Code. The Public Notice was also mailed to all public agencies, organizations, and individuals who previously submitted written comments on the project, as shown on Attachment A of the draft MND. The draft MND was mailed to the agencies indicated on Attachment A of the MND and made available for public review at the Malibu Public Library and Waterworks and Sewer Maintenance Division of Public Works, located at 1000 South Fremont Avenue, Alhambra, California 91803.

The draft MND identified potentially significant impacts that the project could have on the aesthetics of the adjacent trails and surrounding community. To mitigate this impact to less than significant, a native landscaping plan was developed as recommended by the California Coastal Commission, the National Park Services, City of Malibu, and the Santa Monica Mountains Conservancy. The exterior coloration of the replacement facilities was changed to an earth or vegetative-toned color to enhance the appearance of the structures and to blend in with the surrounding landscape. Covers were also added to the aerated/mixed portions of the proposed aeration tanks, as requested by local property owners.

The proposed landscape screening includes a total of 49 trees, consisting of seven 36-inch boxed California Sycamore (approximately 12 to16 feet tall and 6 to 7 feet wide at planting), eight 24-inch boxed California Sycamore (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), fifteen 24-inch boxed White Alder (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), and nineteen 24-inch boxed California Bay (approximately 4 to 5 feet tall and 2 to 3 feet wide at planting). The landscape plan also contains 131 shrubs in 5- and 15-gallon sizes. The landscape screening plan utilizes the largest and fastest growing native plant stock that is acceptable for the area and readily available at local nurseries.

By letter dated August 15, 2003, the City of Malibu provided their support to the landscape plan as a realistic solution to the concern over aesthetics. Also, the Santa Monica Mountains Conservancy's letter of September 9, 2003, indicated that their previous concerns regarding potential adverse visual impacts have been met by the draft MND.

The Surfside Neighbors commented that the draft MND and proposed mitigation measures are insufficient to address the impacts of the project and requested an EIR. The group has requested an 18- to 20-foot-high tennis-court-style fence be placed behind the proposed landscaping on the plant's eastern boundary. They are willing to withdraw their comments and endorse the draft MND if the fence is added to the project.

The proposed tennis court style fence would require a permit amendment from the California Coastal Commission. The California Coastal Commission has stated in a letter dated August 18, 2003, that they are unlikely to accept such a permit amendment because a fence 18 to 20 feet high would have adverse impacts to visual resources. In addition, the Santa Monica Mountains Conservancy's letter of September 9, 2003, stated that they are opposed to the installation of a tennis court style fence to screen views. Due to the opposition from these agencies and the negative impact of the fence, installation of the fence is found to be infeasible as a mitigation measure, and therefore, is not included in the project as a mitigation measure.

Mitigation measures have been included as part of the project. We have prepared the Mitigation Monitoring and Reporting Program, enclosed in Attachment C of the draft MND, that includes maintaining records to ensure compliance with the environmental mitigation measure adopted as part of this project. Your Board is being asked to approve and authorize Public Works to carry out this project.

Your Board is also being asked to authorize Public Works to file a Notice of Determination. This action will limit the time period for appeals on the Board's findings.

A fee must be paid to the State Department of Fish and Game at the time of filing the Notice of Determination. The District will be exempt from paying this fee when your Board finds that the project will have no adverse impact on wildlife resources. Upon approval of the MND by your Board, staff will file a Certificate of Fee Exemption with the Register-Recorder/County Clerk. A $25 handling fee will be paid to the County Clerk for processing. Staff will also file a Notice of Determination in accordance with the requirements of Section 21152(a) of the California Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on County services or projects during the performance of the recommended project.

CONCLUSION

After approval of this recommendation, please return one approved copy of this letter to Public Works, Waterworks and Sewer Maintenance Division.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

HY:cs
BDLHY1

Enc.

cc: Chief Administrative Office
County Counsel

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
CONSOLIDATED SEWER MAINTENANCE DISTRICT
TRANCAS ZONE

MITIGATED NEGATIVE DECLARATION

FOR

TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT

I. Location and Brief Project Description

The proposed project is located at the existing Trancas Water Pollution Control Plant, 6338 Paseo Canyon Drive, Malibu, California (see attached map). The project will rehabilitate and upgrade the existing Trancas Water Pollution Control Plant to replace deteriorated facilities and bring all facilities into compliance with new Waste Discharge Requirements of the Los Angeles Regional Water Quality Control Board. The work primarily includes the replacement and upgrade of the existing headworks, secondary treatment system, filters, and related support equipment, piping, and appurtenances. A disinfection system will also be added to meet the new requirements. Landscape and irrigation system work is also included.

II. Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

The initial study identified two categories of possible significant impacts, Aesthetics and Recreation. Mitigation measures have been included in the project to address these potential impacts and reduce them to less than significant. Mitigation Measures are discussed in Section III.C. of the Initial Study.

III. Finding of No Significant Effect

Based on the attached initial study, it has been determined that the project with the proposed mitigation measures will not have a significant effect on the environment.

Attach.

JB:cs
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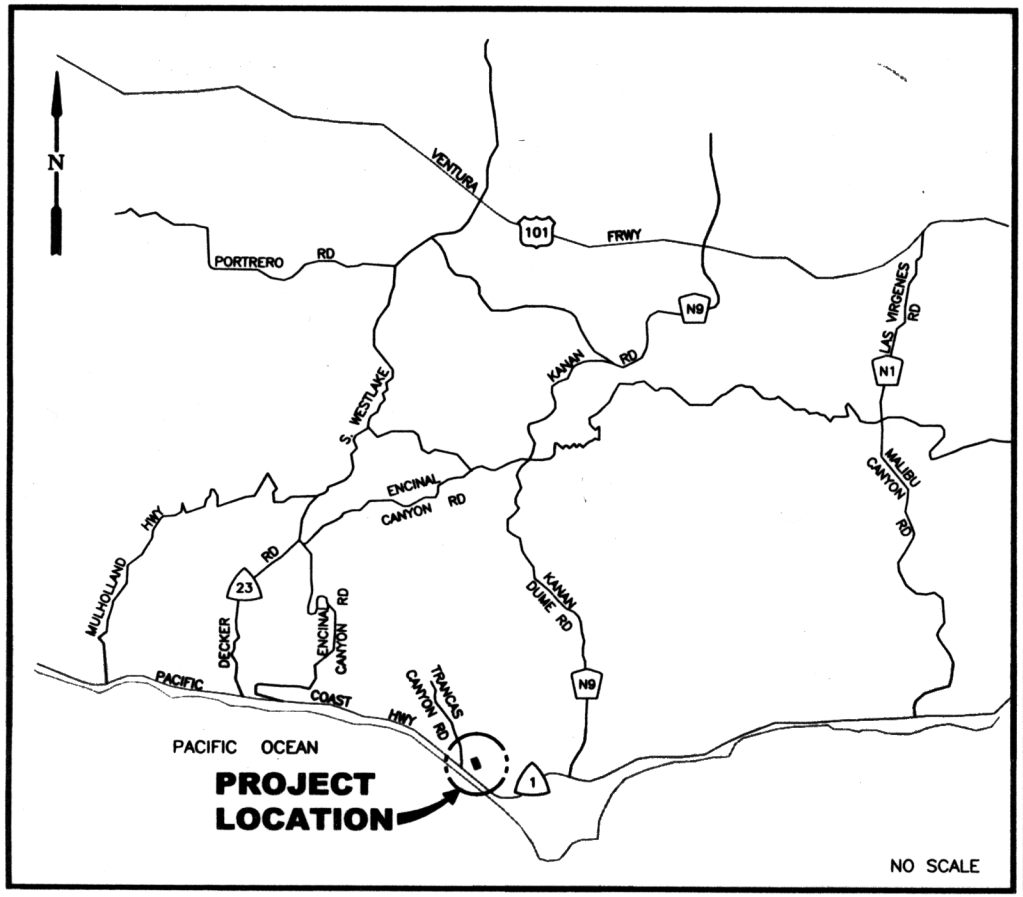


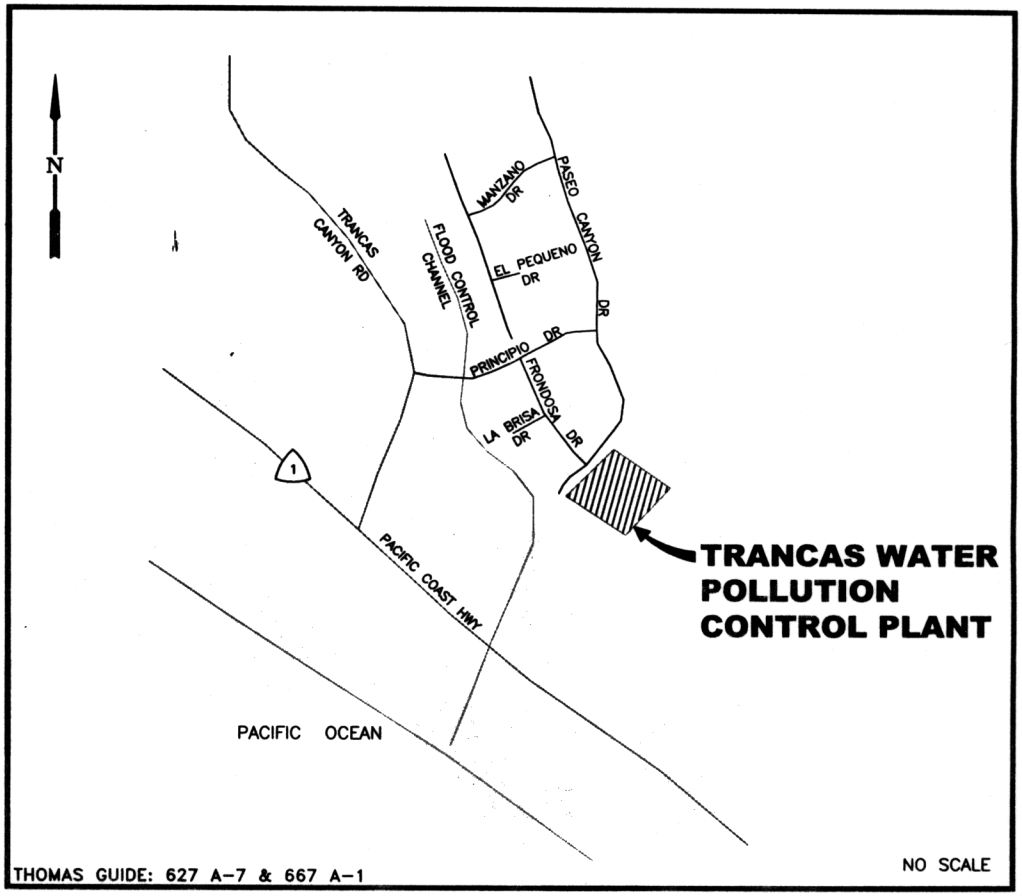


FIGURE 1 - LOCATION AND VICINITY MAPS

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
CONSOLIDATED SEWER MAINTENANCE DISTRICT
TRANCAS ZONE

INITIAL STUDY FOR:

TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT

PROJECT DESCRIPTION/LOCATION: The project will rehabilitate and upgrade the existing Trancas Water Pollution Control Plant (WPCP) to replace deteriorated facilities and to bring all facilities into compliance with new Waste Discharge Requirements. The Trancas WPCP is located at 6338 Paseo Canyon Drive in the City of Malibu.

DATE: June 2003

PREPARED FOR LEAD AGENCY:
County of Los Angeles
Department of Public Works
Waterworks and Sewer Maintenance Division
900 South Fremont Avenue
Alhambra, California 91803-1331
(626) 300-3373

PREPARED BY:
LEE & RO, Inc.
1199 South Fullerton Road
City of Industry, California 91748

ENVIRONMENTAL CHECKLIST FORM

1. Project title:
   Trancas Water Pollution Control Plant Rehabilitation Project

2. Lead agency name and address:
   Los Angeles County Department of Public Works
   Waterworks and Sewer Maintenance Division
   900 South Fremont Avenue, Alhambra, CA 91803

3. Contact person and telephone number:
   Jeff Bouse, (626) 300-3373

4. Project location:
   6338 Paseo Canyon Drive, Malibu, CA 90265

5. Project sponsor's name and address:
   Los Angeles County Department of Public Works
   Waterworks and Sewer Maintenance Division
   900 South Fremont Avenue, Alhambra, CA 91803

6. General plan designation:
   Residential (SF-L)

7. Zoning:
   Residential (SF-L)

8. Description of project:
   The project consists of the rehabilitation and upgrade of the existing wastewater treatment plant to replace aging facilities and to meet new Regional Water Quality Control Board requirements. The work includes the replacement and upgrade of the existing headworks, secondary treatment system, filters, and related support equipment, piping, and appurtenances. A disinfection system will also be added to meet the Regional Water Quality Control Board requirements. Landscape and irrigation system work is also included. Refer to Section I.B. for more details.

9. Surrounding land uses and setting:
   The plant site is located in a coastal zone at the southern end of the community of single-family residences and condominiums, which the plant serves. It is located at the mouth of Trancas Canyon, about 1,000 feet from the Pacific Ocean. Three existing unofficial recreational trails surround the plant site (Refer to Figure 8 provided by the National Park Service). To the east of the plant site is the Chumash Indian Trail and open space on the ascending canyon slope with scattered single-family homes on the adjacent hilltop. To the south of the plant site is the Zuma Ridge and Trancas Canyon Trails and open land zoned as rural residential with single-family homes to the southeast and Trancas Creek/Lagoon to the southwest. The Trancas Creek/Lagoon is a blue-line stream designated as an Environmental Sensitive Habitat Area (Local Coastal Plan, 2002) and is approximately 220 feet from the proposed project area (see Figure 7). To the west of the site is Paseo Canyon Drive, single-family homes served by the plant, property used as a leach-field for the plant, and the Trancas Canyon Channel. The National Park Service land in the Zuma/Trancas Canyons is approximately 650 feet north of the plant site and is designated as an Environmental Sensitive Habitat Area (Local Coastal Plan, 2002). The Zuma Beach County Park is approximately 950 feet south of the proposed project area and is designated as an Environmental Sensitive Habitat Area (Local Coastal Plan, 2002).

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
California Coastal Commission, South Coast Air Quality Management District, Los Angeles Regional Water Quality Control Board.

SECTION I. PROJECT DESCRIPTION

A. BACKGROUND AND NEED FOR THE PROJECT

This Initial Study has been prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines. The project consists of the rehabilitation of the existing Trancas Water Pollution Control Plant (WPCP), which is located at 6338 Paseo Canyon Drive, Malibu, California and operated by the County of Los Angeles Department of Public Works (DPW). A location map is provided in Figure 1. A map of the area served by the plant is provided on Figure 2.

The Trancas WPCP was originally built by a private developer in 1963. At that time, the Trancas WPCP provided primary treatment using an Imhoff tank. In 1978/1979, the Trancas WPCP was upgraded to include secondary treatment facilities and filters. It was designed for an average daily dry weather flow of 75,000 gallons per day (gpd) and a peak flow of 150,000 gpd. The Trancas WPCP currently consists of a headworks with a comminutor, a bypass bar screen, a flow meter, and an influent pump station; two primary clarifiers; one rotating biological contactor; two secondary clarifiers; an aerobic digester; a dual-cell sand filter; and three leachfields. An office/control building located on-site houses electrical/mechanical equipment, a restroom, and an office/laboratory for operators. The Trancas WPCP receives domestic sewage from 237 single-family homes and condominiums in the Trancas community and 33 single-family homes in the Lechuza community. Figure 3 and 4 show the site plan of the existing facilities.

The Trancas WPCP has experienced corrosion problems with its tanks and equipment due to the age of the plant and the harsh coastal environment. The age of some of the equipment has made it difficult to obtain replacement parts for maintenance. In March 2000, the Los Angeles Regional Water Quality Control Board (LARWQCB) adopted new Waste Discharge Requirements (WDR) Order No. 00-030 for the Trancas WPCP. The new WDR established tougher treatment and monitoring requirements and mandated the rehabilitation and upgrade of facilities, including the installation of a disinfection process. The new WDR also required the upgrade of treatment capacity to handle existing levels of average and peak flows if efforts to reduce infiltration in the sewer collection system were unsuccessful. In 1998 and 2000, all mainline sewers susceptible to seasonal infiltration were lined. During the 2001 high groundwater season, continued infiltration was noted and determined to be entering the system through private house laterals. In order to continue operation, bring all facilities into compliance with the new WDR, and accommodate existing flows, the DPW must rehabilitate and upgrade the Trancas WPCP facilities.

B. PROPOSED REHABILITATION PROJECT

The following is a summary of the proposed rehabilitation project. Due to the need to continuously treat incoming flows, the replacement facilities will be installed first and then the existing facilities will be removed or converted to alternative uses. The proposed work will be performed in the northern portion of the plant site. The replacement facilities will be located within the existing plant footprint and grassy area between the existing plant and raised leach fields. The grassy area was formerly a leach field and has been extensively disturbed. Figure 5 and 6 show the location of the proposed facilities.

Headworks: The existing headworks was installed in 1978/1979. The mechanical equipment has exceeded its rated useful life of 20 years and replacement parts are difficult to obtain. The existing headworks will be replaced with a new headworks. The new headworks will include a comminutor, bypass channel with manual bar screen, a metering flume, and a pump station. The new headworks will be installed primarily below grade with the top approximately six-inches above the existing grade.

Secondary Treatment Process: The existing secondary treatment process (including primary clarifiers, rotating biological contactor, and secondary clarifiers) was installed in 1978/1979 and has exceeded its rated useful life of 20 years. The existing secondary treatment process has frequently been unable to meet effluent quality limits contained in the new WDR. Furthermore, the existing rotating biological contactor consists of a single treatment train. The lack of redundancy could lead to a total loss of secondary treatment capability if the rotating biological contactor fails or is taken out of service for inspection and/or maintenance. The existing primary clarifiers have persistent odors and have been identified as the primary source of odors at the Trancas WPCP. Odor problems have been observed at the existing primary clarifiers particularly during the operation of the airlift pumps and from the sludge accumulation in the troughs.

The existing secondary treatment process will be replaced by a dual-train extended aeration treatment system (including aeration/anoxic basins and secondary clarifiers). Based on experience at other DPW facilities, the proposed secondary process will provide better performance, operational flexibility and effluent quality. The dual-train system allows the bypass of one train during emergencies and/or periodic maintenance. Odors will be significantly reduced because the extended-aeration treatment system does not contain primary clarifiers and the wastewater will be aerated to prevent anaerobic conditions. Aerating the wastewater to control the development of anaerobic conditions has proven to be effective in preventing odors (Metcalf and Eddy, 2003). Fiberglass covers will be installed over the aerated/mixed portions of the tanks. The replacement secondary treatment process will be installed partially below grade with the top of tanks approximately 5 feet above the existing grade and generally level with the site topography to the south. In addition, safety railings, which are 3½ feet high, will be required over the secondary clarifiers in accordance with Cal/OSHA standards. The replacement structures will be below the existing tallest structures on site.

Filters: The existing filters are in poor condition. The steel tank, steel handrails, steel piping, overflow troughs, baffles, stop gates and splash plates are severely corroded. The existing filters will be replaced with new filters. The new filters will be installed partially below grade with the top of tank approximately 3 feet above the existing grade and below the site topography to the south. In addition, safety railings, which are 3½ feet high, will be required over the filters in accordance with Cal/OSHA standards. The replacement structures will be below the existing tallest structures on site.

Disinfection Process: The new WDR requires installation of a disinfection process. Sodium Hypochlorite (pool chlorine) will be used as the disinfectant. A canopied storage/containment area will be installed where the existing primary clarifiers are now located to house the sodium hypochlorite. The chlorine storage/containment area will have a maximum storage volume of 300 gallons and will contain 12 percent Sodium Hypochlorite in solution. The existing rotating biological contactor tank will be converted to a chlorine contact tank.

Existing Facility Demolition or Conversion: During construction, the facility must continuously treat the incoming wastewater to meet the requirements of the new WDR. To accomplish this, the replacement facilities will be installed and started before the existing facilities are removed or converted to alternative uses. The existing headworks and filters will be removed and backfilled after the new headworks and filters are installed and in operation. The existing primary clarifiers will be converted to the chlorine storage/containment area. The existing rotating biological contactor tank and secondary clarifiers will be converted to a chlorine contact tank and effluent pump station, respectively.

Landscaping: During construction, native trees and shrubbery will be planted along the northern, eastern and southeastern site boundary to screen and soften the appearance of the existing and proposed facilities from the exiting trails and homes located to the southeast of the site. Also, native shrubbery will be planted along the raised leach fields near the plant facilities to screen and soften the appearance of the existing and proposed facilities from the trails located to the south of the site. Appendix A contains the landscape plan, which includes the planting plan and visual simulations of the proposed facility and landscaping from the surrounding trails. Also, the exterior of the replacement tanks, including the covers over the aeration tank, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape.

Auxiliary Work: The existing blowers, emergency generator/fuel tank, power supply, and controls will be replaced and upgraded. All necessary piping, monitoring equipment, and accessories for the rehabilitated facilities will be installed. No modifications are proposed for the existing leach fields.

Treatment Capacity: Based on historic influent flow records, the rehabilitated plant will be designed to treat an average dry weather flow of 85,000 gpd and a peak day flow of 220,000 gpd. The rehabilitated plant will continue to provide sewage treatment service to only those properties located within the existing boundaries of the Trancas Zone (see Figure 2).

C. REQUIRED AGENCY PROJECT APPROVALS

Permits or approvals from the following responsible agencies will be required for the proposed project:

- South Coast Air Quality Management District (SCAQMD) – A permit to construct and a permit to operate will be required for the replacement of the plant's emergency generator and for the process equipment.

- California Coastal Commission – An application for a Coastal Development Permit was filed and a public hearing on the application was held on August 27, 2002, at the Coastal Commission.

- Los Angeles Regional Water Quality Control Board – A Report of Waste Discharge containing information on the replacement facilities and the design capacity increase to handle existing influent flow rates will be filed with the LARWQCB.

SECTION II. ENVIRONMENTAL SETTING

The project site is located within the City of Malibu, California. The entire City of Malibu is within the Santa Monica Mountain National Recreation Area, which is administered by the National Park Service (City of Malibu General Plan, 1995). The existing Trancas WPCP site is located at the mouth of Trancas Canyon about 1,000 feet from the Pacific Ocean. The site is immediately bounded to the west by Paseo Canyon Drive, to the north by a developed residential parcel served by the plant, to the east by the ascending canyon slope, and to the south by vacant land. The site is well disturbed and secured by a chain-link fence. Treatment facilities are located on the northern portion of the site and raised leach fields are located on the southern portion of the site (see Photographs 1 and 2). Figure 7 shows the boundaries of the project site and project area. Vegetation on the site primarily consists of grass, ice plant, ivy, low brush, and mature trees. Trees are primarily located along the western perimeter of the site with scattered trees also located around the northeast and southeast corners of the site. The site is maintained on a regular basis for weed and brush control. Wildlife that has been observed on the project site includes small mammals and reptiles. There are no known endangered, threatened, or rare species on the project site reported in the California Natural Diversity Database (as of April 10, 2003).

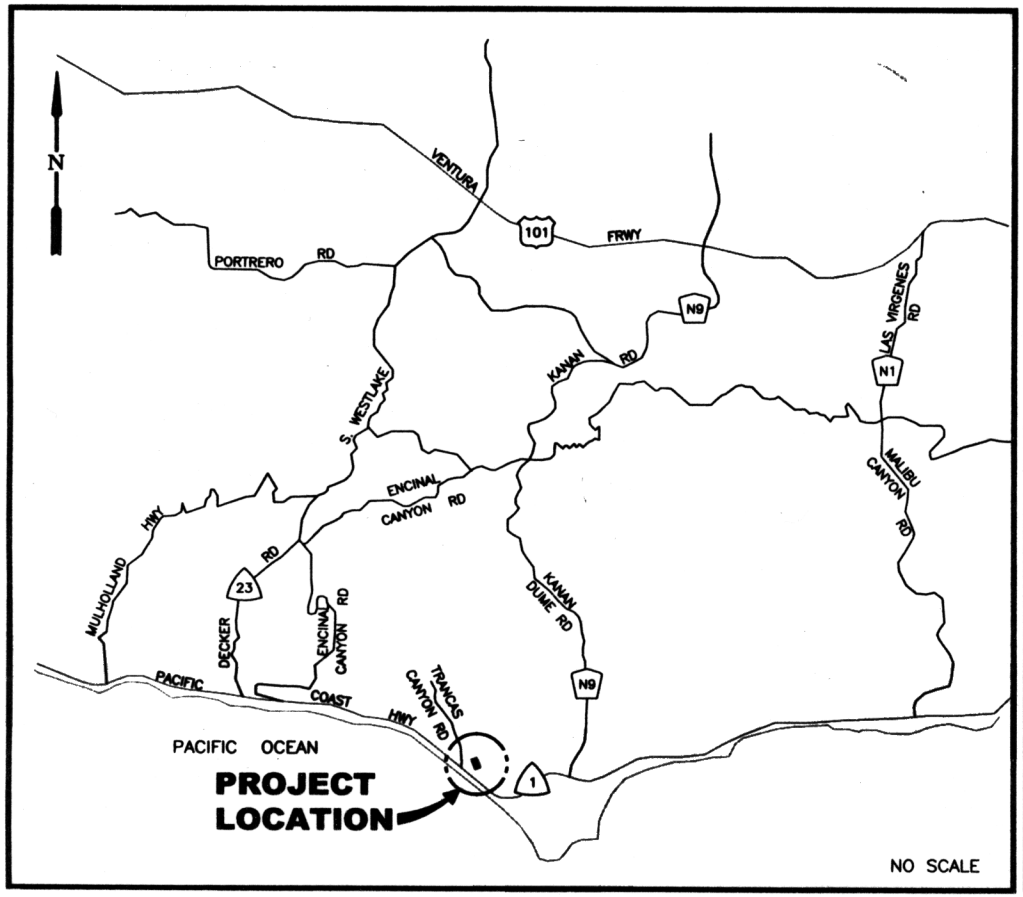
Figure 8 is an aerial photo of the proposed and existing unofficial trails in the vicinity of the plant site (courtesy of the National Park Service, November 2002). To the east, lies the Chumash Indian Trail, which overlooks the site. The Chumash Indian Trail runs north-south along the midslope of Trancas Canyon into the mountains. The Chumash Indian Trail overlaps a 20-acre open space area (Javid property) bordering the project site to the east that has been slated for dedication to the National Park Service. The National Park Service plans to open the trail to the public. To the south, the Trancas Canyon Trail runs north-south, immediately west of Trancas Creek, to the Pacific Coast Highway. A proposed Trancas Canyon Lateral Trail would start from the head of the Trancas Canyon Trail and run northwesterly into the mountains. The Zuma Ridge Trail runs east-west outside the southern fence line. The Zuma Ridge Trail connects the south end of the Chumash Indian Trail to the head of the Trancas Canyon Trail. In the National Park Service's letter on the Malibu Bay Company Development Agreement Draft Environmental Impact Report, dated November 8, 2002, they indicated plans to extend the Zuma Ridge connector trail to the coast via the existing Chumash Trail in Trancas Canyon, a trail dedication on the Seastar development, and a proposed trail across the Riders and Ropers property.

The proposed project area is approximately 220 feet southwest of the Trancas Creek/Lagoon and screened by the existing raised leach fields and trees (see Figure 7). Trancas Creek is a blue line stream that begins at the end of a concrete lined flood control channel. During heavy rains, the Trancas Creek culminates in a small coastal lagoon. The Santa Monica Bay Restoration Project has listed the Trancas Creek/Lagoon for restoration in their Wetland Inventory and Restoration Potential Report (January 1993). The Trancas Creek/Lagoon is designated as an Environmental Sensitive Habitat Area (ESHA) in the City of Malibu Local Coastal Plan (September 2002). Construction disturbances related to the project will occur well beyond the 100 foot ESHA buffer zone.

The National Park Service land in the Zuma/Trancas Canyons is designated as an Environmental

Sensitive Habitat Area in the City of Malibu Local Coastal Plan (September 2002). The National Park Service land is approximately 650 feet north of the project site (see Figure 8). The Zuma Beach County Park, south of Pacific Coast Highway, is approximately 950 feet south of the proposed project and is designated as an Environmental Sensitive Habitat Area (Local Coastal Plan, 2002).

The layout of the proposed plant modifications is shown in Figure 5 and 6. The area to be disturbed by the modifications is the grassy area between the existing plant and the raised leach fields. This entire area was formerly a leach field and has been extensively disturbed to a depth of 15 feet below grade.



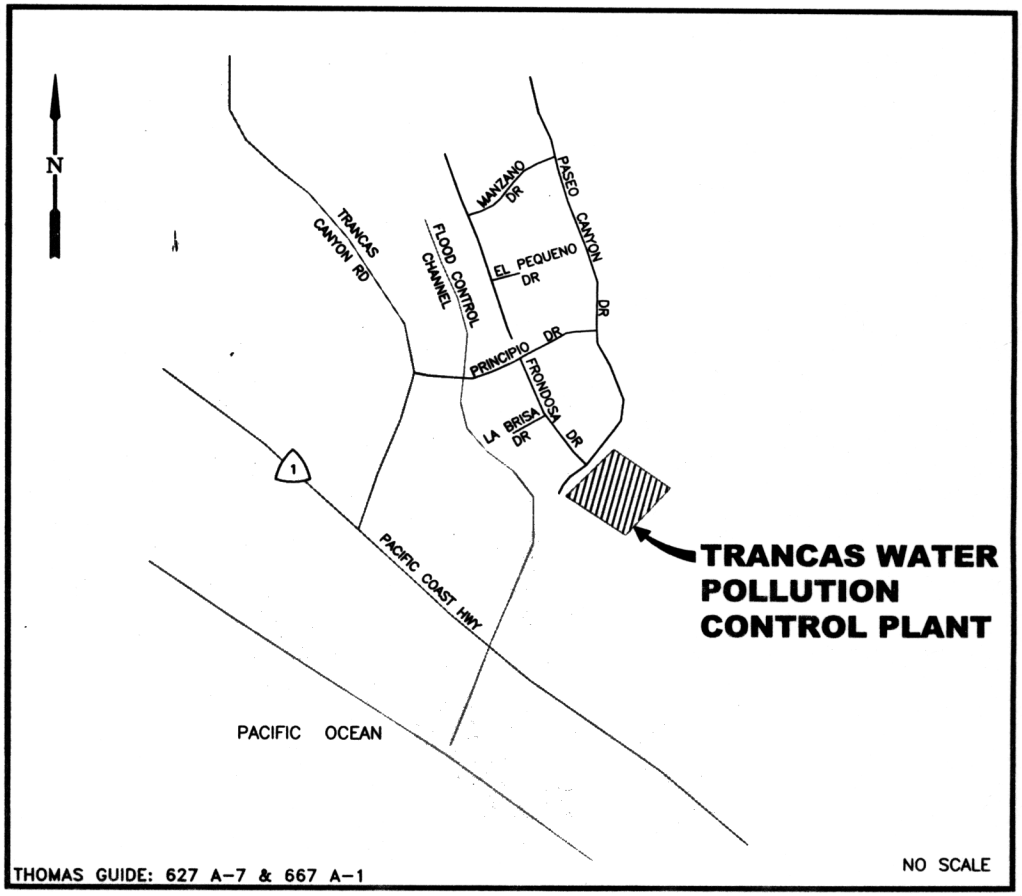


FIGURE 1 - LOCATION AND VICINITY MAPS

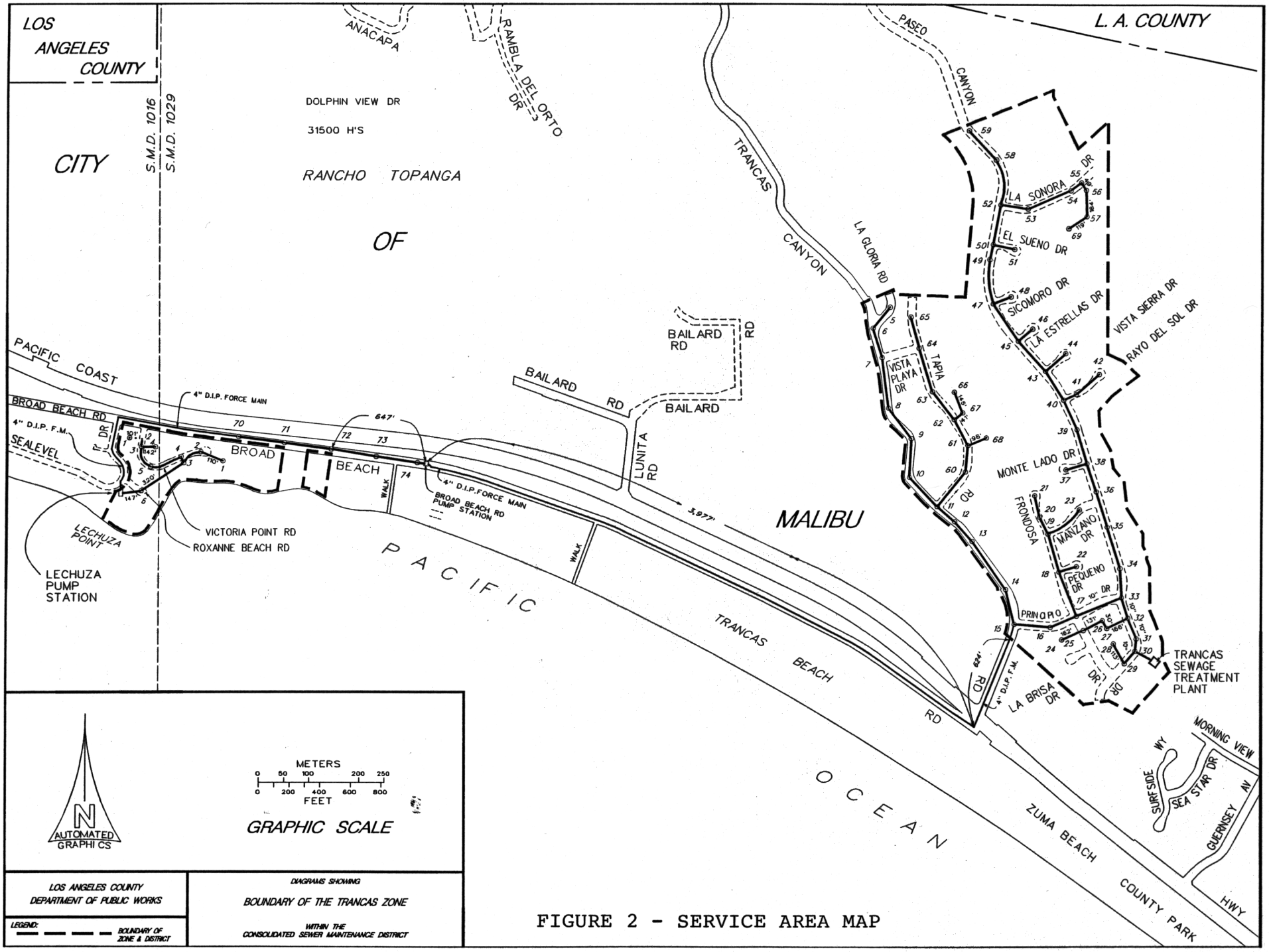
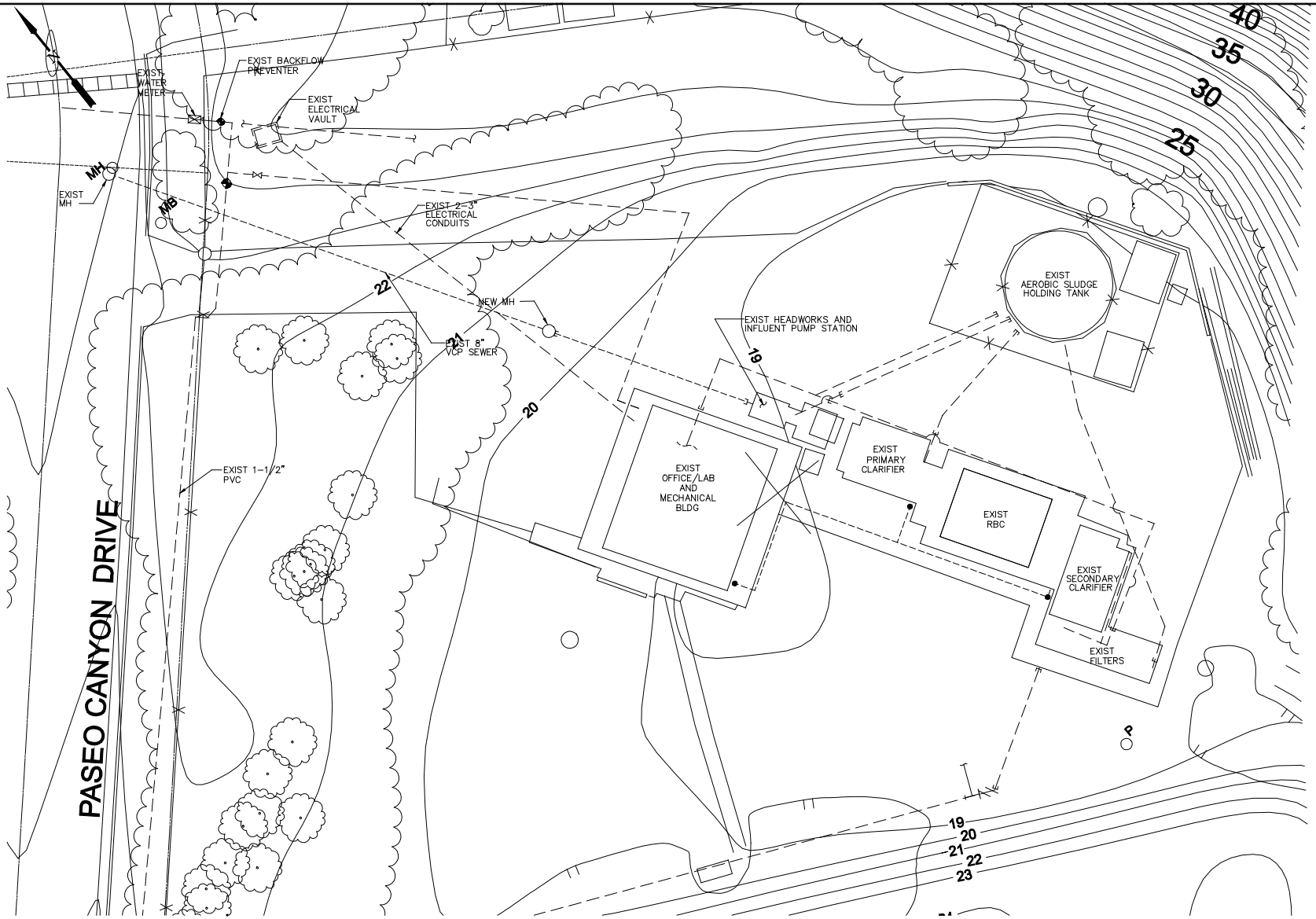


FIGURE 2 - SERVICE AREA MAP



SITE PLAN

GRAPHIC SCALE: 10 0 10 FT

LEE&RO, Inc. City of Industry, California	LINE IS 2 INCHES AT FULL SCALE (IF NOT 2"-SCALE ACCORDINGLY)	No.	DATE	REVISIONS	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
	DESIGNED:				TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT
	DRAWN:				PROJECT ID NO. SMDGC40001
	CHECKED:				
	DATE:				

FIGURE 3

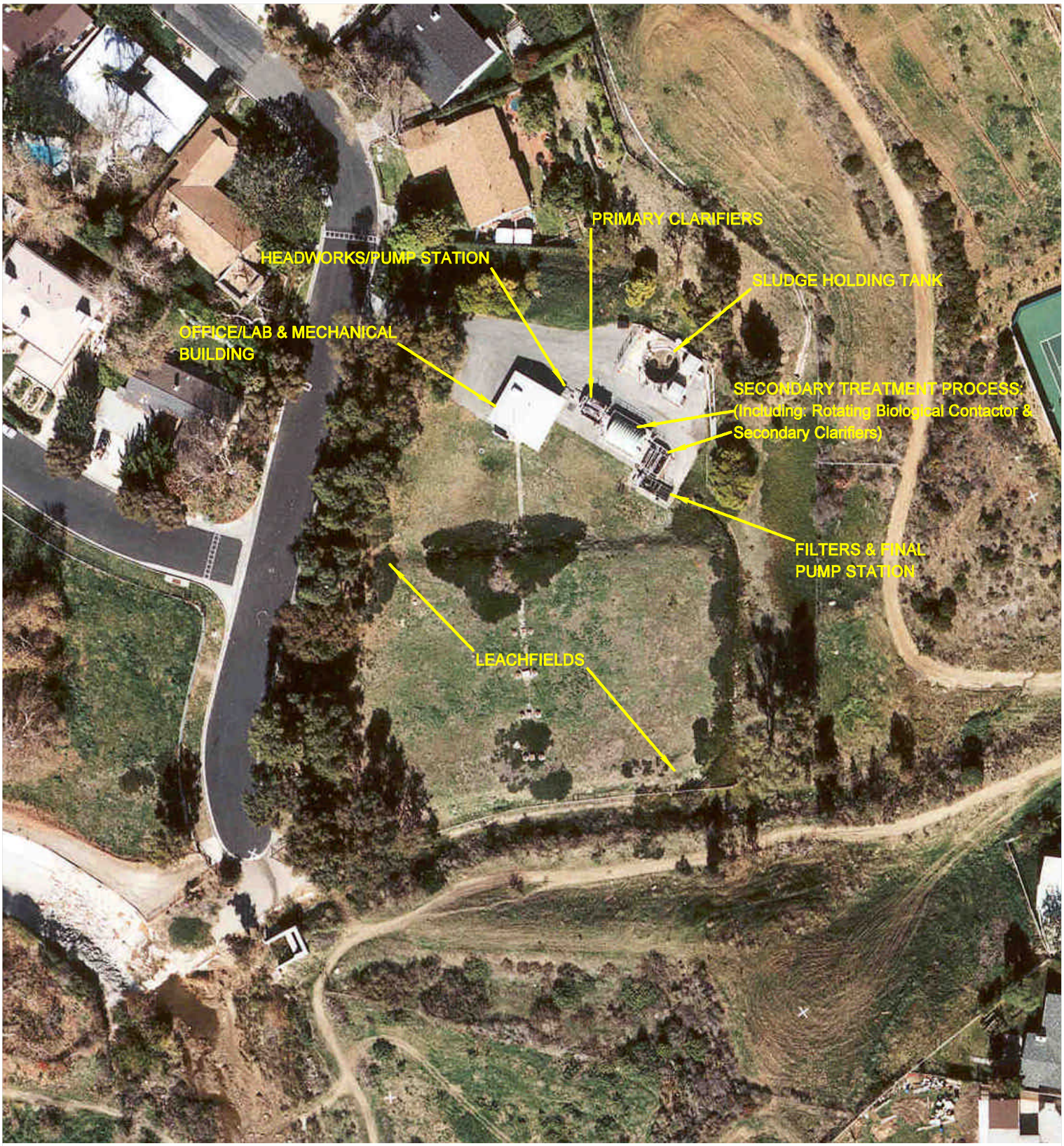
EXISTING FACILITIES SITE PLAN

JOB NO. 33402

DRAWING NO.

SHEET NO.

MND_FIG3.dwg



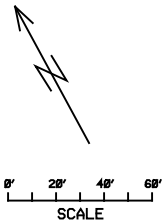
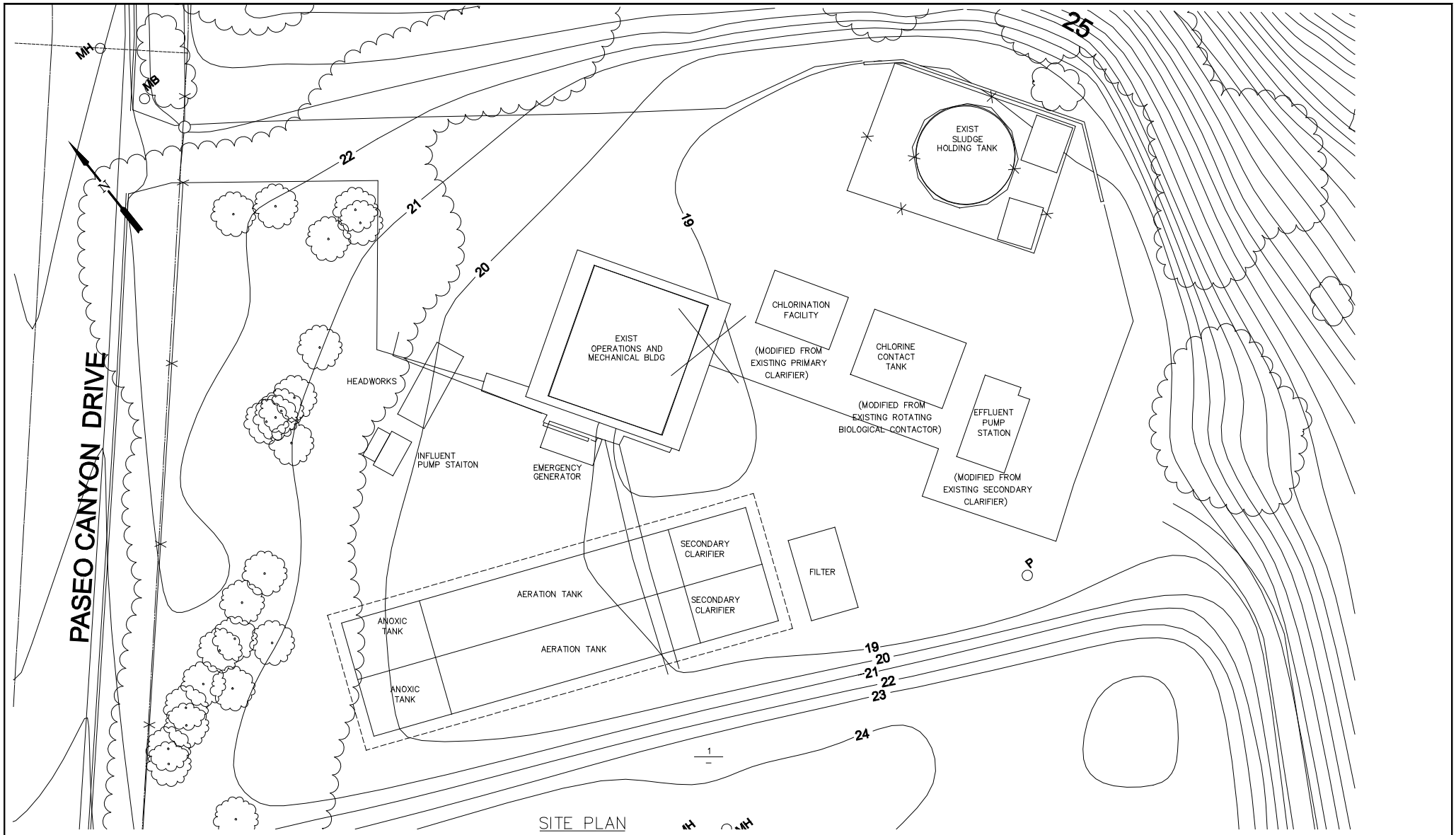


FIGURE 4
TRANCAS WPCP REHABILITATION PROJECT
EXISTING FACILITIES SITE PLAN (AERIAL)



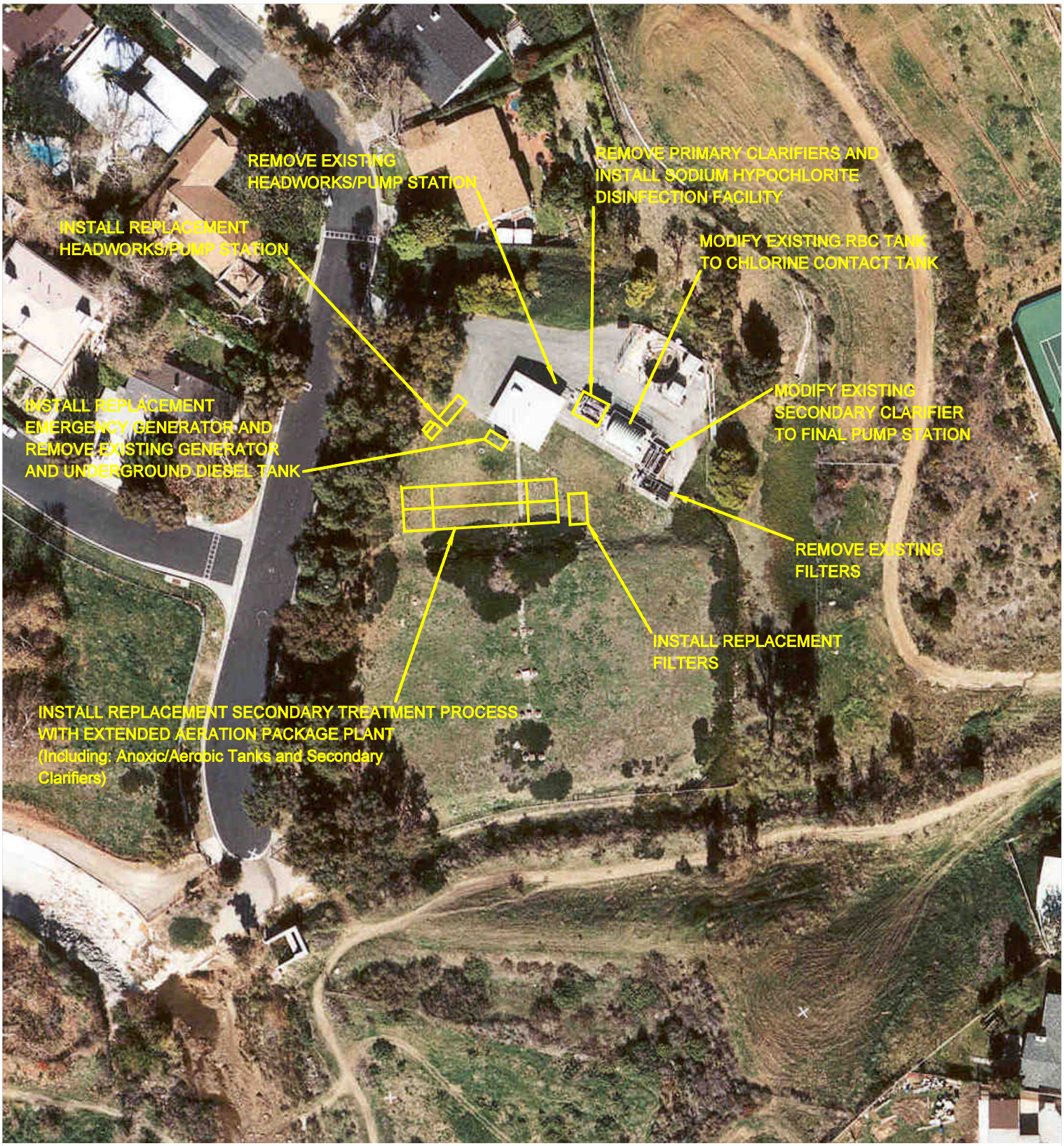
GRAPHIC SCALE: 10 8 6 4 2 0 10

LEE&RO, Inc. City of Industry, California	LINE IS 2 INCHES AT FULL SCALE (IF NOT 2"–SCALE ACCORDINGLY)	No.	DATE	REVISIONS	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
	DESIGNED: DESIGNED				TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT PROJECT ID NO. SMDGC40001
	DRAWN: DRAWN				
	CHECKED: CHECKED				
	DATE: DATE				

FIGURE 5
PROPOSED FACILITIES SITE PLAN

JOB NO. 33402
DRAWING NO.
SHEET NO.

MND_FIG5.dwg



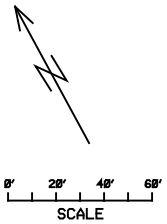


FIGURE 6
TRANCAS WPCP REHABILITATION PROJECT
PROPOSED FACILITIES SITE PLAN (AERIAL)

N

100 0 100 200 300 Feet

GRAPHIC SCALE

LEGEND

Plant Site

Project Area

FIGURE 7.
Trancas Plant Site and Project Area

C:\myfiles\people\hu\trancas\mnd_fig7.apr

Trails in Vicinity of LADPW Facility

FIGURE 8

SMMNRA GIS 11/20/02

PHOTO 1. View of project area facing northeasterly.

PHOTO 2. View of project area facing southwesterly.

SECTION III. DETERMINATION OF IMPACTS
A. ENVIRONMENTAL ISSUES CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. Will the proposal:				
a) Conflict with the land use as designated based on the review of the General Plan Land Use Plan/Zoning Districts Map?	☐	☐	☐	☒
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	☐	☐	☐	☒
c) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?	☐	☐	☐	☒
d) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☐	☒
II. POPULATION AND HOUSING. Will the proposal:				
a) Remove existing housing (including affordable housing) as verified by a site survey/evaluation?	☐	☐	☐	☒
b) Create a significant demand for additional housing based on the proposed use and evaluation of project size?	☐	☐	☐	☒
c) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or an extension of major infrastructure)?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. EARTH RESOURCES: Will the proposal result in:				
a) Earth movement (cut and/or fill) on slopes of 15%?	☐	☐	☐	☒
b) Development and/or grading on a slope greater than 15%?	☐	☐	☐	☒
c) Erosion, dust or unstable soil conditions from excavation, grading or fill?	☐	☐	☒	☐
d) Development within an Alquist-Priolo Special Studies Zone?	☐	☐	☐	☒
e) Modification of any unique geologic or physical feature based on field review?	☐	☐	☐	☒
f) Development within areas defined as having high potential for water or wind erosion?	☐	☐	☐	☒
g) Modification of a channel, creek or river based on a field review or review of USGS Topographic Map?	☐	☐	☐	☒
h) Development within an area subject to landslides, mudslides, subsidence or other similar hazards?	☐	☐	☐	☒
i) Development within an area subject to liquefaction?	☐	☐	☐	☒
j) Development over a known groundwater aquifer?	☐	☐	☒	☐
k) Development within an area subject to high winds and/or fire hazards?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. WATER. Will the proposal result in:				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff due to impermeable surfaces that cannot be mitigated (by Public Works Standard Requirements) to contain and convey runoff to approved storm drain based on review of the proposed site plan?	☐	☐	☐	☒
b) Significant alteration in the course or flow of flood waters?	☐	☐	☐	☒
c) Discharge into surface waters or any alteration of surface water quality?	☐	☐	☐	☒
d) Changes in the quantity or quality of groundwater?	☐	☐	☐	☒
e) Exposure of people or property to flood hazards as identified by the National Flood Insurance Rate Maps, or the City's General Plan?	☐	☐	☐	☒
f) Other?	☐	☐	☐	☐
V. AIR QUALITY. Will the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation based on the thresholds in the SCAQMD's "CEQA Air Quality Handbook"?	☐	☐	☒	☐
b) Expose sensitive receptors to pollutants?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Alter air movement, moisture, or temperature, or cause any change in climate?	☐	☐	☒	☐
d) Create objectionable odors?	☐	☐	☒	☐
VI. TRANSPORTATION/CIRCULATION. Could the proposal result in:				
a) A significant increase in traffic volumes on the roadways or intersections or an increase that is significantly greater than the land use designated on the General Plan?	☐	☐	☒	☐
b) Alteration of present patterns of circulation?	☐	☐	☐	☒
c) A disjointed pattern of roadway improvements?	☐	☐	☐	☒
d) Impact to rail or air traffic?	☐	☐	☐	☒
e) Insufficient parking capacity on-site or off-site based on Development Code requirements?	☐	☐	☐	☒
f) Increased safety hazards to vehicles, bicyclists or pedestrians?	☐	☐	☐	☒
g) Conflict with adopted policies supporting alternative transportation?	☐	☐	☐	☒
h) Inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
i) Other?	☐	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. BIOLOGICAL RESOURCES. Could the proposal result in:				
a) Development within an Environmentally Sensitive Area as identified in the General Plan?	☐	☐	☐	☒
b) Impacts to endangered, threatened or rare species or their habitat (including, but not limited to, plants, mammals, fish, insects and birds)?	☐	☐	☐	☒
c) Impacts to the wildlife disbursal or migration corridors?	☐	☐	☐	☒
d) Impacts to wetland habitat (e.g., marsh, riparian and vernal pool)?	☐	☐	☐	☒
e) Impacts to sensitive coastal zones, marine resources, or aquatic biota?	☐	☐	☐	☒
f) Other?	☐	☐	☐	☐
VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:				
a) Conflict with adopted energy conservation plans?	☐	☐	☐	☒
b) Use non-renewable resources in a wasteful and inefficient manner, either during construction or operation?	☐	☐	☐	☒
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. PUBLIC HEALTH & SAFETY. Will the proposal:				
a) Use, store, transport or dispose of hazardous or toxic materials (including, but not limited to, oil, pesticides, chemicals or radiation)?	☐	☐	☒	☐
b) Involve the release of hazardous substances?	☐	☐	☐	☒
c) Result in the excavation of contaminated soils?	☐	☐	☒	☐
d) Result in an environment conducive to the breeding of mosquitoes?	☐	☐	☐	☒
X. NOISE. Could the proposal result in:				
a) Development of housing, health care facilities, schools, libraries, religious facilities or other noise sensitive uses in areas where existing or future noise levels exceed an Ldn of 65 dB(A) exterior and an Ldn of 45 dB(A) interior?	☐	☐	☐	☒
b) Development of new or expansion of existing industrial, commercial or other uses which generate noise levels above an Ldn of 65 dB(A) exterior or an Ldn of 45 dB(A) interior that may affect areas containing housing, schools, health care facilities or other sensitive uses?	☐	☐	☒	☐
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire protection?	☐	☐	☐	☒
b) Medical Aid?	☐	☐	☐	☒
c) Police protection?	☐	☐	☐	☒
d) Schools?	☐	☐	☐	☒
e) Parks or other recreational facilities?	☐	☐	☐	☒
f) Solid waste disposal?	☐	☐	☐	☒
g) Maintenance of public facilities, including roads?	☐	☐	☐	☒
h) Other governmental services?	☐	☐	☐	☒
XII. UTILITIES: Will the proposal, based on the responses of the responsible Agencies, Departments, or Utility Company, impact the following beyond the capability to provide adequate levels of service, require the construction of new facilities, or result in construction-related impacts?				
a) Natural gas?	☐	☐	☐	☒
b) Electricity?	☐	☐	☐	☒
c) Communications systems?	☐	☐	☐	☒
d) Water distribution?	☐	☐	☐	☒
e) Water treatment or sewer?	☐	☐	☐	☒
f) Storm water drainage?	☐	☐	☐	☒
g) Result in a disjointed pattern of utility extensions based on review of existing patterns and proposed extensions?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. AESTHETICS.				
a) Could the proposal result in either temporary or permanent obstruction of any significant or important scenic view based on evaluation of the view shed verified by site survey/evaluation?	☐	☐	☐	☒
b) Will the visual impact of the project create aesthetically offensive changes in the existing visual setting based on a site survey and evaluation of the proposed elevations?	☐	☒	☐	☐
c) Create significant light or glare that could impact sensitive receptors?	☐	☐	☐	☒
XIV. CULTURAL RESOURCES. Could the proposal result in:				
a) Development in a sensitive archaeological area as identified in the General Plan?	☐	☐	☒	☐
b) The alteration or destruction of a prehistoric or historic archaeological site by development within an archaeological sensitive area?	☐	☐	☒	☐
c) Alteration, inundation, or destruction of a historical site, structure or object as listed in the National Register of Historic Places or locally identified historic resources?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION AND OPEN SPACE. Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☐	☒
b) Affect existing local or regional recreational opportunities?	☐	☒	☐	☐
c) Result in the loss of any open space?	☐	☐	☒	☐
d) Result in interference to the use of or access to any open space resources?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐	☐	☒
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

B. DISCUSSION OF IMPACT LEVELS

I. LAND USE AND PLANNING

a) The Trancas WPCP was originally constructed in 1963 and was rebuilt in its current physical configuration in 1978/79. The proposed project is the rehabilitation of an existing facility and therefore does not change the current land use of the project site. The parcel on which Trancas WPCP is located is zoned as Single Family Low (SF-L). According to the Malibu Planning Department, continuation of the existing use as a public utility is allowed and does not conflict with their plans.

b) The Trancas WPCP is currently permitted by the LARWQCB and the SCAQMD. A Coastal Development Permit will be required from the California Coastal Commission. The proposed project is the rehabilitation of an existing public facility to meet the new requirements of the LARWQCB. There will be no conflicts with the responsible agencies' environmental plans, LARWQCB's Basin Plan (1994), SCAQMD's CEQA Air Quality Handbook, or the City of Malibu Local Coastal Plan (2002).

c) The City of Malibu General Plan (1995) and the City of Malibu Local Coastal Plan (2002) show no agricultural, farmland or horticultural uses near the Trancas WPCP. Therefore, no agricultural resources will be impacted by the proposed project.

d) The Trancas WPCP is an existing facility. The proposed improvements will be located in areas either directly adjacent to or presently occupied by the existing facility's structures. As such, the project does not disrupt or divide the physical arrangement of a community.

II. POPULATION AND HOUSING

a) The existing use of the site is a wastewater treatment facility. Construction of the proposed project will not result in the removal of any housing, and therefore no impacts to existing housing will occur.

b) The proposed project will not create any demand for additional housing. The staffing of the plant will not change upon completion of the rehabilitation project. No impacts to housing needs will result from the project.

c) The rehabilitation project is necessary to continue operation, bring all facilities into compliance with the new WDR, and accommodate existing flows. The proposed design capacity of the Trancas WPCP will not provide for any additional connections outside of the existing Trancas Zone (see Figure 2). No additional housing will be provided, and no infrastructure will be expanded to serve the project. The project will have no growth inducing impacts, either directly or indirectly.

III. EARTH RESOURCES

a) No on-site slopes of 15 percent or greater will be impacted by cut and fill during construction. Finished grades of the project will be closely related to the site's existing topography.

b) No on-site slopes greater than 15 percent would be affected by the proposed rehabilitation project. No grading activity will affect or result in slopes of 15 percent or greater.

c) Dust will be generated during construction of the rehabilitation project, primarily from the excavation for the package plant and filters. The contractor will conduct regular daily watering in accordance with Rule 403 Fugitive Dust Control Measures of the SCAQMD. See Section V for additional information. Impacts will be less than significant.

d) There are numerous faults surrounding and traversing the Malibu area. These are not well defined as they are not generally visible on the surface (City of Malibu General Plan, pp 5-2 - 5-5). Mapped segments of the Malibu Coast Fault exist approximately 1,000 feet north of the site, with inferred traces of the fault, which are not considered to be active, extending to within approximately 300 feet of the site to the northeast (Dibblee, 1993). This portion of the fault zone has not been officially designated as an active fault zone. The nearest zoned fault under the Alquist-Priolo Act of 1971 is a segment of the Malibu Coast fault located approximately 3¾ miles east of the site, based on the official Earthquake Fault Zones map for the Point Dume Quadrangle (CDMG, 1995). The proposed project is being designed to meet County of Los Angeles standards and recommendations of the Geotechnical Evaluation conducted for the project (Ninyo and Moore, 2001). No impact is expected as a result of seismicity or earthquakes.

e) No unique geologic or physical features are identified within the area of the project site and no impacts are expected.

f) Although the site is located near the coast and could potentially be susceptible to earthquake-induced tsunamis and/or seiches, the site is at an elevation of 20 to 25 feet above sea level and the Malibu General Plan defines the 100-year run-up height in the Trancas area to be 5.1 feet and the 500-year run-up height to be 8.7 feet. No impact is expected.

g) The nearest blue line stream to the project site is Trancas Creek, located approximately 220 feet southwest of the proposed facilities (see Figure 7). The proposed project is the rehabilitation of an existing public facility and there will be no modification of Trancas Creek or any other channel, creek, or river.

h) The Trancas WPCP site is not located in a landslide area (Ninyo & Moore, 2001).

i) The Geotechnical Evaluation conducted for the project included a liquefaction analysis that meets the requirement of California Division of Mines and Geology Special Publication 117. Although groundwater is shallow and subsurface materials encountered typically consisted of sand and gravel

with less than 35% silt and clay content, the material was relatively dense, indicating that the potential for liquefaction at the site and damage to the proposed structures due to liquefaction is low (Ninyo & Moore, 2001) and no impacts are identified.

j) Groundwater in Trancas Canyon is designated as beneficial use for municipal and domestic supply, agricultural supply, and potential industrial supply by the LARWQCB. In 2001 and 2002, the groundwater was encountered at the project site at depths ranging from 3.95 to 14.50 feet below the ground surface. Groundwater is not used as a source of domestic water supply. This entire area is served with domestic water provided by the Los Angeles County Waterworks District No. 29. The existing facility disposes the treated effluent by percolation into the subsurface via leach fields. The proposed project will not change the quantity or discharge point of the treated wastewater. One of the primary goals of the project is to upgrade the plant to meet the new requirements of the LARWQCB, which is the agency charged with protecting the beneficial uses of groundwater and surface water in California. The potential impact to the underlying aquifer is determined to be less than significant.

k) The project site is located in an area that has been burned in major wild land fires within the last 30-117 year period, as identified on Figure S-16 of the City of Malibu General Plan. The existing Trancas WPCP has been in existence since 1963 and major wildland fires have not impacted the operation of the facility. Like the existing facility, the proposed project includes an emergency generator to operate the major treatment units during power outages. In addition, the proposed replacement facilities will include greater treatment redundancy and backup provisions than the existing facilities. No impact is anticipated with the rehabilitation project.

IV. WATER

a) The project will result in only minor changes to absorption rates, drainage patterns, and the amount of surface runoff. No net increase of impervious surfaces will result from the proposed rehabilitation project. The proposed biological process (aeration/anoxic tank) includes covers that will be designed to capture the rainfall into the process tanks. The replacement clarifiers and filters are open-topped tanks, which will contain any rain falling on them. No additional impermeable surface will be constructed, so no increase in stormwater runoff will occur. No impact will result.

b) The project will have no impact to the flow of flood waters. A storm drainage system is in place to serve the project site and surrounding areas.

c) All effluent discharges from the Trancas WPCP are subsurface through the existing leach fields. The proposed project will not change the quantity or discharge point of the treated wastewater. The project will meet the new requirements of the LARWQCB, which is the agency responsible for protecting the beneficial use of groundwaters and surface waters in California. No impact is anticipated on the Trancas Canyon Creek/Lagoon south of the plant.

d) Effluent discharges from the Trancas WPCP are subsurface through the existing leach fields. No change in the quantity or discharge point of the effluent discharge is expected to result from the

proposed project. Although the proposed project includes an increase of design capacity, this increase is to serve existing flows. The current WDRs for the project are for the discharge of effluent via subsurface disposal. One of the primary goals of the project is to upgrade the plant to meet the new requirements of the LARWQCB, which is the agency charged with protecting the beneficial use of groundwaters and surface waters in California.

e) The site is not located in an area designated by the Federal Emergency Management Agency (FEMA) as 100-year flood plain. No impact is expected from flooding.

V. AIR QUALITY

a) For the purpose of significant, the County's thresholds are based on the SCAQMD's "CEQA Air Quality Handbook." The Emission Significance Thresholds (Primary Effects) for the South Coast Air Basin (SCAB) listed in the Handbook are as follows:

EMISSION SIGNIFICANCE THRESHOLD LIMITS			
	Construction Phase		**Operation Phase**
Contaminant	**Quarterly Limit**	**Daily Maximum**	**Daily Maximum**
ROC	2.5 tpq	55 ppd	75 ppd
Nox	2.5 tpq	55 ppd	100 ppd
CO	24.75 tpq	550 ppd	550 ppd
PM10	6.75 tpq	150 ppd	150 ppd
Sox	6.75 tpq	150 ppd	N/A

ppd - Pounds per day
tpq – Tons per quarter
ROC -Reactive Organic Compounds
NOx - Nitrogen Oxides
CO - Carbon Monoxide
PM10 - Particulate Matter less than 10 microns in diameter
SOx - Sulfur Oxides

Contaminant emission during the construction phase will include exhaust emissions from construction worker's travel, construction materials handling, and on-site equipment and fugitive dust emissions from grading activities. The exhaust emissions are estimated based on the factors provided in Table 9-1 for industrial construction for a 3,500 sq.ft area and 100 working days. Fugitive dust from grading is estimated using the factor of 55 pounds per acre per day as shown in Table 9-2 and assuming that the entire area of approximately 0.1 acres to be excavated for equipment and pipeline installation is disturbed for the entire quarter.

The estimated emissions for the construction phase of the Trancas WPCP rehabilitation project are summarized in the table below:

Estimate of Project Emissions for Trancas WPCP Rehabilitation – Unmitigated Construction Phase Emissions					
		ROC	NOx	CO	PM10
Exhaust Emissions		0.034 tpq 1.15 ppd	0.51 tpq 16.9 ppd	0.11 tpq 3.7 ppd	0.036 tpq 1.2 ppd
Fugitive Dust Emissions		NA	NA	NA	0.25 tpq 5.5 ppd
	Quarterly Total: **Daily Total:**	0.034 tpq 1.15 ppd	0.51 tpq 16.9 ppd	0.11 tpq 3.7 ppd	0.28 tpq 6.7 ppd
Significance Threshold	**Quarterly Limit**	2.5 tpq	2.5 tpq	24.75 tpq	6.75 tpq
	Daily Maximum	55 ppd	55 ppd	550 ppd	150 ppd
Significant?		No	No	No	No

ppd - Pounds per day
tpq – Tons per quarter
ROC -Reactive Organic Compounds
NOx - Nitrogen Oxides
CO - Carbon Monoxide
PM10 - Particulate Matter less than 10 microns in diameter

No increases in operation phase emissions are expected. Operator vehicle trips will remain the same as under current operations, with approximately ten vehicle trips per week. Although power consumption will increase, the power will be obtained from the electrical utility and no emissions occur at the Trancas WPCP. Under emergency conditions, the plant will be powered by a standby generator. Emission factors for the standby generator will be within SCAQMD permit limits. The project will not violate any air quality standard or contribute to an existing or projected air quality violation based on the County's thresholds, therefore, the impact to air quality will be less than significant.

b) No sensitive receptors will be exposed to pollutants.

c) The replacement facilities will have fiberglass covers installed over the aerated/mixed portions of the tanks similar to the existing facilities, which has a covered biological process and open-top clarifiers and filters. The surface area for evaporation will be similar to the existing process tanks, therefore the effect will be minimal. No significant changes to air movement or temperature will be associated with the project. The potential climatic change from the project is less than significant.

d) Odors are always associated with wastewater treatment plants. Occasional odor complaints from nearby residents have been received on the existing plant. The primary source of odors at the existing

plant has been identified as the primary clarifiers. The rehabilitation project will remove the existing primary clarifier s. The replacement biological process does not include primary clarifiers and the wastewater is aerated to prevent anaerobic conditions. Aerating the wastewater to control the development of anaerobic conditions has proven to be effective in eliminating odors (Metcalf and Eddy, 2003). The project will reduce the odor levels below that of the existing facility. The impact from the rehabilitation project is therefore considered less than significant.

VI. TRANSPORTATION/CIRCULATION

a) The project site is adjacent to Paseo Canyon Drive. Existing traffic associated with the Trancas WPCP includes employees vehicles, estimated at an average of two trips per day, and truck traffic for sludge hauling, averaging two truck loads/week (trucks capacity is 5,000 gallons). No additional traffic will result from the rehabilitation project, and therefore no changes to the existing traffic volumes will occur during the operation phase. Construction of the project will create approximately 5 construction worker vehicle trips per day for 100 days for a total of 500 vehicle trips during construction. Construction will require approximately 5 material loads per day for a total of 500 material loads. Those levels are well within the capacity of the access roads and the impact is less than significant.

b) The proposed project will not result in altering the present pattern of circulation in the vicinity of the project as construction traffic will be temporary and no new traffic will be generated by operation of the rehabilitated plant.

c) The proposed project will not change the basic patterns of circulation in the immediate area, and will not create any disjointed roadway improvements. No changes to the current points of ingress/egress will occur.

d) The existing plant has no affect on rail or air traffic. No elements of the proposed rehabilitation project will impact these transportation patterns.

e) Sufficient parking exists at the plant site to accommodate three vehicles. No additional parking will be required as a result of the rehabilitation project.

f) The project will not create any safety hazards to vehicles, bicyclists, or pedestrians. There will be no substantial changes to the existing circulation patterns. The main entrance to the project will remain at the existing location, off of Paseo Canyon Drive.

g) The proposed project will have no impact on the existing or planned circulation system and therefore will not conflict with any alternative transportation plans or policies.

h) The project has been designed to provide emergency access on-site. The design of the project and proposed uses would not impact emergency access to nearby land uses.

VII. BIOLOGICAL RESOURCES

a) The project site does not lie within an Environmentally Sensitive Area as identified in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002).

b) The project will not result in any impacts to endangered, threatened or rare species or their habitats. The site has been used as the Trancas WPCP for nearly forty years and is fairly well disturbed. No rare, threatened, endangered or sensitive animals, plants or natural communities occurrences in the Trancas area are reported in the California Natural Diversity Database (as of April 10, 2003). Vacant portions of the property are maintained on a regular basis for weed control, which has inhibited the ability of any significant biological habitat to exist on-site. The nearest Environmentally Sensitive Habitat Area is the Trancas Creek/Lagoon (City of Malibu Local Coastal Plan, 2002). The Trancas Creek/Lagoon is approximately 220 feet southwest of the project area. All construction activities will be well beyond the 100-foot buffer from the Trancas Creek/Lagoon (see Figure 7). Other nearby Environmentally Sensitive Habitat Areas include the National Park Service land in the Zuma/Trancas Canyons and the Zuma Beach County Park (City of Malibu Local Coastal Plan, 2002). Shown on Figure 8 is the National Park Service land, which is approximately 650 feet north of the project site, and the Zuma Beach County Park, which is approximately 950 feet south of the proposed project area.

c) The project is located at the edge of a residential area and the site is fenced. This project does not impact wildlife dispersal or migration corridors.

d) There are no wetland habitats on the project site. The nearest sensitive area listed in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002) is the Trancas Creek/Lagoon. The Trancas Creek/Lagoon is approximately 220 feet southwest of the project area and is screened by the raised leach fields and trees (see Figure 7). Construction activities will be well beyond the 100-foot buffer from the Trancas Creek/Lagoon. The proposed rehabilitation project will have no impact on wetland habitats.

e) There are no sensitive coastal zones, marine resources or aquatic biota on the project site. The nearest sensitive area listed in the City of Malibu General Plan (November 1995) or the City of Local Coastal Plan (September 2002) is the Trancas Creek/Lagoon. The Trancas Creek/Lagoon is approximately 220 feet southwest of the project area screened by the raised leach fields and trees (see Figure 7). Construction activities will be well beyond the 100-foot buffer from the Trancas Creek/Lagoon. The proposed rehabilitation project will have no impact on sensitive coastal zones, marine resources or aquatic biota.

VIII. ENERGY AND MINERAL RESOURCES

a) The Trancas WPCP is operated 24 hours/day. All equipment will be designed to be energy efficient while maintaining an acceptable level of service and reliability.

b) The only non-renewable resource to be used by the project is electricity. All energy uses are designed to be energy-efficient; no wasteful use of electricity will occur.

c) No loss of valuable mineral resources will occur with the development of the project. Construction of the project will demand the use of approximately 220 cubic yards of concrete. This demand is not significant in light of the aggregate resource available in the region.

IX. PUBLIC HEALTH & SAFETY

a) Hazardous or toxic materials stored or transported in association with the project would include water treatment chemicals and fuels. Fuel for the standby generator will be stored in an integral double-walled tank. Sodium Hypochlorite will be used for disinfection of the plant effluent. Sodium Hypochlorite is similar to household bleach and will be stored within a canopied secondary storage/containment area in compliance with State and local regulations. The storage/containment area will have a maximum storage volume of 300 gallons and will contain 12 percent Sodium Hypochlorite in solution. The impact of the rehabilitation project is therefore anticipated to be less than significant.

b) The project will not involve the use of any chemicals on the Regulated Substance List of The California Accidental Release Prevention (CalARP) Program (California Code of Regulations Title 19, Division 2, Chapter 4.5).

Although wastewater is not on the CalARP's Regulated Substance List, neighboring residents expressed concerns regarding high winds blowing mist or foam from the aerated/mixed portion of the replacement tanks. The replacement tanks will include adequate freeboard to prevent any liquid from splashing over the tanks (Metcalf and Eddy, 2003). In addition, the aerated/mixed portion of the replacement tanks will be covered similar to the existing facility, which has a covered biological process (rotating biological contactor) and open-top clarifiers and filters. The proposed project will not result in the release of hazardous substances or wastewater.

c) The project involves the removal of an underground storage tank (UST) containing diesel for the plant's standby generator. The UST was installed in 1991 and will be replaced with an above ground self-contained storage tank in accordance with State and local regulations. On March 20, 2002, groundwater samples were taken from wells MW-1 and MW-4 downgradient of the UST location. The analytical results of the groundwater samples are summarized in the table below:

Contaminant	Unit	MW-1	MW-4
Total Petroleum Hydrocarbon - Diesel	ug/L	Not Detected	Not Detected
Total Petroleum Hydrocarbon - Gasoline	ug/L	Not Detected	Not Detected
Benzene	ug/L	Not Detected	Non Detected
Toluene	ug/L	Not Detected	Not Detected
Ethylbenzene	ug/L	Not Detected	Not Detected
Xylenes	ug/L	Not Detected	Not Detected

No detectable contaminants were found in the downgradient wells, MW-1 and MW-4. On March 25, 2003, the UST and its piping were pressure tested and no leaks were found. Since no contaminants were detected in the downgradient wells and pressure tests confirmed UST and piping were in good condition, the potential impact from excavation of contaminated soil is determined to be less than significant.

d) The treatment plant facilities hold water that is constantly in motion. No stagnant water exists on-site and therefore the potential for mosquito breeding does not exist.

X. NOISE

a) The proposed use to be developed on site is not classified as a sensitive noise receptor. The project will not involve the development of housing, health care facilities, schools, libraries, religious facilities or other noise sensitive uses.

b) The proposed project includes new blowers that will be equipped with silencers and the new standby generator will be installed in a sound enclosure to reduce noise levels below that of the existing equipment. The proposed biological process (aeration/anoxic tank) includes covers, which will muffle the noise propagation from this process. This covering scenario is similar to the existing facility, which has a covered biological process (rotating biological contactor with aeration) and open-top clarifiers and filters. The project will reduce the noise levels below that of the existing facility. The impact will therefore be less than significant.

c) During the construction phase of the project, there will be a nominal increase in existing noise levels due to construction and transportation of material to and from the project site. However, construction will be of a temporary nature and will be limited to the hours established by the City of Malibu to limit construction impacts to less than significant levels.

XI. PUBLIC SERVICES

a) The project is the rehabilitation of an existing use and will not place additional demands on fire protection.

b) The project is the rehabilitation of an existing use and will not place additional demands on medical aid services.

c) The project will not place additional demands on police services, and will not require new capacity or an alteration in the level of or means of service.

d) The project will have no demand for school services.

e) The project is a public works facility and will not place demand on local parks and other recreational facilities.

f) The project is the rehabilitation of an existing use and will not result in additional needs for solid waste disposal. As possible, construction debris will be recycled to minimize waste sent to landfills.

g) The rehabilitation project will have no additional impact to the maintenance of other public facilities including roads. It is the rehabilitation of an existing public works facility.

h) The rehabilitation project will have no additional impact to governmental services. It is the rehabilitation of an existing public works facility.

XII. UTILITIES

a) The Trancas WPCP currently receives no natural gas service. The rehabilitation project will not require natural gas to be on-site.

b) The Trancas WPCP currently receives electrical service from Southern California Edison Company. The rehabilitation project will not impact Southern California Edison's ability to provide adequate levels of service nor will it create the need to increase capacity.

c) The rehabilitation project will not require additional telephone service.

d) The Trancas WPCP receives a domestic water supply, used primarily for site maintenance, from the County Water Works District 29. No additional water supply capacity will result from the rehabilitation project.

e) There will be no associated requirements for sewer service.

f) The project will have no impact to drainage systems (as discussed in Section III).

g) No new service demands are associated with the proposed project and therefore no extensions of service will be required.

XIII. AESTHETICS

a) The project is the rehabilitation of an existing wastewater treatment facility. The proposed structures will be below the existing tallest structures on site. Due to an ascending, approximately 5 feet grade change south of the proposed facility, the replacement structures will not be visible from Pacific Coast Highway, defined as a Scenic Road in the City of Malibu Local Coastal Plan (September 2002). The proposed facilities will be approximately 20 to 60 feet lower in elevation than the trails to the east and southeast of the plant site. The proposed project will not obstruct any significant or important scenic views.

b) The project is the rehabilitation of an existing wastewater treatment facility. The proposed improvements will be located in areas either directly adjacent to, or presently occupied by the existing facility's structures. As such, the proposed project will not result in a change in use of the site. However, the replacement facilities will be more centrally located on the property than the existing structures (see Figure 6), making them a potentially significant aesthetic impact to the trail users and residences on the adjacent hills east of the site. Native landscaping will be planted to partially screen and soften the appearance of the facility from public views to mitigate the potential impact to less than significant levels. Also, the exterior of the replacement facilities, including the covers over the aeration tank, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape. Appendix A contains the landscape plan, which includes the planting plan and visual simulations of the proposed improvements and landscaping. Refer to Section III.C. for more details.

c) The lighting requirements for the project will not change over what currently exists.

XIV. CULTURAL RESOURCES

a, b) A Phase I Archeological Resource Evaluation was conducted for the site by an archeologist approved by the City of Malibu (Compass Rose, 2001, see Appendix B). Although the project is located within a sensitive archaeological area, the site has been extensively disturbed, with soil removed and replaced with leaching pipes and gravel beds to a depth of 10 to 15 feet. No archeological resources are likely to be present in such a disturbed area. The Phase I evaluation concluded that the potential impact of the project to cultural resources is less than significant.

c) No historical resources are located in the project area.

XV. RECREATION

a) The project does not create additional housing or jobs and therefore no additional demands on recreational facilities.

b) Figure 8 shows the proposed and existing unofficial trails in the vicinity of the plant site (courtesy of the National Park Service, November 2002). The National Park Services is slated to receive a 20-acre

open space dedication from the adjacent Javid property, which includes the existing Chumash Indian Trail. The dedication borders the east side of the Trancas WPCP property. The National Park Service plans to open the trail to the public. To the southeast and south are the existing Zuma Ridge and Trancas Canyon trails. The National Park Service land in the Zuma/Trancas Canyons is designated as an Environmental Sensitive Habitat Area in the City of Malibu Local Coastal Plan (September 2002). The National Park Service land is approximately 650 feet north of the project site. The Zuma Beach County Park, immediately south of Pacific Coast Highway, is approximately 950 feet south of the proposed project area and is designated as an Environmental Sensitive Habitat Area (Local Coastal Plan, 2002).

The National Park Service, the City of Malibu and others have expressed the need to protect the recreational opportunity of the existing trails. As discussed in Section II.B.V.d., the rehabilitation project will reduce odors from the existing plant and, thus, reduce odor impacts on trail users. As discussed in Section II.B.X.b., the rehabilitation project will reduce noise levels from the existing facilities and, thus, lessen the noise impacts on trail users. As discussed in section II.B.XIII.b., the replacement facilities will be more centrally located on the property than the existing structures. Therefore, the proposed project may have a potentially significant visual impact to the trail users. Native landscaping will be planted to partially screen and soften the appearance of the facility from public views to mitigate the potential impact to less than significant levels. Also, the exterior of the replacement facilities, including the covers over the aeration tank, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape. Appendix A contains the landscape plan, which includes the planting plan and visual simulations of the proposed improvements and landscaping from the surrounding trails. Refer to Section III.C. for more details.

c) All improvements will be located within the plant footprint and grassy area between the existing plant and raised leach fields. The grassy area was formerly a leach field and has been extensively disturbed. The proposed improvements only replace approximately 0.06 acres of the grassy area adjacent to existing structures, or about 2% of the plant site. The loss of open space is considered less than significant.

d) No open space access will be affected by the rehabilitation project.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

a) The project consists of the rehabilitation and upgrade of the existing wastewater treatment facilities to replace aging facilities and to meet new LARWQCB requirements. The proposed improvement will be located in an area either directly adjacent to, or presently occupied by the existing facility. All construction occurs on a highly disturbed area currently used as a public wastewater facility. No archeological resources are likely to be present in such a disturbed area (Compass Rose, 2001, see Appendix B). The project site does not lie within an Environmental Sensitive Area as identified in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002). The nearest Environmental Sensitive Area is the Trancas Creek/Lagoon (City of Malibu Local Coastal Plan 2002), which is approximately 220 feet southwest of the proposed facility. All construction activities will be well beyond the 100-foot buffer from the Trancas Creek/Lagoon (see Figure 7). No rare, threatened, endangered or sensitive animals, plants or natural communities occurrences in the Trancas area are reported in the California Natural Diversity Database (as of April 10, 2003). The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) The project does not achieve short-term goals to the disadvantage of long-term environmental goals because the purpose of the project is the rehabilitation and upgrade of the existing wastewater treatment plant. The rehabilitation project is necessary to continue operation, bring all facilities into compliance with the new WDR issued by the LARWQCB, and accommodate existing flows.

c) The proposed rehabilitation project is designed to accommodate existing flows and will not provide for any additional connections outside the existing Trancas Zone (see Figure 2). No additional housing will be provided, and no infrastructure will be expanded to serve the project. As such, the project does not have impacts that are individually limited, but cumulatively considerable.

d) The replacement tanks will include adequate freeboard to prevent any liquid from splashing over the tanks (Metcalf and Eddy, 2003). In addition, the replacement biological process (aeration/anoxic tanks) will be covered similar to the existing facility, which has a covered biological process (rotating biological contactor with aeration) and open-top clarifiers and filters. The project will not involve the use of any chemicals on the Regulated Substance List of The California Accidental Release Prevention (CalARP) Program (California Code of Regulations Title 19, Division 2, Chapter 4.5). Hazardous and toxic materials stored or transported in association with the project would include fuel and sodium hypochlorite. Fuel for the generator will be stored in an integral double-walled tank and sodium hypochlorite will be stored in a canopied containment area. The project does not have environmental effects that will cause direct or indirect substantial adverse effects on human beings.

C. DISSCUSSION OF WAYS TO MITIGATE POTENTIALLY SIGNIFICANT EFFECTS

Two potentially significant effects were identified in the initial study, Aesthetics and Recreation. These issues were discussed with the California Coastal Commission, the National Park Service, the City of Malibu, and the Santa Monica Mountain Conservancy. Based on input from these agencies and others, the following mitigation measure has been included as part of the project to reduce the potentially significant impacts to less than significant.

- During construction, landscaping will be added to partially screen and soften the appearance of the facility from public views. Also, the exterior of the replacement tanks, including the covers over the aeration tank, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend them in with the surrounding landscape. The proposed landscaping consists of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The landscape planting plan (see Appendix A) shows the locations, types and sizes of the proposed vegetation to be planted. The landscape planting plan was prepared by a licensed landscape architect. Visual simulations of the proposed facility and landscaping from the surrounding trails are also included in Appendix A.

  Currently, vegetation exists along the western edge of the project site that shields the Trancas WPCP from views of the Malibu West community. There are also scattered trees on the northeast and southeast corners of the site. On the southeast corner of the leach fields, a staggering of California Sycamore (24-inch and 36-inch boxed specimens), California Bay (24-inch boxed specimens), and White Alder (24-inch boxed specimens) trees interspersed with Lemonade Berry (5-gallon specimens), Fuchia Flowering Gooseberry (5-gallon specimens), Sugar Bush (5-gallon specimens) and Holly Leaf Cherry (15-gallon specimens) shrubs are proposed to provide a two-layer screening of high and low vegetation from the trails and the Surfside/Seastar residents to the southeast. On the northwest corner of the property's boundary, several rows of California Sycamore (24-inch boxed specimens), California Bay (24-inch boxed specimens) and White Alder (24-inch boxed specimens) trees and Holly Leaf Cherry (15-gallon specimens) Lemonade Berry (5-gallon specimens) and Eastwood Manzanita (5-gallon specimens) shrubs will be planted to supplement the existing vegetation and provide screening from views of the Chumash Indian Trail, which is approximately 40 to 60 feet higher in elevation than the proposed facility. Also proposed is a line of 15-gallon Toyon shrubs planted along the northern edge of the raised leach fields, just south of the replacement tanks, to eliminate views of the replacement facility from the Zuma Ridge Trail.

  The preliminary planting plan was submitted to the California Coastal Commission, the National Park Service, the City of Malibu and the Santa Monica Mountain Conservancy for review. In the City of Malibu's letter, dated December 30, 2002, the City indicated that the proposed landscaping would provide visual protection to the nearby residents and the trail users. The landscape plan is subject to the approval of the Executive Director of the California Coastal Commission.

D. DETERMINATION OF INITIAL STUDY

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ **Land Use and Planning**	☐ **Transportation/Circulation**	☐ **Public Services**
☐ **Population and Housing**	☐ **Biological Resources**	☐ **Utilities and Service Systems**
☐ **Geological**	☐ **Energy and Mineral Resources**	☒ **Aesthetics**
☐ **Water**	☐ **Hazards**	☐ **Cultural Resources**
☐ **Air Quality**	☐ **Noise**	☒ **Recreation**
	☐ **Mandatory Findings of Significance**	

Determination.

On the basis of this Initial Study, the County of Los Angeles, Department of Public Works finds:

That the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

That although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section III.C. have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

That the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

That although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐

Keith E. Lehto — Signature

6-12-03 — Date

KEITH E. LEHTO — Printed Name

SECTION V. REFERENCES

City of Malibu Draft Trails Master Plan, May 2002.

City of Malibu General Plan, November 1995.

City of Malibu Local Coastal Plan, September 2002.

Compass Rose Archeological, Inc., 2001. Negative Archeological Survey Report.

Metcalf and Eddy, Inc., 2003. Wastewater Engineering: Treatment and Reuse.

M.H. Loe Company, 1991. Tank Pull and Contamination Remediation Report, Trancas Treatment Plant.

Ninyo & Moore, 2001. Geotechnical Evaluation of the Trancas WPCP Rehabilitation Project Upgrade Design, 6338 Paseo Canyon, Malibu, California, April 16.

South Coast Air Quality Management District, 1993. CEQA Air Quality Handbook.

Waste Discharge Requirements Order 00-030.

APPENDIX A

Planting Plan
for the Trancas WPCP Rehabilitation Project,
prepared by DSK Landscape Architects, 2003

&

Photo Simulations
for the Trancas WPCP Rehabilitation Project,
prepared by Bauer Planning & Environmental Services, Inc., 2003

PROPOSED LANDSCAPE PLANT MATERIAL

- 5 Gal. 12 REQD. — 'Sugar Bush' RHUS OVATA
- 5 Gal. 15 REQD. — 'Fuchia Flowering Goose Berry' RIBES SPECIOSUM
- 5 Gal. 39 REQD. — 'Lemonade Berry' RHUS INTEGRIFOLIA
- 24" Box Std. 15 REQD. — 'California Bay' UMBELLULARIA CALIFORNICA
- 24" Box Std. 15 REQD. — 'White Alder' ALNUS RHOMBIFOLIA
- 15 Gal. 16 REQD. — 'Holly Leaf Cherry' PRUNUS ILICIFOLIA
- 5 Gal. 11 REQD. — 'Eastwood Manzanita' ARCTOSTAPHYLUS GLANDULOSA
- 36" Box Std. 7 REQD. 24" Box Std. 8 REQD. — 'California Sycamore' PLATANUS RACEMOSA
- 15 Gal. 38 REQD. — 'Toyon' / 'California Holly' HETEROMELES ARBUTIFOLIA

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Landscape & Landscape Planting Plan

Prepared By: D S K Landscape Architects

EXHIBIT 1

Existing View From Trail Across Existing & Proposed Replacement Facilities

Simulated Silhouette of Proposed Replacement Facilities (Including Handrails)

Height of Proposed Landscaped Edge of 'Toyon'/ 'California Holly'

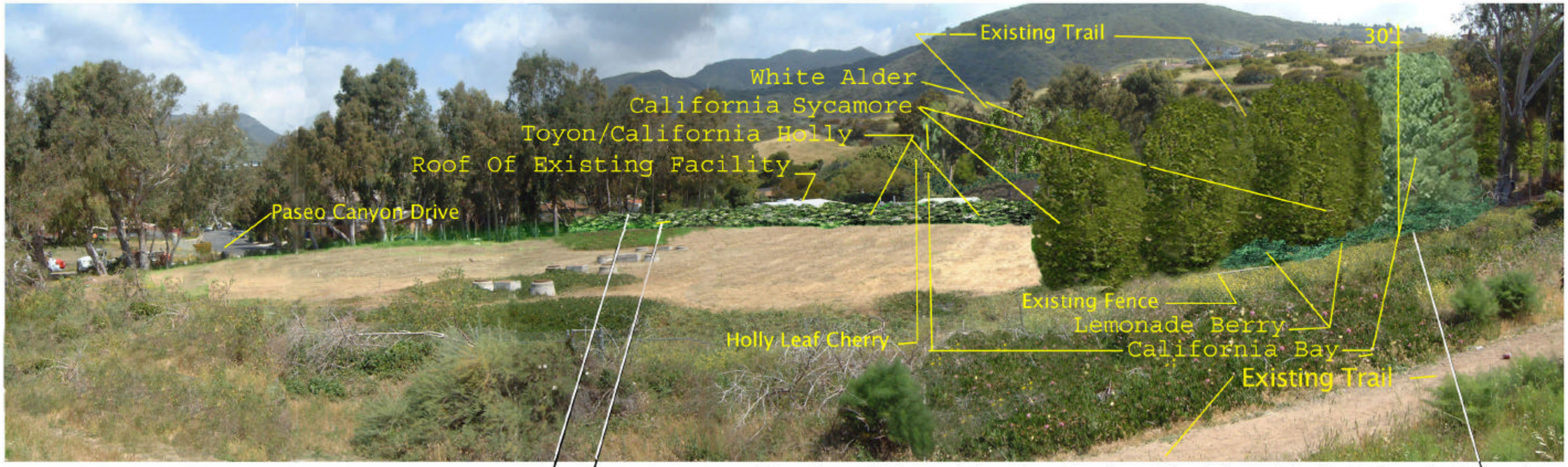
Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30' at the Proposed South-East Boundary Landscaped Edge

Existing Aerial Photo Of Treatment Facilities

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Existing Site Photo

EXHIBIT 2



Simulated Photo Viewing Project Site From Trail @ South Boundary
Simulated Photo Shows New landscaping 5-10 Years After Installation

Simulated Silhouette of Proposed New Replacement Facilities

Height of Proposed Landscaped Edge of 'Toyon'/ 'California Holly'

Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30' at the Proposed South-East Boundary Landscaped Edge

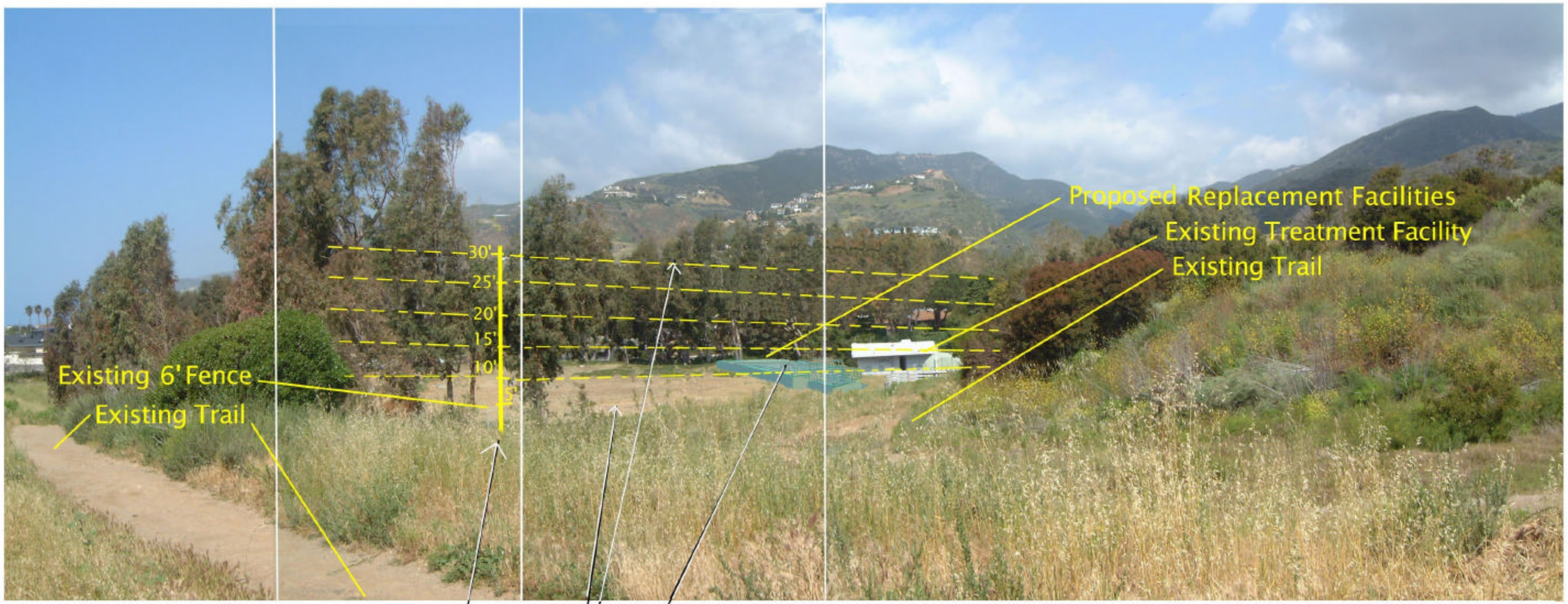
Proposed New Landscaping : California Sycamore, California Bay
California Holly & Lemonade Berry

Existing Aerial Photo Of Treatment Facilities

Trancas Water Pollution Control Plant
Simulated New Landscaping Viewed From South

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Exhibit 2A



Existing Viewing North-West From Trail Down And Across Existing and Replacement Facilities

Simulated Silhouette of Proposed Replacement Facilities

Height of Proposed Landscaped Screen Line

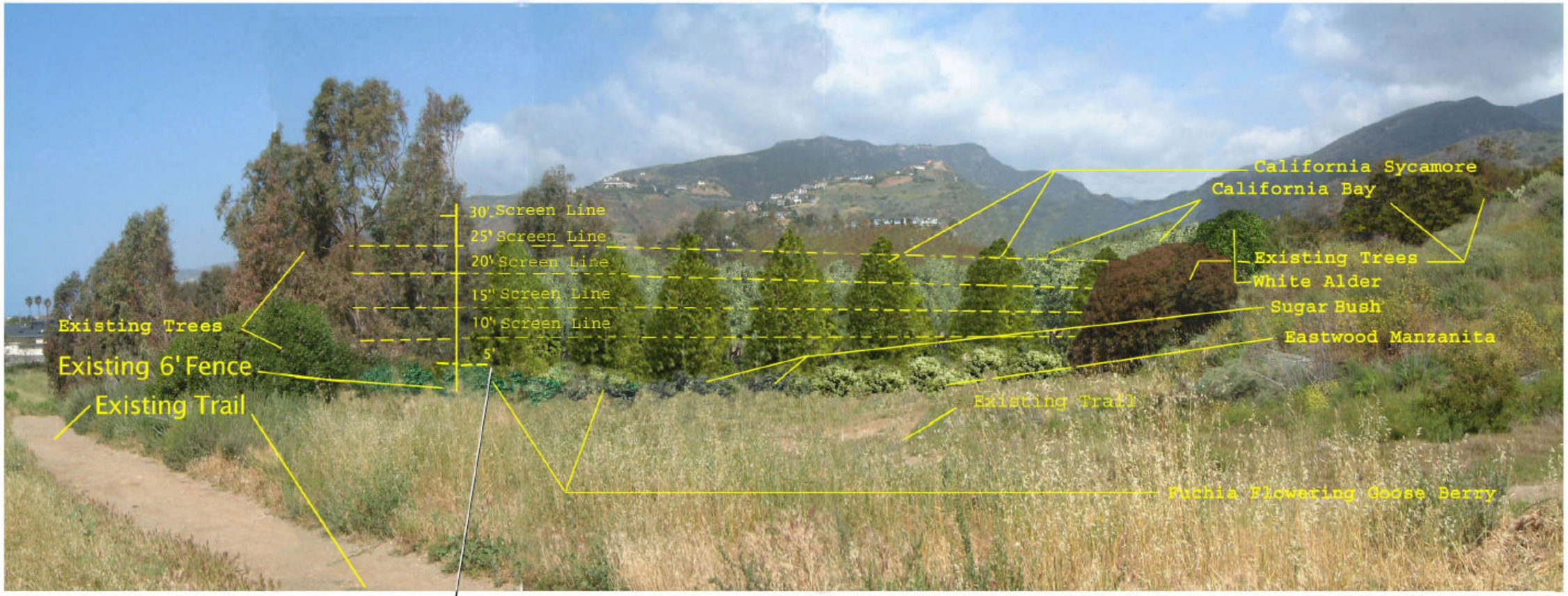
Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30' at the Proposed South-East Boundary Landscaped Edge

Existing Aerial Photo Of Treatment Facilities

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Existing Site Photo

EXHIBIT 3



Simulated Photo Viewing North-West from Trail Down and Across
Existing and Proposed Replacement Facilities
Simulated Photo Shows New landscaping 5-10 Years After Installation

Proposed New Landscaping: California Sycamore, California Bay, White Alder, Sugar Bush, Eastwood Manzanita & Goose-Berry

Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30' at the Proposed South-East Boundary Landscaped Edge

Existing Aerial Photo Of Treatment Facilities

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Simulated New Landscaping South-East Boundary

Exhibit 3A

Existing Photo Viewing the Existing and Replacement facilities
From the Trail East of the Project Site

Existing 6' Fence

Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30'
at the Proposed North-East Boundary Landscaped Edge

Existing Aerial Photo Of Treatment Plant

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Existing Site Photo

Exhibit 4

Simulated Photo Viewing South-West from Trail Down and Across the Existing and Replacement Facilities
Simulated Photo Shows New landscaping 5-10 Years After Installation

Existing 6' Fence

Simulated Measuring Rod Showing 5' Vertical Increments 0' to 30' at the Proposed North-East Boundary Landscaped Edge

Existing Aerial Photo Of Treatment Plant

BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

Trancas Water Pollution Control Plant
Simulated New Landscaping North-East Boundary

Exhibit 4A

APPENDIX B

Negative Archeological Survey Report
for the Trancas WPCP Rehabilitation Project,
prepared by Compass Rose Archeological, Inc., 2001

COMPASS ROSE

ARCHAEOLOGICAL, INC.
6206 PEACH AVENUE, VAN NUYS, CA 91411
(818) 989-0656

Negative Archaeological Survey Report:

L A County DPW Project 12263, Trancas Water Pollution Control Plant Rehabilitation at 6338 Paseo Canyon Road, Malibu, California (APN# 4469-45-900)

I. PROJECT LOCATION AND DESCRIPTION

At the request of LEE & RO, Inc., Compass Rose Archaeological Inc. conducted a Phase I cultural resource investigation for the Trancas Water Pollution Control Plant (WPCP) Rehabilitation Project (APN#4469-45-900) in the City of Malibu. The project property is located in an unsectioned portion of Township 1 South, Range 18 West, as depicted on the USGS 7.5' Point Dume Quadrangle (1950, photo-revised 1981: Figures 1-2). The 2.76 acre project area is situated on two separate parcels at the southern end of Paseo Canyon Drive on both the east and west sides of the road. The project will entail installation of a new headworks structure, a dual-train activated sludge package plant with integral secondary clarifiers, new filters, and new filter effluent pumps. Also, four groundwater monitoring wells (one upgradient and three downgradient) will be installed. The existing headworks will be demolished. As the plant is over twenty years old, a number of the existing structures and facilities will be replaced and/or upgraded.

This study was conducted in accordance with the California Environmental Quality Act (CEQA) revised guidelines (1996) and the California Register of Historical Resources.

II. STUDY FINDINGS

No cultural resources of any time period were observed within the project property. However, only the areas of direct impact and their immediate vicinities (approximately a 15 meter radius around each area) were intensively inspected.

III. INTRODUCTION

NAME(S) OF SURVEYOR(S)	QUALIFICATIONS	DATE(S) OF FIELDWORK
Dan Larson	B.A. Anthropology California State University, Northridge Over 35 years of professional archaeological experience.	December 6, 2001

PRESENT ENVIRONMENT

The project area is within the City of Malibu. The general vicinity currently consists of a suburban residential neighborhood to the west and scattered hillside development to the east. The Trancas Canyon Creek flood control channel

is located to the south of the property. Chain link and iron fences surround most of the project area. All of the proposed areas of development have been extensively disturbed by the past construction of the plant as well as the associated leachfields. At the southern end of the parcel on the eastern side of Paseo Canyon Drive there is massive disturbance to an undetermined depth from the installation of a large underground storm drain running east to west into the flood control channel. In the area of the proposed headworks structure, a series of eight test borings were excavated in 1975 to a depth of 87 feet below surface. Extensive disturbance was noted to a depth of at least 30 feet below the surface, which is well below the depth of the proposed earth moving activities. The present ground surface in this area is covered by a thick layer of introduced grasses which limited visibility to about ten percent. Also, the existing groundwater monitoring well is approximately 20 feet deep. To the northeast of the present headworks structure, the only proposed upgradient monitoring well will be located. This area is currently covered by asphalt associated with the driveway and parking spaces. The parcel on the western side of Paseo Canyon Drive where one of the proposed wells is to be located has been heavily disturbed by the prior installation of leachfields in the northern two-thirds of the area to a depth of approximately 15 feet and to an unknown extent to the south. The well will be located next to the Trancas Canyon Creek flood control channel. The soils in this area consists of a brown silty clayey sand with pebbles and gravels and appears to be a stream deposit related to Trancas Canyon Creek or fill. Vegetation in this area included introduced grasses, iceplant, mustard, morning glory, annus, eucalyptis trees, and a sycamore tree. Surface visibility was about ten percent. Two groundwater monitoring wells will be located at the southern end of the property in an area previously disturbed by installation of a storm drain. Vegetation in this area includes mulefat, iceplant, some introduced grasses, tobacco, and eucalyptis trees. Surface visibility in this area was approximately 50 percent.

ETHNOGRAPHY

At the time of European contact, Chumashan-speaking peoples occupied an area that extended south along the California coast from San Luis Obispo County into Los Angeles County, and east to the fringes of the San Joaquin Valley, and included the Channel Islands of San Miguel, Santa Rosa, Santa Cruz and Anacapa (Glassow 1980; Grant 1978a). The project area lies within the territory occupied at that time by native peoples speaking one of six major dialects of the Chumash language. Known as the Ventureno Chumash, this group was subdivided from their culturally similar neighbors to the north and west, the Ynezeno and Barbareno Chumash, on the basis of linguistic deviations rather than on any apparent difference in social or economic organization. The Ventureno (so named because of their association with Mission San Buenaventura) were the southernmost of the Chumash peoples and spoke one of four mainland Chumashan dialects considered as forming a core group of more closely related forms (Grant 1978a; Kroeber 1953). Chumash society developed over the course of some 9,000 years and has been

described as having achieved a level of social, political, and economic complexity not ordinarily associated with hunting and gathering groups.

IV. SOURCES CONSULTED

NATIONAL REGISTER OF HISTORIC PLACES		Month and Year
CALIFORNIA INVENTORY OF HISTORIC RESOURCES		1979/1989 and supplements to date Year 1976
CALIFORNIA HISTORICAL LANDMARKS		Year 1990
ARCHAEOLOGICAL SITE RECORDS	(Name(s) of Institution(s))	

The records search was completed by Wayne Bonner at the South Central Coastal Information Center, California Historical Resources Information System, Department of Anthropology, California State University, Fullerton.

OTHER:

RESULTS

Five archaeological investigations (LA-1120, 1678, 3034, 3038, and 3351) have been completed and no archaeological sites have been recorded within a one-eighth mile radius of the project area.

V. FIELD METHODS

During the field investigation, Tambrey Tosk, LEE & RO geologist, showed the Compass Rose archaeologist all of the areas of direct impact, and an approximately 15 meters diameter area was intensively surface inspected around each area. Surface visibility was limited by vegetation, asphalt, and previous construction disturbance (approximately ten percent in all locations except the southern area, where visibility was about 50 percent).

VI. REMARKS

No cultural resources, either prehistoric or historical, were observed within the subject parcel, therefore, no additional archaeological studies are proposed at this time. Since much of the project area has been subjected to massive surface and subsurface disturbance associated with the construction of the leachfields and present plant facilities, as well as the fact that previous test borings suggest that the soils above bedrock are associated with Holocene stream deposits, indicate that the probability of encountering buried cultural resources is very limited. However, if any cultural resources are encountered, all work must halt at that location until such resources can be properly evaluated by a qualified archaeologist. Further, if human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that "...no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to Public Resources Code Section 5097.98."

VII. CERTIFICATION

Prepared by: Dan Larson Title: Field Director
Submitted by: John F. Romani Principal Investigator
Compass Rose Archaeological Inc.
Signature Date: December 17, 2001

VIII. MAPS

LOCATION U.S.G.S. 7.5' Point Dume 1950/1981 PROJECT MAP x Attached
Quadrangle Name Date
(Delineate area of actual survey on Project Map, or largest scale map available)

IX PHOTOGRAPHS

__YES (_____) NO. X ATTACHED (OPTIONAL)
File Number

X. BIBLIOGRAPHY

Glassow, Michael A.
1980 Recent Developments in the Archaeology of the Channel Islands. In *The California Islands*, edited by D. Power, pp. 79-99. Santa Barbara Museum of Natural History, Santa Barbara.

Grant, Campbell
1978a Chumash: Introduction. In *California*, edited by Robert F. Heizer, pp. 505-508. Handbook of North American Indians, vol. 8, William G. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

1978b Eastern Coastal Chumash. In *California*, edited by Robert F. Heizer, pp. 509-519. Handbook of North American Indians, vol. 8, William G. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

Kroeber, A. L.
1953 *Handbook of the Indians of California*. California Book Company, Ltd. Berkeley.

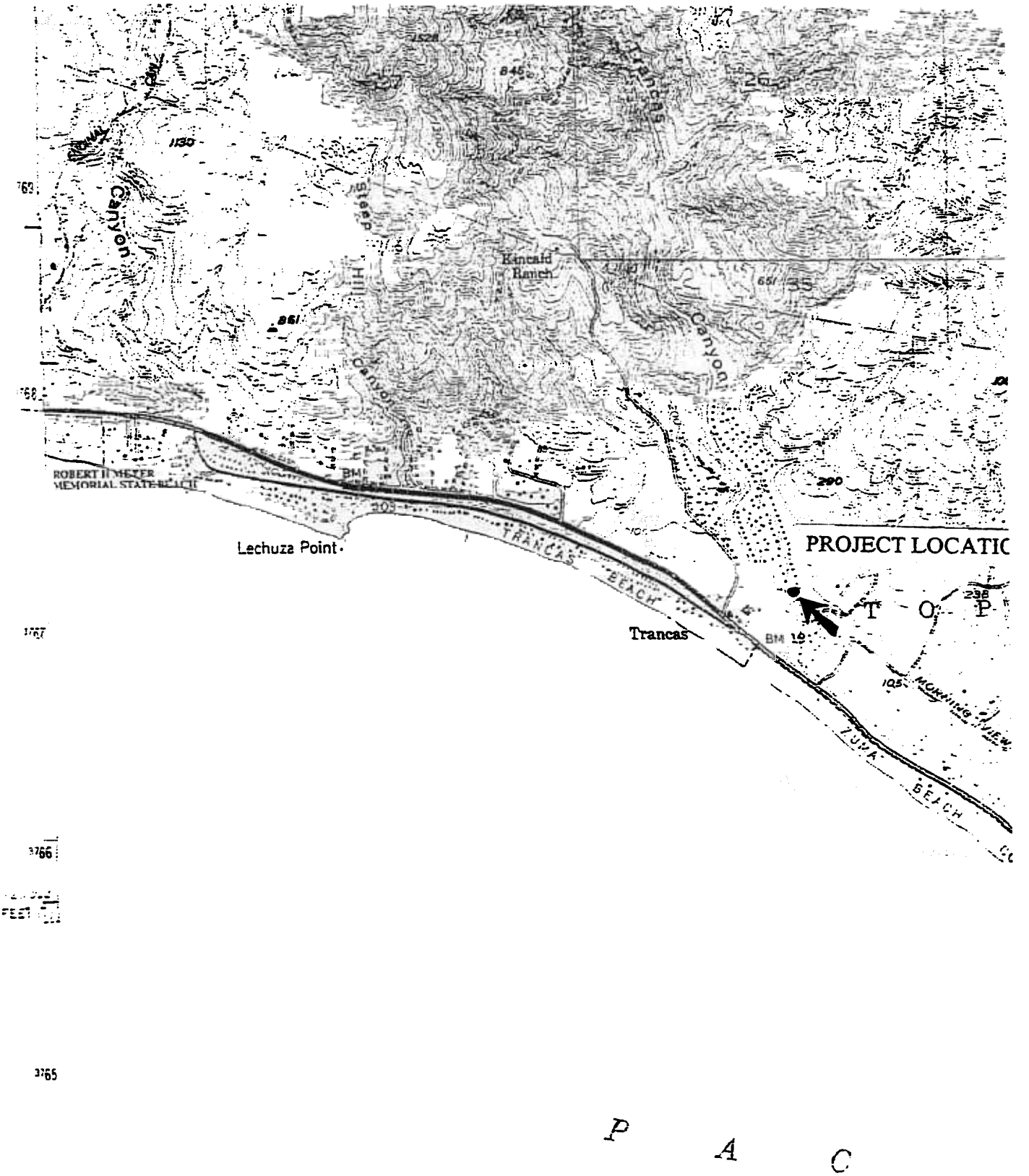


Figure 1
Project Location and Vicinity Map
Trancas Water Pollution Control Plant, City of Malibu, CA
Portion of USGS 7.5' Point Dume Quadrangle

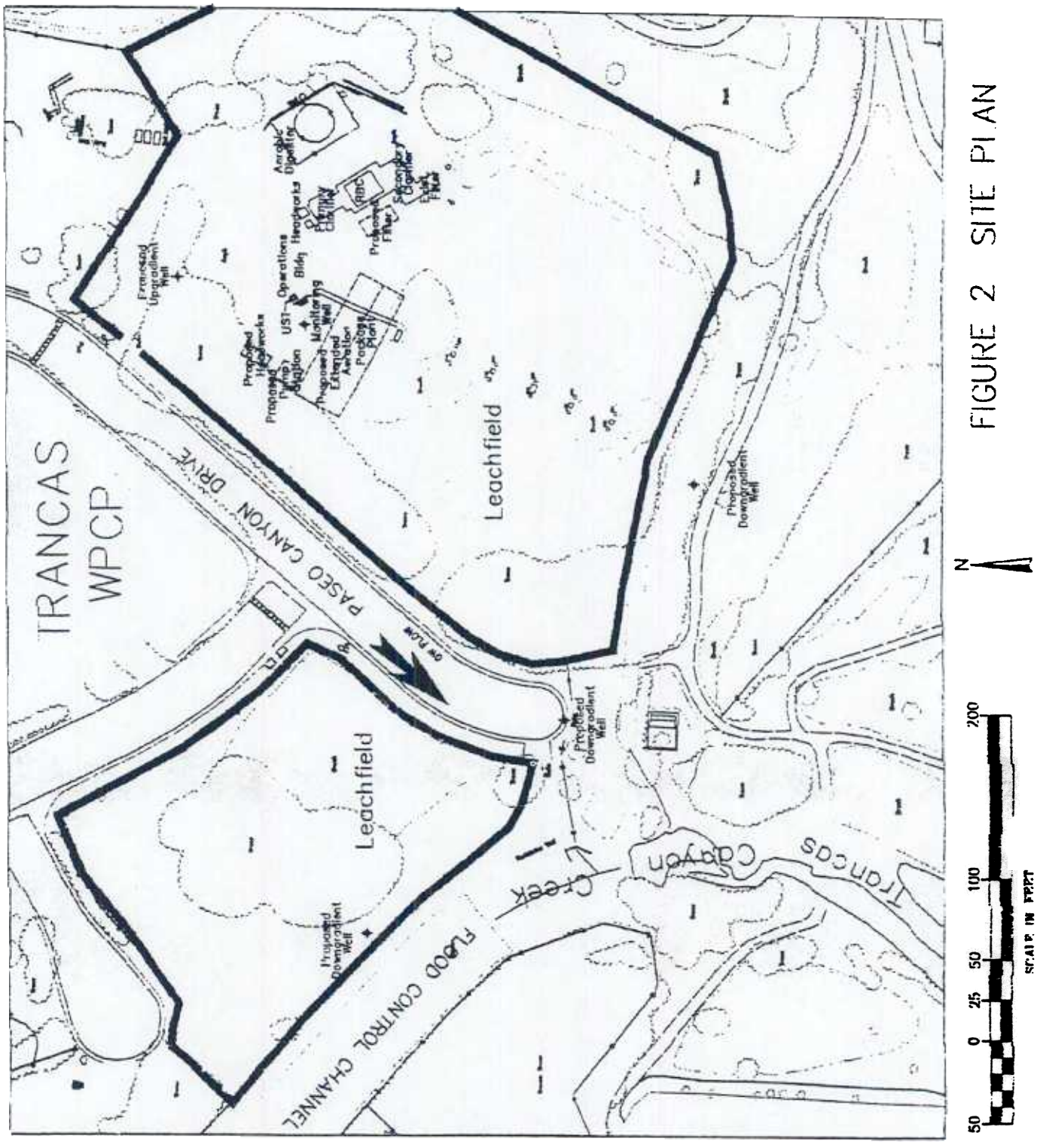


Figure 2
Project Site Plan Map
Trancas Water Pollution Control Plant
City of Malibu, California

ATTACHMENT A

M A I L I N G L I S T

TRANCAS WATER POLLUTION CONTROL PLANT
REHABILITATION PROJECT

State Clearinghouse
1400 Tenth Street
Room 222
Sacramento, CA 95814
[Notice of Intent (NOI), Mitigated Negative Declaration (MND) and Initial Study (IS) - 15 Copies]

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California Regional Water
Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013
(NOI, MND and IS)

Mr. Woody Smeck
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Thousand Oaks, CA 91360-4207
(NOI, MND and IS)

Mr. Peter M. Douglas
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Mr. Robert Dennis
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Los Angeles, CA 90012
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Mr. Joseph Crisologo
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Los Angeles, CA 90026
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Mr. Barry R. Wallerstein
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, CA 91765
(NOI, MND and IS)

Captain Jim Jordan
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(NOI, MND and IS)

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Norwalk, CA 90650
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Malibu, CA 90265
(NOI, MND and IS)

Mr. Edward M. Knight
City of Malibu
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Malibu, CA 90265-4804
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ATTACHMENT B

LETTERS AND RESPONSES TO WRITTEN COMMENTS

RECEIVED ON THE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

TRANCAS WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT

Presented below are letters and responses to written comments received during circulation for the Mitigated Negative Declaration/Initial Study for the Trancas Water Pollution Control Plant Rehabilitation Project. Responses have been provided to all comments that raised environmental issues, as required by the State of California Environmental Quality Act (CEQA) Guidelines. Copies of the letters and responses on the comments are on the following pages.

Response to comments received from the State Clearinghouse:

No response needed as they have no comments.

Responses to comments received from the residents of Surfside Way and Seastar Drive, Malibu California:

See attached letter dated November 6, 2003.

Responses to comments received from Malibu West:

See attached letter dated November 6, 2003.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

July 21, 2003

Jeff Bouse
Los Angeles County
900 South Fremont Avenue
Alhambra, CA 91803

Subject: Trancas Water Pollution Control Plant Rehabilitation Project
SCH#: 2002061055

Dear Jeff Bouse:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on July 18, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 TENTH 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 Data Base

SCH# 2002061055
Project Title Trancas Water Pollution Control Plant Rehabilitation Project
Lead Agency Los Angeles County

Type Neg Negative Declaration

Description The project consists of the rehabilitation and upgrade of the existing wastewater treatment plant to replace aging facilities and to meet new Regional Water Quality Control Board requirements.

Lead Agency Contact

Name Jeff Bouse
Agency Los Angeles County
Phone 626-300-3373 **Fax**
email
Address 900 South Fremont Avenue
City Alhambra **State** CA **Zip** 91803

Project Location

County Los Angeles
City Malibu
Region
Cross Streets Paseo Canyon Drive and Frondosa Drive
Parcel No. 4469-045-900
Township 1S **Range** 19W **Section** 35 **Base**

Proximity to:

Highways 1-PCH
Airports
Railways
Waterways Pacific Ocean and Trancas Canyon Creek
Schools Malibu High School
Land Use Land used for wastewater utility since 1965. General Plan and Zoning is single family residential.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Population/Housing Balance

---

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Caltrans, District 7; California Highway Patrol; Native American Heritage Commission; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Board, Region 4; Department of Health Services; Public Utilities Commission

---

Date Received 06/18/2003 **Start of Review** 06/19/2003 **End of Review** 07/18/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

November 6, 2003

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY
TRANCAS WATER PULLUTION CONTROL PLANT
REHABILITATION PROJECT

An identical original of the attached letter was sent to each of the following:

Johann and Diane Laetz
6402 Surfside Way
Malibu, CA 90265

Ms. Mary Reres
6409 Surfside Way
Malibu, CA 90265

Mr. and Mrs. Randy Steiner
6403 Surfside Way
Malibu, CA 90265

Mr. Jim Barnes and Ms. Julie Finke
6410 Surfside Way
Malibu, CA 90265

Mr. and Mrs. Joseph de Angelis
6415 Surfside Way
Malibu, CA 90265

HY:cs
SM504.A

Attach.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"Enriching Lives"

JAMES A. NOYES, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 6, 2003

IN REPLY PLEASE
REFER TO FILE: W-9

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY
TRANCAS WATER POLLUTION CONTROL PLANT
REHABILITATION PROJECT

Thank you for your letter of July 21, 2003, providing comments on the draft Mitigated Negative Declaration for the Trancas Water Pollution Control Plant Rehabilitation Project. Enclosed are our responses to your comments.

If you have any questions, please contact Mr. Hu Yi at (626) 300-3374.

Very truly yours,

JAMES A. NOYES
Director of Public Works

MANUEL DEL REAL
Assistant Deputy Director
Waterworks and Sewer Maintenance Division

HY:cs
SM504

Enc.

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

This is in response to the letter of July 21, 2003, from the Surfside Neighbors regarding comments to the draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Trancas Water Pollution Control Plant Rehabilitation Project. The responses are numbered to correspond to your comments.

INTRODUCTION

1. **Response to Page 1, Paragraph 2 of the comment letter:**
   The new Waste Discharge Requirements (WDR) imposed on the Trancas Water Pollution Control Plant (Trancas WPCP) by the Regional Water Quality Control Board (RWQCB) required the upgrade of treatment capacity to handle existing levels of average and peak flows (IS, page 3). Because of infiltration entering the sewage system through private house laterals, the treatment capacity of the rehabilitated plant has to be upgraded (*ibid.*). The treatment capacity was based on the historic influent flow records and the rehabilitated plant will continue to provide sewage treatment services to only those properties located within the existing boundaries of the Trancas Zone (IS, pages 5 and 27). Also, the new WDR for the Trancas WPCP prohibits any additional hookups to the Trancas WPCP outside the current boundary of the Consolidated Sewer Maintenance District, Trancas Zone.

2. **Response to Page 1, Paragraph 2; Page 2, Paragraph 2; and Page 3, Paragraph 1 of the comment letter:**
   The replacement facilities will have the same treatment processes covered as the existing facilities. The existing facility has a covered biological process and open-top clarifiers and filters (IS, page 34). Similar to the existing facilities, the replacement clarifiers and filter will be open top and fiberglass covers will be installed over the biological process, including the aerated/mixed portions of the new aeration tanks (*ibid*., IS, page 4). The project does not include open sewage aeration tanks, open-topped sewage aeration lagoons, or open-topped rolling sewage tanks as stated throughout the comment letter.

3. **Response to Page 1, Paragraph 3 of the comment letter:**
   The 2002 Draft Negative Declaration was never adopted by the County of Los Angeles and is superceded by the 2003 MND/IS.

4. **Response to Page 2, Paragraph 4 of the comment letter:**
   Extensive landscape screening has been included in the project to address visual screening concerns. As discussed on Page IS-40 and illustrated in Appendix A of the IS, the proposed landscape plan contains a total of 49 trees, consisting of seven 36-inch boxed California Sycamore (approximately 12 to 16 feet tall and 6 to 7 feet wide at planting), eight 24-inch boxed California Sycamore (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), fifteen 24-inch boxed White Alder (approximately 10 to 12 feet tall and 4 to 5 feet wide at

planting), and nineteen 24-inch boxed California Bay (approximately 4 to 5 feet tall and 2 to 3 feet wide at planting). The landscape plan also contains 131 shrubs in 5- and 15-gallon sizes. The landscape screening plan utilizes the largest and fastest growing native plant stock that is acceptable for the area and readily available at local nurseries. In addition to the landscape screening, the exterior of the replacement facilities, including the covers over the aeration tanks, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape (IS, pages 37 and 40).

The City of Malibu's letter dated August 15, 2003, states that "the City is supportive of this landscape plan as a realistic solution to the concern over aesthetics." Also, the Santa Monica Mountains Conservancy's letter of September 9, 2003, indicated that their previous concerns regarding potential visual impacts have been met by the MND/IS.

Landscaping as a mitigation measure is not per se inadequate if there is a chance of a natural event such as a fire or windstorm knocking it down. The Los Angeles County Department of Public Works (LACDPW) will replace any landscaping destroyed by any event, natural or otherwise.

5. Response to Page 3, Paragraphs 2 and 3 of the comment letter:

The project is subject to regulation by the California Coastal Commission (CCC) (*See* IS, page 5). The tennis court style fence requested would require a permit amendment from the CCC. In the CCC's letter of August 18, 2003, they indicated that "…staff would be unlikely to accept such a permit amendment because.… A fence, 18 to 20 feet high, would likely have impacts to visual resources…"

In addition, the Santa Monica Mountains Conservancy's letter of September 9, 2003, indicated that while their previous concerns have been met by the MND/IS, they are however opposed to the recent proposal to install a tennis court style fence to screen views while the proposed vegetative screening matures.

The opposition of these public entities, which have public policy and environmental protection responsibilities, and the negative impacts of the fence, makes the addition of the requested fence infeasible.

6. Response to Page 4, Paragraph 2 of the comment letter:

The LACDPW has proceeded with the project at all times as required by the RWQCB and all applicable laws and regulations. The LACDPW has never misinformed or misled the RWQCB or the CCC about the project or its potential impacts in any fashion. See also responses to Items 1.4 and 3.1 below.

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

7. Response to Page 4, Paragraph 2 of the comment letter:
Although historic maintenance and funding issues are not in the scope of California Environmental Quality Act (CEQA), a few comments on these issues are included here. The existing facilities have been funded and maintained to provide continuous 24-hour service for the last 24 years. This is beyond the 20-year rated useful life of most of the equipment and noteworthy considering the harsh coastal environment where the facilities are located. Regular and ongoing maintenance, repairs, and replacements have been undertaken at this facility over the last 24 years. Most of the mechanical equipment and components have been rehabilitated or replaced at least once. The filters have been completely rebuilt and recoated several times. The current facilities have simply outlasted their rated useful lives and, moreover, need to be upgraded to meet the tougher new requirements of the RWQCB (IS, pages 3-4).

<u>CHAPTER 1</u>

Item 1.1 See response to No. 1 above.

Item 1.2 See response to No. 7 above.

Item 1.3 The replacement facilities will be located within the existing plant footprint and grassy area between the existing plant and raised leach field (IS, pages 3 and 27). The grassy area is part of the fenced treatment plant site, which is located contiguously with the housing development that the plant serves, therefore, the area is not an open space corridor.

The discussion of the "excessively disturbed" grassy area, on page IS-3 of the IS, pertains to the fact that the grassy area was the site of a former leach field and has undergone substantial surface/subsurface disturbance. Also, this area is a functional part of the plant including: a monitoring well, valve vaults, subsurface piping, alternate vehicle access to equipment, and is regularly maintained for weed control.

Item 1.4 The CCC had before it the most current and accurate information that could be provided by the LACDPW at the time it approved the Coastal Development Permit. The CCC held a duly noticed public hearing on the permit, solicited and considered comments on the permit including comments by Mr. Hans Laetz of Surfside Neighbors, and adopted the permit with mitigation measures including visual landscape elements. The Coastal Development Permit for the project complies with CEQA because mitigation measures have been incorporated as part of the project to reduce the potentially significant impacts to less than significant. The CCC was also given a copy of the 2003 MND/IS during the public review period and no comments were received.

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

Item 1.5 The National Park Service plans for a public trail via the dedication or easement of the Javid's property and the Malibu Bay Company's property is discussed in Section II, Environmental Setting of the IS. Figure 8 (provided by the National Park Service) in the IS shows the proposed and existing unofficial trails surrounding the plant site.

Item 1.6 As discussed in the IS, Section II, Environmental Setting, there are no known endangered, threatened, or rare species on the project site reported in the California Natural Diversity Database (*See also* IS, page 33).

Item 1.7 The trails surrounding the plant site are recognized in the IS as being used by the public (IS, pages 37-38 and 40). The need to protect the recreational opportunity of the trails is emphasized in the IS. Regarding unscreened sewage, see response to No. 2 above.

Item 1.8 Once Malibu West was built, the flows were channelized into a concrete lined flood control channel. The flows culminate at the end of the channel (City of Malibu General Plan, 1995). The Trancas Creek/Lagoon, as shown on Figure 7 of the IS, starts at the end of the channel, which is south of the plant site. The IS acknowledges the natural state of the area around the project (IS, pages 6-7).

Item 1.9 As discussed on page IS-27, and as confirmed with the City of Malibu Planning Department and shown on the City of Malibu Local Coastal Plan (2002), the parcel on which the Trancas WPCP is located is zoned as Single-Family Low (SF-L). According to the Malibu Planning Department, continuation of the existing use as a wastewater treatment facility is allowed and does not conflict with their plans. In addition, the City of Malibu was given a copy of the MND/IS during the public review period and provided no comments.

Item 1.10 See response to Item 1.4 above. Local coastal permits are governed by Public Resources Code, §§ 30600 et seq., and the LACDPW has complied with the proper application and review process for obtaining the project's Coastal Development Permit.

Item 1.11 The Trancas WPCP was originally constructed in 1963 and is an existing facility (IS, page 3). The proposed improvements will be located within the fenced plant site in areas either directly adjacent to or presently occupied by the existing facility's structures (IS, page 27). As such, the project does not disrupt or divide the physical arrangement of a community (*ibid*.).

In addition, the project site does not lie within an Environmentally Sensitive Area as identified in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002) (IS, page 33). The proposed improvements will only replace approximately 0.06 acres of the grassy area adjacent to existing structures, or about two percent of the plant site (*ibid.*, IS, page 38). The correct height of the replacement tanks will be approximately 5 feet above the existing grade with a 3-1/2 feet high safety railings over the secondary clarifiers (IS, page 4). The proposed facilities will be no taller than the existing structures at the site. The aeration tanks will be covered (IS, page 4; also see response 2 above). See also response to Item 1.3 above. Potential visual impacts and mitigation measures are discussed on pages IS-37 and IS-40 of the IS, respectively.

Item 1.12 Regarding the increase in design capacity, see response to No. 1 above.

Wind erosion refers to movement of solids by the wind so as to wear away the ground surface or canyon walls. That does not apply to this project. However, the issue of blowing foam and aerated particles from the plant is discussed below.

In accordance with standard design practices, the new tanks include adequate freeboard to prevent any liquid from splashing over the tanks (IS, page 34). Also, the new biological process (aeration/anoxic tanks) will be covered, as such, no foam or aerated particles will leave the treatment facility (*ibid.*; see also response 2 above).

Item 1.13 As discussed in the IS, page IS-28, the Geotechnical Evaluation conducted for the project included a liquefaction analysis. Although groundwater is shallow and subsurface materials encountered typically consisted of sand and gravel with less than 35 percent silt and clay content, the material was relatively dense, indicating that the potential for liquefaction at the site and damage to the proposed structures due to liquefaction is low and no impacts are identified. The Geotechnical Evaluation prepared for the project by Ninyo & Moore, which was referenced in the IS, meets the requirements of State of California Division of Mines and Geology Special Publication 117.

Item 1.14 As discussed in the IS, page IS-29, groundwater in the area is not used as a source of domestic water supply. This entire area is served with domestic water provided by the Los Angeles County Waterworks District No. 29. In addition, the treatment facility has used subsurface disposal via leachfields to discharge the treated wastewater since 1963. The project

will not result in any changes to the quantity or discharge point of treated wastewater disposed to the subsurface. One of the primary goals of the project is to upgrade the plant to meet the new requirements of the RWQCB, which is the agency charged with protecting the beneficial uses of groundwater and surface water in California.

A year-long hydraulic connectivity study was conducted in accordance with the Waste Discharge Requirements for the plant. The study consisted of monitoring the groundwater and nearby surface waters, Trancas Canyon Creek and Trancas Lagoon, and evaluating available information. The results of the study were presented in the Trancas WPCP Hydraulic Connectivity Study Report (Lee and Ro, Inc., June 30, 2003). The report concluded that "No degradation of surface water quality from groundwater inflow to the pond or lagoon was found. No impact to surface water beneficial uses was found from the subsurface disposal of effluent from the Trancas WPCP."

Item 1.15 As discussed in the IS, page IS-29, the proposed project includes an emergency generator to operate the major treatment units during power outages. In the event of mechanical breakdowns or emergency repairs, the proposed replacement facilities will include greater treatment redundancy and backup provisions, such as a dual-train system, than the existing facilities.

The new landscape is located on the plant site and will be maintained by the LACDPW. Any damaged or destroyed trees/shrubs will be replaced by LACDPW. See also response to Item 4 above.

In accordance with standard design practices, the new tanks include adequate freeboard to prevent any liquid from splashing over the tanks (IS, page 34). The new biological process (aeration/anoxic tanks) will also be covered, as such, no foam or aerated particles will leave the treatment facility (*ibid*.). In addition, the State of California Department of Health Services was given a copy of the MND/IS during the public review period and provided no comments.

Item 1.16 The 75 pounds per day of reactive organic compounds (ROC) listed in the IS on page 30 is the threshold quantity that is considered significant, not the quantity to actually be produced. No increase in operation phase emissions is expected (IS, pages 4 and 31). In fact, the project will reduce the odor levels below that of the existing facilities (IS, page 32).

As discussed in the IS, page IS-29, the proposed project includes an emergency generator to operate the major treatment units during power outages. In the event of mechanical breakdowns or emergency repairs, the proposed replacement facilities will include greater treatment redundancy and backup provisions, such as a dual-train system, than the existing facilities.

Item 1.17 As discussed in the IS, page IS-33, the project site does not lie within an Environmentally-Sensitive Habitat Area as identified in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002).

Item 1.18 See response to Item 1.6 above.

Item 1.19 The project will not result in any changes to the quantity or discharge point of treated wastewater disposed to the subsurface (IS, pages 29-30). One of the primary goals of the project is to upgrade the plant to meet the new requirements of the RWQCB, which is the agency charged with protecting the beneficial uses of groundwater and surface water in California (*ibid.*). Also, the assertion that there is no recharge of the pond by surface water runoff is in error. Monthly observation shows that there is essentially continuous flow to the pond from the 60-inch storm drain located to the east of the pond as well as year-round intermittent flow from the 54-inch storm drain located near the end of the lined concrete channel (Trancas WPCP Hydraulic Connectivity Study Report, Lee and Ro, Inc., June 30, 2003). See also response to Item 1.14 above.

Item 1.20 As discussed in the IS, page IS-33, there are no sensitive coastal zones, marine resources or aquatic biota on the project site. The nearest sensitive area listed in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002) is the Trancas Creek/Lagoon. The Trancas Creek/Lagoon is approximately 220 feet southwest of the project area and screened by the raised leach fields and trees. Construction activities will be beyond the 100-foot buffer from the Trancas Creek/Lagoon. Landscaping added as part of the project will consist of native species (IS, pages 5, 37, 38, and 40). The proposed rehabilitation project will have no impact on sensitive coastal zones, marine resources or aquatic biota.

Item 1.21 The comment is in error. Gaseous chlorine, which does require leak detection, alarms, and scrubbers, is not proposed for use at the Trancas WPCP. Sodium hypochlorite in aqueous solution will be used for disinfection of the treated wastewater (IS, page 34). Disinfection is a new requirement of the Regional Water Quality Control Board. Sodium

hypochlorite is similar to household bleach and will be stored with secondary containment in compliance with State and local regulations (*ibid*).

Item 1.22 As discussed in the IS, page IS-37, the project is the rehabilitation of an existing wastewater treatment facility. The proposed structures will be below the existing tallest structures on site. Due to an ascending, approximately five feet grade change south of the proposed facility, the replacement structures will not be visible from Pacific Coast Highway, defined as a Scenic Road in the City of Malibu Local Coastal Plan (September 2002). The proposed facilities will be approximately 20 to 60 feet lower in elevation than the trails to the east and southeast of the plant site. The proposed project will not obstruct any significant or important scenic views. See also Items 2, 4, 1.3, and 1.11 above.

Item 1.23 As discussed in the IS, page IS-37, the Trancas WPCP is the rehabilitation of an existing wastewater treatment facility. The proposed improvements will be located in areas either directly adjacent to or presently occupied by the facility's structures. The correct height of the replacement tanks will be approximately 5 feet above the existing grade with a 3-1/2 feet high safety railings over the secondary clarifiers (IS, page 4). The proposed facilities will be no taller than the existing structures at the site. The aeration tanks will be covered (IS, page 4; also see response 2 above). The environmental setting of the project site is described on pages IS-6 and IS-7 of the IS. Potential aesthetic and recreational impacts are discussed on pages IS-37 and IS-38 of the IS and mitigation measures to reduce these potential significant impacts to less than significant are discussed on page IS-40 of the IS.

Extensive landscape screening has been included in the project to supplement existing vegetation and address visual screening concerns. As discussed on page IS-40 and illustrated in Appendix A of the IS, the proposed landscape plan contains a total of 49 trees, consisting of seven 36-inch boxed California Sycamore (approximately 12 to 16 feet tall and 6 to 7 feet wide at planting), eight 24-inch boxed California Sycamore (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), fifteen 24-inch boxed White Alder (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), and nineteen 24-inch boxed California Bay (approximately 4 to 5 feet tall and 2 to 3 feet wide at planting). The landscape plan also contains 131 shrubs in 5- and 15-gallon sizes. The landscape screening plan utilizes the largest and fastest growing native plant stock that is acceptable for the area and readily available at local nurseries. In addition to the landscape screening, the exterior of the replacement facilities, including the covers over the aeration tanks, will

have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape (IS, page 40).

The City of Malibu's letter of August 15, 2003, states that "the City is supportive of this landscape plan as a realistic solution to the concern over aesthetics." Also, the Santa Monica Mountains Conservancy's letter dated September 9, 2003, indicated that their previous concerns regarding potential visual impacts have been met by the MND/IS.

Also, landscaping as a mitigation measure is not per se inadequate if there is a chance of a natural event such as a fire or windstorm knocking it down. The LACDPW will replace any landscaping destroyed by any event, natural or otherwise.

Item 1.24 As discussed on page IS-37, a Phase I Archeological Resources Evaluation was conducted for the site by an archeologist approved by the City of Malibu and was included as Appendix B in the IS. Although the project is located within a sensitive archaeological area, the site has been extensively disturbed, with soil removed and replaced with leaching pipes and gravel beds to a depth of 10 to 15 feet. The area planned for the aeration tanks is the site of old leach fields installed in the 1960's. The raised leach fields to the south of this area are newer leach fields installed in the 1970's. No archeological resources are likely to be present in such a disturbed area.

Item 1.25 See response to Item 1 above.

Item 1.26 The trails surrounding the plant site are discussed in the Environmental Setting of the IS. In the IS, Figure 8 (provided by the National Park Service), shows the trails surrounding the plant site. As discussed in the IS, pages IS-37 and IS-38, native landscaping will be planted to partially screen and soften the appearance of the facility from public views to mitigate the potential impact to less than significant levels. Also, the exterior of the replacement facilities, including the covers over the aeration tanks, will have an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape. The landscape plan, which included the planting plan and visual simulations of the proposed improvements and landscaping from the surrounding trails, were contained in the IS, Appendix A.

All improvements will be located within the plant footprint and grassy area between the existing plant and raised leachfields. The grassy area was formerly a leachfield and has been extensively disturbed. The proposed improvements only replace approximately 0.06 acres of the grassy area

adjacent to existing structures, or about two percent of the plant site. The loss of open space is considered less than significant.

The proposed project area and the surrounding leachfields are a functional part of the treatment facilities and are not open space available for public use. The potential use of the plant leachfields for open space, parkland or homes is not practical because of safety issues as well as operational issues. Numerous monitoring points and distribution boxes extending above ground would be a trip hazard and any traffic over the leachfields would compact the soil so that it would lose leaching effectiveness. The leachfields are not suitable for recreational uses.

Item 1.27 The Trancas WPCP was originally constructed in 1963 and is an existing facility (IS, pages 3 and 27). All replacement facilities will be located within the existing plant footprint and grassy area between the existing plant and raised leachfields (*Ibid.*). The grassy area is part of the fenced treatment plant site, which is located contiguously with the housing development that the plant serves, therefore, the area is not an open space corridor (*ibid.*; IS, page 33). The aeration tanks will be covered and will not introduce views of roiling raw sewage (IS, page 4; also see response 2 above). The project will include extensive landscape screening (IS, pages 5, 37-38; IS, Appendix A; see also response to comment 4 above). As discussed in the IS, page IS-39, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Item 1.28 The aesthetic impact of the proposed facilities on the trail users and residences is addressed in the IS, pages IS-37, IS-38, and IS-40, and in the responses to Items 2, 4, 1.23, 1.26, and 1.27 above.

Item 1.29 See response to Item 1.4 above.

Item 1.30 See response to Item 1.11 above.

Item 1.31 See responses to Items 1.3, 1.11, and 1.26 above.

Item 1.32 The new WDR for the Trancas WPCP prohibits any additional hookups to the Plant outside the current boundary of the Consolidated Sewer Maintenance District, Trancas Zone (see also response to comment 1 above).

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

Item 1.33 See response to Item 1 above.

Item 1.34 The new landscape is located on the plant site and will be maintained by the LACDPW. Any damaged or destroyed trees/shrubs will be replaced by the LACDPW.

Item 1.35 The primary source of odor at the existing plant has been identified as the primary clarifiers (IS, pages 31-32). The replacement biological process does not include primary clarifiers and the wastewater is aerated to prevent anaerobic conditions (*ibid.*). Aerating the wastewater to control the development of anaerobic conditions has proven to be effective in eliminating odors (*ibid.*). The project is expected to reduce the odor levels below that of the existing facility (*ibid.*). See also response to Item 1.16 above.

Regarding reactive organic compounds, open-air aeration systems, and service interruptions at the Trancas WPCP, see responses to Items 2 and 1.16 above.

Item 1.36 See responses to Items 1, 2, 4, 1.11, 1.23, 1.26, and 1.27 above.

Item 1.37 See responses to Items 2, 4, 5, 1.11, 1.23, 1.26, and 1.27 above.

Item 1.38 See responses to Items 1.3, 1.11, and 1.22 above.

Item 1.39 A Phase I Archeological Resources Evaluation was conducted for the site by an archeologist approved by the City of Malibu and was included as Appendix B in the IS (IS, page 37). See also response to Item 1.24.

The Trancas Creek/Lagoon is shown on the Environmentally Sensitive Habitat Area (ESHA) map in the City of Malibu Local Coastal Plan (September 2002) (IS, page 6 and 33). The Trancas Creek/Lagoon begins at the end of the concrete lined flood control channel (IS, page 6). The project area is approximately 220 feet from the Trancas Creek/Lagoon and is screened by the raised leach fields and trees (*ibid*.); IS, page 33). Construction disturbances related to the project will occur well beyond the 100-foot ESHA buffer zone (*ibid.*). The distance from the Trancas Creek/Lagoon to the project area can be measured from Figures 6 or 7 in the IS.

Item 1.40 See response to Item 1 above.

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

Item 1.41 LACDPW staff met with members of Surfside Neighbors, Mr. Hanz Laetz and Ms. Julie Finke, on October 3, 2002, to discuss the proposed project. As a result of the meeting and comments received on the proposed project in 2002, covers were added to the aeration tanks and more extensive landscape screening was added to the project. The final MND will incorporate responses to written comments received from the Surfside Neighbors during the public review and will be considered by the Board of Supervisors for approval.

Item 1.42 The Initial Study has been prepared pursuant to the State CEQA Guidelines. The IS contained an environmental issues checklist including a discussion of impact levels to support the entries. Based on the IS, written comments provided during the public review period, and responses to the public comments, only two potentially significant effects were identified: Aesthetics and Recreation. Mitigation measures, as described in Section III.C of the IS, have been added to the project to reduce the potentially significant impacts to less than significant.

CHAPTER 2

Item 2.1 To determine whether an Environmental Impact Report (EIR) must be prepared, CEQA suggests that an initial study be prepared (State CEQA Guidelines, § 15063). The Initial Study has been prepared pursuant to CEQA and the State CEQA Guidelines (State CEQA Guidelines, § 15064). The IS contained an environmental issues checklist including a discussion of impact levels to support the entries. Based on the IS, written comments provided during the public review period, and responses to the public comments, two potentially significant effects were identified: Aesthetics and Recreation. Mitigation measures, as described in Section III.C of the IS, have been added to the project to reduce the potentially significant impacts to less than significant. Therefore, a MND was properly prepared.

Item 2.2 Although, the proposed project could have a potentially significant effects on the environment, there will be no significant effect because all feasible mitigation measures describes in Section III.C of the IS have been added to the project, and reduce the project's impacts to below a level of significance. No discussion of alternatives or statement of overriding considerations is required in a MND as there are no significant effects on the environment which need to be minimized by modification of the project.

Item 2.3 See response to Item 2.1 above.

Item 2.4 Section 15064 (a):
See response to Item 2.1 above.

Section 15064 (b):
Section II of the IS describes the environmental setting of the proposed project. The proposed project is the rehabilitation of an existing wastewater treatment plant and there will be no change in the existing use of the land.

Section 15064 (c):
The MND/IS has been prepared pursuant to CEQA and the State CEQA Guidelines and included informal consultation with responsible agencies and trustee agencies with permit authority over the project. The entire record of views expressed by public agencies and individuals was considered in the preparation of the MND/IS.

In accordance with CEQA laws, all responsible agencies and trustee agencies were also mailed a copy of the MND/IS directly or were notified through the State Clearinghouse. All organizations and individuals who had previously submitted written comments on the project were notified of the MND/IS and given the opportunity to provide comments. On June 19, 2003, the Malibu Times published a public notice that the MND/IS for the project was available for review.

Section 15064 (d):
The direct physical changes and reasonable foreseeable indirect physical changes in the environment which may be caused by the project, as noted in Section 15064(d), were evaluated in the IS (see in particular IS, pages 27-41).

Section 15064 (d) (1):
The dust, noise, and traffic of heavy equipment from construction activities and the odors from operation of the plant, as noted in Section 15064(d)(1), were evaluated in the IS, Environmental Issues Checklist, under air quality, noise, and transportation/circulation.

Section 15064 (d) (2):
See response to Item 1 above.

Section 15064 (e):
See response to Items 2, 4, 1.23, 1.26, and 1.27.

The Initial Study has been prepared pursuant to CEQA and the State CEQA Guidelines. The IS contained an environmental issues checklist including a discussion of impact levels to support the entries. Based on the IS, written comments received during the public review period, and responses to the public comments, two potentially significant effects were identified: Aesthetics and Recreation. All feasible mitigation measures, as described in Section III.C of the IS, have been added to the project to reduce the potentially significant impacts to less than significant. Therefore, a MND was properly prepared instead of an EIR.

Section 15064 (f) (1):
All the comments received during the public review period for the proposed project have been reviewed. No "fair argument" has been presented that would trigger the preparation of an EIR. Withdrawal of the 2002 draft negative declaration is not evidence of a fair argument that an EIR should have been prepared.

Section 15064 (f) (2):
See response to Item 2.1 above.

Item 2.5 Section 15065 (a):
As discussed in the IS, page IS-39, the project consists of the rehabilitation and upgrade of the existing wastewater treatment facilities to replace aging facilities and to meet new RWQCB requirements. The proposed improvement will be located in an area either directly adjacent to, or presently occupied by the existing facility. All construction occurs on a highly disturbed area currently used as a public wastewater facility. No archeological resources are likely to be present in such a disturbed area. The project site does not lie within an Environmental Sensitive Area as identified in the City of Malibu General Plan (November 1995) or the City of Malibu Local Coastal Plan (September 2002). The nearest Environmental Sensitive Area is the Trancas Creek/Lagoon (City of Malibu Local Coastal Plan, 2002), which is approximately 220 feet southwest of the proposed facility. All construction activities will be well beyond the 100-foot buffer from the Trancas Creek/Lagoon. No rare, threatened, endangered or sensitive animals, plants or natural communities occurrences in the Trancas area are reported in the California Natural Diversity Database. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal, or eliminate important examples of the major periods of California history or prehistory.

Section 15065 (b):
As discussed in the IS, page IS-39, the project does not achieve short-term goals to the disadvantage of long-term environmental goals because the purpose of the project is the rehabilitation and upgrade of the existing wastewater treatment plant. The rehabilitation project is necessary to continue operation, bring all facilities into compliance with the new WDR issued by the RWQCB, and accommodate existing flows.

Section 15065 (c):
As discussed in the IS, page IS-39, the proposed rehabilitation project is designed to accommodate existing flows and will not provide for any additional connections outside the existing Trancas Zone. No additional housing will be provided, and no infrastructure will be expanded to serve the project. As such, the project does not have impacts that are individually limited, but cumulatively considerable.

Section 15065 (d):
As discussed in the IS, page IS-39, the replacement tanks will include adequate freeboard to prevent any liquid from splashing over the tanks. In addition, the replacement biological process (aeration/anoxic tanks) will be covered similar to the existing facility, which has a covered biological process (rotating biological contactor with aeration) and open-top clarifiers and filters. The project will not involve the use of any chemicals on the Regulated Substance List of The California Accidental Release Prevention (CalARP) Program (California Code of Regulations Title 19, Division 2, Chapter 4.5). Hazardous and toxic materials stored or transported in association with the project would include fuel and sodium hypochlorite. Fuel for the generator will be stored in an integral double-walled tank and sodium hypochlorite will be stored in a canopied containment area. The project does not have environmental effects that will cause direct or indirect substantial adverse effects on human beings.

Item 2.6 See response to Item 2.1 above.

Item 2.7 See response to Item 2.1 above.

Item 2.8 All the comments received during the public review period for the proposed project have been reviewed. No "fair argument" has been presented that would trigger the preparation of an EIR.

RESPONSES TO SURFSIDE NEIGHBORS COMMENTS

CHAPTER 3

Item 3.1 The Trancas WPCP operates under the WDR permitted by the RWQCB and is not a nuisance. The rehabilitation project is being performed primarily to meet new requirements of the WDR (IS, page 3). The RWQCB was given a copy of the MND/IS and provided no comments.

Item 3.2 See response to Item 3.1 above.

Item 3.3 See response to Item 3.1 above.

CHAPTER 4

See response to No. 7 above.

CHAPTER 5

See response to Item 1.4 above.

CHAPTER 6

In accordance with CEQA laws, all responsible agencies and trustee agencies were mailed a copy of the MND/IS directly or were notified through the State Clearinghouse. All organizations and individuals who had previously submitted written comments on the project were notified of the MND/IS and given an opportunity to provide comments. On June 19, 2003, the Malibu Times published a public notice that the MND/IS for the project was available for review. The LACDPW will respond to all comments it received. The LACDPW did not receive any comments from the RWQCB.

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Trancas Water Pollution Control Plant
Rehabilitation Project
6338 Paseo Canyon Drive
Malibu CA

Mr. Bouse, 20 July, 2003

This letter is to furnish comments on the proposed Trancas Water Pollution Control Plant Rehabilitation Project as delineated in the following documents:

- the 2003 Notice of Intent To Adopt A Mitigated Negative Declaration (subsequently referred to as the 2003-MND);
- the 2003 Initial Study (2003-IS); and
- the 2002 Draft Negative Declaration (2002-DND).

These comments are responses to the so-called "rehabilitation" plans issued by the County of Los Angeles, Department of Public Works, Consolidated Sewer Maintenance District, Trancas Zone. We note that the accurate label in this case should be "expansion plan" as the scope of this project will substantially increase the treatment capacity of the Trancas Plant, and introduce open sewage aeration tanks to a plant that has substantially used enclosed treatment facilities since its construction in 1963.

Since it appears that certain portions of the 2002-DND are still operative, and are not contradicted by the 2003-IS or 2003-MND, our comments will have to address all three documents.

We speak for the consensus reached by homeowners who live on a prominent hillside that overlooks the plant from the southeast We contend the proposed Mitigated Negative Declaration finding is fatally flawed on dozens of key points. This letter will prove the County's findings violate California and federal environmental and water quality laws. As far as the proposed Mitigated Negative Declaration and Initial Statement, numerous

and egregious errors render it useless in determining the Project's true, deleterious and significant impact on the surrounding ecosystem, scenic viewsheds, recreational facilities, archaeological relics, homes, open space and Environmentally-Sensitive Habitat Areas (ESHAs).

We note that in 1995, under the order of the Regional Water Quality Control Board (RWQCB), Los Angeles County began designing the proposed reconstruction of the Trancas Wastewater Facility. This plan includes a 13 percent expansion of the plant, and the introduction of open-topped sewage aeration lagoons to replace existing closed-chamber sewage treatment facilities. Both the expansion and introduction of new industrial processes clearly brings this Project under California Environmental Quality Act (CEQA) authority.

Residents filed extensive objections pointing out more than 40 errors in the 2002-DND. Those documents also detailed the 20-plus factors that should have triggered a mandatory Environmental Impact Statement on the project. Residents pointed out that public agencies had not been notified about the proposed negative declaration as required by CEQA. And residents delineated the violations of the California Water Code that would occur had the project been built as detailed in the 2002-DND. These objections resulted in the 2002-DND being withdrawn by the County, and the County returned in Summer 2003 with its latest documents.

This 2003-MND includes several changes to lessen the visual impact on adjacent parklands, recreational uses and residences. The residents contend that these changes are insufficient as they rely solely on trees and shrubs to screen the expanded sewage plant's aeration ponds from their homes and nearby parklands. The County horticulturist says the trees and shrubs will need as long as 10 years to grow in, will never block more than a portion of the view of the raw sewage, and will never be fire or windstorm-proof in a region where wildfires are endemic and 80 mile-per-hour wind gusts have been measured during frequent Santa Ana windstorms.

Residents have asked for an inexpensive tennis-court style fence to be placed behind the trees on the plant's eastern boundary, to supplement the row of trees as visual impediments to seeing

the raw sewage. This fence would be a copy of the tennis court fences immediately to the east of the parkland, and would be substantially screened once the landscaping matures. The fence would prevent parkers and residents from being exposed to raw, roiling sewage aeration vats that will be introduced to this site for the first time as a result of this project. The fence would be far preferable to recreational users of the trails and open space adjacent to the plant, as opposed to the raw sewage pools and industrial appurtenances.

The County claims it has tried to address our concerns and include this fence in the 2003-MND, but says it has run into opposition from the National Park Service and California Coastal Conservancy on the fence issue. These agencies supposedly would prefer that parks patrons are subjected to an industrial sewage plant behind trees, as opposed to a green fence behind trees, until the landscaping grows in fully.

The County is also concerned about the coastal permit impasse between the City of Malibu and the California Coastal Commission, which could delay the modification of the existing coastal permit. That said, the County says it still has not given up on modifying the existing plan to include the fence.

The residents remain adamantly opposed to any sewage plant reconstruction and expansion plan that will introduce new sewage aeration technologies and impacts into Trancas Canyon unless the new processes are fully screened from existing open space, trails and residential areas.

The Malibu West Homeowners Association, whose members are financially responsible for nearly all of the sewage plant project, are reportedly in agreement with us. The City Council has asked staff to support the fence, although this request was made at the last City Council meeting and it is unknown if staff has acted on that request yet.

Based on the fact that such simple, inexpensive and unobtrusive screening is not included in the County's 2003-MND, we affected neighbors have no alternative but to demand that the County withdraw the current proposed Mitigated Negative Declaration, conduct a full EIR, and as a result design a plant that will fully comply with CEQA and the California Water Code (CWC).

We residents point out that the current Mitigated Negative Declaration on the table remains insufficient to meet the County's obligations under CEQA, and that as an affected party we residents hereby again assert our right to a full Environmental Impact Report on the Trancas Plant Expansion.

We have found errors in five broad sections of California and federal law: the County did not prepare a complete Environmental Impact Report as plainly and repeatedly required by CEQA and Title 14; the County made a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project that is riddled with errors and omissions; the County has violated the CWC by misleading the Los Angeles RWQCB in obtaining permits for the Project that contravene the CWC in that they allow a Project Expansion which will establish a new wastewater facility that meets the statutory definition of "wastewater nuisance"; and the County violated federal Environmental Protection Agency (EPA) regulations by failing to properly maintain and finance the Trancas Plant after its 1977 reconstruction, causing the present Plant to fail prematurely and precipitating this entire disaster; and the County has obtained an Coastal Development Permit from the California Coastal Commission by using as supporting documents the 2002 Draft Negative Declaration (2002-DND), a document that was rife with errors and misled the commission on the true impacts of the Plant Expansion Project.

These sections will be discussed in six chapters: (1) the errors of the 2003 Initial Study; (2) CEQA/Title 14 violations; (3) violations of the CWC; (4) bad faith actions by the County that have precluded additional state or federal funding; (5) the Project's failure to obtain a Coastal Development Permit, given that such a permit was granted in 2002 but was based on the 2002 CEQA documents that were withdrawn by the County as a result of their hopeless inadequacies, and (6) final notes based on additional research with affected public agencies.

1. Errors in the 2002 and 2003 Initial Studies

Like the 2002-DND and Initial Study, the 2003 Initial Study is rife with errors, misstatements and failures to observe pertinent local environmental conditions.

Item 1.1 In section 1 Part A BACKGROUND AND NEED FOR THE PROJECT (page IS-3), the 2003-IS misstates the scope of the project by neglecting to mention that the Project will include substantial expansion of sewage capacity. Current average daily dry weather flow of 75,000 gallons per day (GPD) will be increased 13.33 percent to 85,000 GPD; and that peak flow capacity will be increased 46.67 percent from 150,000 to 220,000 GPD. A 13 percent capacity increase in daily capacity, and 46 percent increase in peak capacity, is hardly a "rehabilitation project", but is in actuality a substantial expansion project.

Item 1.2 Also in section 1 Part A BACKGROUND AND NEED FOR THE PROJECT (page IS-3), the 2003-IS misstates the cause of the decrepit condition of the plant. As ratified by the state Water Quality Control Board (Cal-WQCB), further in a subsequent section of these comments, the Trancas Plant was deliberately allowed to deteriorate by Los Angeles County, which cut off maintenance funds in the mistaken belief that the Trancas Plant could be abandoned in the 1990s, when its hoped-for and ill-fated Malibu Regional Collector Sewer was to have been completed. The possible failure of this Plant is a direct result of Los Angeles County policy-making, and placing its reconstruction burden on the backs of Zone residents is unconscionable. Forcing innocent neighbors to bear significant environmental burdens for these blunders is even more loathsome.

Item 1.3 In Section 1 Part B PROPOSED REHABILITATION PROJECT, the 2003-IS inaccurately describes the site for the replacement facilities (or more accurately, the expansion facilities) as an extensively-disturbed area. As visible in the 2003-IS's color

photographs, particularly FIGURE 4 and EXHIBIT 2, the location of the proposed expansion facilities is part of a savannah-like open space corridor that links the Santa Monica Mountains National Recreation Area (SMMNRA) to Zuma Beach County Park. This so-called "extensively disturbed" area is indistinguishable for other open space in the canyon, including lands recently brought under control of the National Park Service.

Item 1.4 In Section C. REQUIRED AGENCY PROJECT APPROVALS, page IS-5, the 2003-IS inaccurately summarizes this proposed project as having been approved on August 27, 2002 by the California Coastal Commission (CCC). As to be discussed in a subsequent chapter of our comments, the CCC approved a project based on the wildly inaccurate conclusions made by the 2002-DND. We remind the reader that the 2002-DND was apparently dropped by the County after we pointed out 42 specific errors in the 2002-DND. The Coastal Commission and its staff could not have made an accurate assessment of the project based on these erroneous CEQA documents. Clearly, once the project as described in 2002's CEQA findings was dropped by the County, the Coastal Development Permit based on those inaccurate documents was itself rendered null.

Item 1.5 In Section II ENVIRONMENTAL SETTING, page IS-6, the site is again inaccurately described. What is described merely as "ascending canyon slope" is in fact also a National Park Service holding that will soon be developed into a public trailhead. Nor is the fact that the land immediately south of the plant is to be deeded as a public recreation easement for management for the City of Malibu or National Park Service by the Malibu Bay Company as a part of its Malibu Development Agreement with the City.

Item 1.6 In Section II ENVIRONMENTAL SETTING, page IS-6, the wildlife that has been observed on the site has been erroneously described. In addition to the "small mammals and reptiles" mentioned by the 2003-IS, bobcats have been seen on the site by residents. Protected raptors such as redtail hawks are frequently seen perched on trees inside the site perimeter

fence, and frequently hunt for small mammals by riding the winds that rake over the SMMNRA lands to the immediate east of the plant.

Item 1.7 In Section II ENVIRONMENTAL SETTING, page IS-6, the five trails that envelope the plant site are erroneously described as "proposed and existing unofficial trails." In fact, all five trails are identified on the City of Malibu's Master Trails Plan, enacted in 2002. All five trails have been in public use for decades, and in the case of the Chumash Trail, for centuries. What is identified as the "Zuma Ridge Trail" is actually the city's Morning View Connector Trail. The Trancas Canyon Trail does not run on the west side of Trancas Creek, it runs along the east side of the creek and terminates at the plant site. While it is heartening, we must add, to see that the County's 2003 documents recognize the trails that went undetected in the 2002 CEQA documents, the errors here again serve to understate the recreational uses of Trancas Canyon, and the impact of improper screening of raw churning sewage upon such uses.

Item 1.8 In Section II ENVIRONMENTAL SETTING, page IS-6, Trancas Creek is erroneously described as a creek "that begins at the end of a concrete lined flood control channel". In fact, Trancas Creek begins at least 8 miles north of the plant site and is contained in the cement channel only for a few hundred yards adjacent to the Malibu West subdivision. This inaccuracy only fosters the belief that the proposed project is in a highly-developed area when in fact it is in a substantially-wild area.

Item 1.9 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-17, Section I, question a), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal) conflict with the land use as designated based on the review of the General Land Use Plan/Zoning Districts Map?" The City of Malibu has zoned this land as open space in its Interim Zoning Plan, and the introduction of open sewage raceways is a nonconforming use of

the most egregious nature. City of Malibu staffers last year said they would consider the planned expansion a nonconforming use that would require rezoning by the City of Malibu. Such rezoning has neither been sought nor granted.

Item 1.10 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-17, Section I, question b), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal) conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?" As a result of AB 88, the State of California has created a Local Coastal Plan (LCP) for the area of the City of Malibu, and has charged the City with enforcing it. Prior to that transfer of authority in 2002, the County had obtained a Coastal Development Permit from the California Coastal Commission for the Trancas Project. That permit was based on the documentation provided in the ill-fated 2002 Declaration of Negative Impact, a document that was rejected by the County itself after the undersigned raised 42 specific objections to its factual inaccuracies. Given that the 2002 Declaration has been abandoned by the County due to its deficiencies, the Coastal Permit that was based on those inaccurate findings and that was issued by the Coastal Commission is null and void.

Further, given that the authority for granting Coastal Development Permits in Malibu has been transferred by state law to the City of Malibu, and given that California courts have upheld AB 88 and the specific LCP created by the state on behalf of its citizens for the Malibu area, only the City of Malibu can grant the Project a Coastal Development Permit. Given the fact that the 2002 Coastal Development Permit has been made null and void by the County's own actions, and given that no application has been made by the County with the City, this Project currently has no valid local zoning or environmental plan, and no development can continue without such permits.

In this checklist item, the 2003-IS statement that there is "no impact" on local environmental plans is inaccurate at best.

Item 1.11 In SECTION III, DETERMINATION OF IMPACTS, A

ENVIRONMENTAL ISSUES CHECKLIST, page IS-17, Section I, question b), the Initial Statement says there will be "no impact" in regards to the question "(will the Proposal) disrupt or divide the physical arrangement of an established community?" The Initial Statement does not address the visual impact of a 10-foot-high concrete open-topped tank bisecting an open space lying in an environmentally-sensitive area. The tank will effectively bifurcate the open space corridor linking Zuma Beach with the Trancas Canyon section of the Santa Monica Mountains National Recreation Area. "No impact" vastly understates the true impact of the Project, which is "Potentially Significant".

Item 1.12 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-17, Section II, question c), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal)" induce substantial growth in an area either directly or indirectly?" The "no impact" response is totally inaccurate given the fact that the Project includes a 13.3 percent increase in general capacity and a 47 percent percent increase in wet weather capacity. The 2002-IS does not address whether additional sewage hookups or new development will be fostered by this Project. In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-18, Section III, question f), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) development within areas defined as having high potential for water or wind erosion?" The Plant is located in a canyon susceptible to Santa Ana winds that have been routinely measured in excess of 80 miles per hour. The possibility of partially treated or raw sewage foam, effluent, evaporate or other particles blowing from open air "dual-train extended aeration treatment basins" is not addressed at all. "No impact" vastly understates the true impact of this aspect of the Project, which is truly "Potentially Significant".

Item 1.13 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-18, Section III, question i), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result

in) "development within an area subject to liquefaction". In Section I of the 2002 CEQA documents, the Initial Statement notes "high groundwater ... infiltration was noted and determined to be entering this system through private house laterals." Given that the Plant is located on alluvial dirt, at only 12 feet above sea level, in an area immediately adjacent to an area described as subject to substantial liquefaction during earthquakes, tsunamis or seiche waves, the potential for structural failure due to soil failure makes the Initial Statement's "no impact" understate the true impact of the Project, which is "Potentially Significant".

Item 1.14 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-18, Section III, question j), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) "development over a known groundwater aquifer." Historic records indicate wells existed at Trancas for many years prior to the arrival of domestic water supplies via pipeline from the Topanga Canyon and Big Rock Mesa wellfields. Future regional water shortages may necessitate ground water pumping in western Malibu. In addition the Initial Statement does not adequately address the likelihood that partially-treated wastewater is migrating from the Plant to the tidal estuary at Trancas Lagoon.

Item 1.15 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-18, Section III, question j), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) development within the area subjects high winds and/or fire hazards". As detailed above, high winds routinely sweep this canyon. And although no brushfire has in recent times struck the Plant site, it was only last January that a windwhipped blaze burned more than 100 acres in 4 hours just to the west of the Plant site. The Initial Statement does not address the possibility of that happening, or of access to the plant by workers being interrupted for many days due to fires, landslides or other road closures elsewhere in Malibu and the Santa Monica Mountains.

While the Initial Statement of 2003 relies on extensive new plantings to provide critically-important visual screening of raw roiling sewage from adjacent trails, open space and houses, it does not specify how that crucial mitigation landscaping will be maintained, or replaced if damaged or destroyed in windstorms or fire.

And importantly, the Plant is not designed to prevent the 80 m.p.h. winds from sweeping through the open tanks, blowing accumulated foam and other aerated particles out of the tank, off the plant site and onto adjacent fruit trees and vegetable gardens owned by private homeowners and situated less than 60 feet from the tank site.

Item 1.16 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-20, Section V, question d), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) create objectionable odors". Although engineers describe the open air raceway concept as odor free, we note that the Initial statement states the Plant will emit into the atmosphere 75 pounds per day (PPD) of reactive organic compounds (ROC) during its operation phase. Reactive organic compounds are not inert, and smell bad. Common summer winds blow from the plant to the houses in the Malibu Park district. Sulfurous nighttime fogs have been known to envelop the existing substandard plant. And breakdowns and service interruptions are well-known occurrences at all wastewater treatment plants, and can be anticipated at Trancas. The likelihood of just such an occurrence involving the open-air aeration system, exposed to the elements such as wind and evaporation, must be addressed. Breakdowns or situations where the Plant will operate at less than 100 percent efficiency are not explored. The Initial Statement depiction of this as a "less than significant impact" is outrageous. The significant impact of these odors must be identified and mitigated.

Although county engineers assure us that the Plant will emit fewer odors after it is reconfigured, we must note that the same county engineers allowed the Trancas Plant to operate in flagrant violation of its permit and state laws in the Spring of 2001, when a piece of excrement-treating equipment failed and was allowed to dry in the sun and open air for six weeks. This

equipment, called a digester, was coated with raw solid waste and created a significant odor, fly and windborne debris problem for six weeks! The operators of the plant have acknowledged that this was a health hazard and a violation of state environmental and health laws, as wells as the Plant's RWQCB permits, and they have apologized to us for it.

Frankly, the County's credibility in this regard has been strained. The county's new assurances do not convince us that there will be no smell, nor will they mitigate the horrendous impact our neighborhood felt when subjected to the smell and particles of windborne primary sewage. And: they do they assure us that future operations of the plant will not include similar failures.

This information should have been included in the Initial Statement because the longterm viability of the Plant, the County's ability to respond to breakdowns and emergencies, and its ability to live within the RWQCB permits, are all seriously impugned by its track record of flagrant violations at the Plant. This information should have been included in this section.

Item 1.17 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-21, Section VII, question a), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) "development within a Environmentally-Sensitive Area as identified in the general plan". As the California Coastal Commission, in accordance with new state law, is formulating a new general land-use plan for the Malibu municipality, it is possible that this Plant site will be designated an Environmentally-Sensitive Habitat Area. "No impact" vastly understates the true impact of this aspect of the Project, which is likely to be designated Environmentally-Sensitive Habitat Area.

Item 1.18 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-21, Section VII, question a), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result

in) "impacts to endangered, threatened, or rare species or their habitats (including, but not limited to, plants, mammals, fish, insects and birds)." This is laughable. Endangered frogs, salamanders, and fish have been observed immediately adjacent to, and on the site of, the Plant and along Trancas Creek and its estuary. Endangered mammals such as bobcats have been seen at the Plant. Migratory birds, including egrets, herons, least terns, geese and ducks routinely stop at the year round estuary immediately south of the Plant, an estuary that likely contains subsurface water from the Plant.

This year, three redtail hawks have been seen frequently sitting in the eucalyptus trees at the Plant's southeast corner, less than 30 feet from the Project's site for proposed open-topped roiling sewage raceways. These federally-protected birds are not mentioned in the 2003-IS, a critical failure.

Item 1.19 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-21, Section VII, question b), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) impacts to endangered, threatened or rare species or their habitat (including but not limited to plants, mammals, fish, insects and birds?" A saltwater/freshwater marsh exists in the bed of Trancas Creek immediately to the southwest of the Plant. A pond exists there in all but the driest years, and subsurface water can be the only source to replenish water lost to evaporation, as there is no runoff, creekwater or tidal flow entering the pond. Given that the leachfields are adjacent to this pond, the overall impact of the quality and quantity of subsurface runoff from the leachfields to the pond and its wildlife must be more-thoroughly addressed.

Item 1.20 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-21, Section VII, question e), the Initial Statement says there will be "no impact" in regards to the question "(will the proposal result in) impacts to sensitive coastal zones, marine resources and, or aquatic biota." In the Local Coastal Plan enacted by the California Coastal, the plant site straddles two rare and sensitive coastal zones: a coastal estuary and a hillside

coastal sage environment. The Plant is currently infested with noxious weeds and imported invasive flora such as wild fennel. No mitigation of this habitat destruction is mentioned or planned, making the Initial Statement's "no impact" finding inaccurate at best.

Item 1.21 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-22, Section IX, question a), the Initial Statement says there will be "less than significant impact" in regards to the question "(will the proposal) "use, store, transport or dispose of hazardous or toxic materials (including but not limited to oil, pesticides, chemicals or radiation". The onsite storage and use sodium hydrochloride is "potentially significant" in that steps must be taken to automatically detect chlorine leaks and alert authorities and neighbors to the danger.

Item 1.22 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-24, Section XIII, question a), the Initial Statement says there will be "no impact" in regards to the question "could the proposal result in ... permanent obstruction of any significant or important scenic view based on evaluation of the viewshed verified by site survey/evaluation?" Despite the strides made by the County since its 2002 CEQA documents were laughed out of consideration, and even with the permanent fence visual screen being demanded in these comments, "no impact" is laughable on its face. The Project's intrusion of industrial wastewater aeration facilities into what is now an undisturbed, wild-appearing open meadow will completely degrade existing, important scenic views.

Residents and users of park facilities will be subjected to extensive degradation of the wild experience of this quiet canyon during its construction phase. Then, in the 10 years that the County horticultural consultant says it will take for the landscaping to grow in, significant and important scenic views of the ocean, canyon and mountains will be substantially degraded by the Project. After the inevitable fires or windstorms sweep the area, the degradation will return until the trees once again grow in.

The replacement of natural-appearing open space with unscreened open-topped roiling sewage tanks is hardly "no impact". In actuality, the mitigations planned by the County serve as an acknowledgment that the "no impact" finding is false. We contend that the true impact is significant, and without with the permanent screening we ask for, there is in fact no mitigation. The correct response to this question is "potentially significant impact", and we would argue that the word "potentially" is incorrect, as well.

Item 1.23 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-24, Section XIII, question b), the Initial Statement says there will be "no impact" in regards to the question "could the proposal result in either temporary or permanent obstruction of any significant or important scenic view based on evaluation of the view verified by site survey evaluation?" The finding of no impact can only be explained by the report's negligence and deficiencies in summarizing the adjacent National Park Service holdings, public pathways, primary residential viewsheds, and rural character of Trancas Canyon.

The replacement of existing open space with a 10 foot-high open sewage aeration tank, visible to nearby park or footpath users and residents, is a *most-significant aesthetic degradation*. The 2002-IS called this imposition "no impact" was so ludicrous on its face it put the veracity of the entire Initial Statement in grave doubt.

But the 2003-IS holds that this impact is "potentially significant unless mitigation (is) incorporated." Clearly, as will be discussed in the next chapter, the County admits here it is obligated to incorporate mitigation for the Project. Temporary, vulnerable screening such as trees and bushes does not fulfill that requirement, meaning that the correct answer to this matrix question is "potentially significant impact" - in fact, the word "potential" is not accurate here, there will be a significant degradation of important scenic views from several trails, acres of open space, and numerous residences.

Item 1.24 In SECTION III, DETERMINATION OF IMPACTS A

ENVIRONMENTAL ISSUES CHECKLIST, page IS-24, Section XIV, question a), the Initial Statement says there will be "no impact" in regards to the question "could the proposal result in development in a sensitive archaeological area as identified in the general plan?" And in Question b), the matrix asks "could the proposal result in the alteration or destruction of a prehistoric or historic archaeological site by development within an archeological sensitive area?" Contrary to the Initial Statement, which claims "less than significant impact", the impact of this proposed Project is indeed potentially significant. There is historical record of a large Chumash Indian fishing village present at the Plant site in pre-Columbian, colonial and territorial days. Although there are raised leachfields immediately to the south of the proposed site for the aeration tanks, the actual specific location planned for the tanks appears to be at natural grade, and there is no reason this specific site would have been graded in the Plant's construction back in the early 1960s. Further, minor surface disruption would not have substantially disturbed subsurface artifacts. Given the large Chumash village that existed here in historical records, it is easy to predict that archaeological artifacts exist below grade. Digging in this area is a "potentially significant impact" on those artifacts, yet the Initial Statement says "less than serious impact".

Item 1.25 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-25, Section XV, question a), the Initial Statement says there will be "no impact" in regards to the question "could the proposal increase the demand for neighborhood or regional parks or other recreational facilities?" Given the 47 percent increase in capacity of the plant as envisioned in this Project, it is very likely that the Project could spur additional development in ESHAs and other areas of Trancas Canyon and vicinity. The Victoria Point neighborhood was annexed into the Trancas Zone when development there caused wastewater treatment problems in the form of septic tank failures downhill from those new homes. The increase in capacity at Trancas Wastewater could spur similar development.

Item 1.26 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-25, Section XV, question

b), the Initial Statement says there will be "potentially significant" impact in regards to the question "could the proposal affect existing local or regional recreational opportunities?" Not addressed at all the in 2003-IS is the likelihood that the Trancas Wastewater Plant sits squarely in a recreational corridor that could incorporate open space occupied unobtrusively by the Plant's leachfields. To the east is National Park Service. To the south is Malibu Bay Company property along Trancas Creek that will be deeded to the National Park Service or City of Malibu. Wrapping around 3 sides of the plant are 5 major, officially-recognized recreational trails, one of which has significant historical significance, having been used by Indians since before the arrival of europeans.

The Initial Statement also does not mention the chronic shortage of level public land that can be used for recreational pursuits in Malibu and the possibility that open land currently used as a leach field for the Plant could be used for recreational purposes.

The construction of an open sewage tank in the middle of this open space would significantly degrade the area and lessen its appeal as a parkland. The current planned mitigation is insufficient to protect these parklands.

Item 1.27 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-25, Section XVI, question a), the Initial Statement reports "no impact" to the question "Does the project have the ability to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species ... or eliminate important examples of the major periods of California prehistory?"

The Project will introduce unscreened visual impacts of roiling raw sewage in a mostly-wild open space corridor abutted by national parkland, and the Initial Study says "no impact"? This finding is contradicted by common sense, not to mention numerous other sections of the 2003 Initial Study. The "potentially significant impacts" have not been correctly mitigated, but are alluded to throughout the 2003-IS, and commented upon here. This section fatally underestimates the true impact of this Project on Trancas Canyon.

Item 1.28 In SECTION III, DETERMINATION OF IMPACTS, A. ENVIRONMENTAL ISSUES CHECKLIST, page IS-26, Section XVI, question d), the Initial Statement answers "no impact" to the question "does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?"

Even with the young bushes and saplings that will be planted south and east of the Plant, recreation users and residents alike will be subjected to unimpeded views of aerating sewage, industrial appurtenances, maintenance workers and other intrusive visual impacts. In many cases, these negative impacts will be introduced into the primary viewsheds of residents living downstream but uphill from the Plant. Such visual treats as roiling sewage, foam, clarifying units and other delights are not currently visible from these houses, but even if they were, such negative impacts would have to be removed as the Plant is expanded and rehabilitated.

Again, the "no impact" answer is laughable on its face.

Item 1.29 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, I. LAND USE AND PLANNING, section b), page IS-27, the Initial Statement notes that "a Coastal Development Permit will be required from the California Coastal Commission." We agree, and will hold the County ot its 2003 commitment as stated on Page IS-27 to obtain to follow the law in this case and obtain a new Coastal Development Permit, based on the 2003 CEQA documents.

Item 1.30 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, I. LAND USE AND PLANNING, section b), page IS-27, the Initial Statement claims that "the proposed improvements will be located in areas either directly adjacent to or presently occupied by the existing facility's structures. As plainly visible on various attachments in the 2002-IS's appendix, this project will drastically alter the current visual impact of a grassy open area. The project location for the disputed aeration tanks will be bounded only one one side by

existing facilities other than underground leachfields, which present no visual impact other than that of open space. This open space provides a central visual and aesthetic link between significant and prominent areas of open space to the northeast, east, south and west. For the 2002-IS to claim that "the project does not disrupt or divide the physical arrangement of a community" is an egregious misstatement of the truth and evidence that the County's rush to get this Plant built is still more important than an accurate assessment of the environment.

The fact is that the expansion of the Trancas Plant and introduction of outdoor sewage aeration for the first time, in tanks that are virtually unscreened from adjacent houses and recreational spaces, will seriously disrupt the physical arrangement of Trancas Canyon.

Item 1.31 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, II, POPULATION AND HOUSING, section a), page IS-27, the Initial Statement maintains that "the existing use of the site is a wastewater treatment facility." While that is true for the northern third of the site, which is tucked away and substantially hidden from view by the contours of the hillsides, the central and southern thirds of the plot are underground leachfields that are for all intents and purposes undeveloped open space.

Item 1.32 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, II, POPULATION AND HOUSING, section c), page IS-27, the Initial Statement maintains that "the proposed design capacity of the Trancas WPCP will not provide for any additional connections outside of the existing Trancas Zone." The Proposal does not include and legal language prohibiting additions to the zone, nor does it prohibit subsequent additions to the Trancas WPCP to accommodate existing or future development adjacent to or near the existing Zone.

Item 1.33 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, III, EARTH RESOURCES, page IS-28, the Initial Statement maintains this Project is a rehabilitation

project only, when in fact this Project includes a 13 percent in general treatment capacity and 47 percent increase in wet weather capacity.

Item 1.34 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, III, EARTH RESOURCES, Section k, page IS-29, the 2002-IS notes the proclivity of wildfires in the vicinity of the Plant. This section says operation of the Plant will not be affected by any wildfire that may strike the Plant itself. But left unaddressed is any discussion of how the landscaping, which is relied upon as the exclusive mitigation for the Plant's deleterious visual impact, will be replaced in the event of fire or other natural disaster, such as insects, windstorms, etc.

Item 1.35 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, V, AIR QUALITY, section d), pages IS-31 and IS-32, the 2002-IS notes that "odors are always associated with wastewater treatment plants." Although engineers describe the open air raceway concept as odor free, we note that the Initial statement states the Plant will emit into the atmosphere 75 pounds per day (PPD) of reactive organic compounds (ROC) during its operation phase. Reactive organic compounds are not inert, and smell bad. Common summer winds blow from the plant to the houses in the Malibu Park district. Sulfurous nighttime fogs have been known to envelop the existing substandard plant. And breakdowns and service interruptions are well-known at all wastewater treatment plants, and can be anticipated at Trancas. Such an occurrence using an open-air aeration system, exposed to the elements such as wind and evaporation, must be addressed. Breakdowns or situations where the Plant will operate at less than 100 percent efficiency are not explored. The Initial Statement depiction of this as a "less than significant impact" is outrageous. The significant impact of these odors must be better identified and mitigated.

Item 1.36 In SECTION XIII, DETERMINATION OF IMPACTS, B. AESTHETICS, page IS-37, the 2002-IS again erroneously describes the Project's scope as "rehabilitation of an existing wastewater treatment facility," and mischaracterizes the scope by not

mentioning the substantial capacity increases, nor the introduction of new open-air aeration technologies into a largely-undisturbed open space area. The 2003-IS again makes the outrageous claim that introducing open sewage tanks into viewsheds shared by homes and recreational trails "will not obstruct any significant or important scenic views."

This statement is an insult to the people whose homes directly overlook this site, and whom will not have adequate or permanent visual screening from the open-topped tanks. The replacement of existing open space with a 10 foot-high open sewage aeration tank, visible to nearby park or footpath users and residents, is a most significant aesthetic degradation. To hold that this imposition will have "no impact" is ludicrous on its face and puts the veracity of the entire Initial Statement in grave doubt. As in last year's comments, we strenuously object to this.

Item 1.37 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, B. AESTHETICS, section b), page IS-37, the 2002-IS once again erroneously describes the Project's scope as "rehabilitation of an existing wastewater treatment facility."

In addition, the 2003-IS acknowledges that "the replacement facilities will be more centrally located on the property than the existing structures (see Figure 6), making them a potentially significant aesthetic impact to the trail users and residences on the adjacent hills east of the site." The Initial Statement does not acknowledge that the fundamental change in the nature of the new facilities will make the visual impact much more prominent and substantially degraded, as viewed from parkland and houses bordering the site.

But, it is heartening to see the language changes in this year's CEQA documents, which is the only written acknowledgment we have received confirming that our most-significant objections from last year have been confirmed by the County.

Other language in this 2003-IS paragraph detail the landscaping mitigation being drafted to address this issue. As belabored elsewhere in these comments, the rate of landscaping maturation,

percentage of visual blockage, hardiness and durability of these plants, susceptibility to fire or wind damage, and other issues regarding the transitory and nonpermanent stature of these mitigating features is not addressed, In other words, the residents demand that a fence go behind the lovely landscaping to ensure that the sewage froth doesn't peak out from behind the branches.

Item 1.38 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, XV, RECREATION, Section d) page IS-38, the 2003-IS says "no open space will be affected by the rehabilitation project." This is a ludicrous statement on its face. The County's own documentation for the 2003-IS shows that the very essence of the nature of the Project Site is that of open space. Exhibit 3 plainly shows the "Proposed Replacement Facilities" encroaching from the north to south into the open space that makes up two thirds of the Trancas Plant site. Exhibit 2 also shows the encroachment path for the proposed expansion of the industrial site.

Item 1.39 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, XVI. MANDATORY FINDINGS OF SIGNIFICANCE, statement a), page IS-39, the plant site is again misidentified as "a highly disturbed area" when in fact there is significant question as to whether the at-grade location has in fact been plowed or graded during the 1963 construction of the Plant. The archeological survey only guesses as to what is below the surface.

The Initial Statement's measurement of 220 feet from the plant boundary to the Trancas Lagoon is fantasy. We measure the distance between the plant boundary and the nearest fresh water aquatic plants as less than 30 feet, and we believe the accurate distance places the actual sewage raceways to be built under this proposed scheme at less than 100 feet.

Item 1.40 In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, XVI. MANDATORY FINDINGS OF SIGNIFICANCE, statement c), page IS-39, the 2003-IS again

concludes that no additional sewage connections from outside the Trancas Zone can be provided as a result of the proposed Project. But no mechanism is identified or proposed to prohibit additional sewage connections or other growth-fostering actions once the plant's dry weather capacity is increased 13.3 percent, and wet weather capacity is increased by 46.7 percent. The possibility of urban growth engendered by the increased sewer capacity at the Trancas WPCP has not been addressed.

Item 1.41 In In SECTION III, DETERMINATION OF IMPACTS, B. DISCUSSION OF IMPACT LEVELS, we note that the County once again negotiated with government agencies but refused to negotiate with residents or the group we formed. Despite our firm requests that Trancas Canyon residents have a place at the table as these plans were formulated, the County Wastewater Department refused to share these plans as they were formulated. The County has told us that the only place for affected homeowners to add input is at this Public Comment window, while competing interests from other government agencies have been allowed to design a plan that is deleterious to our interests. This behavior is reprehensible, yet within the pattern of County conduct dating back to its decision to cripple the plant's maintenance budget in the 1970s, its decision to rush through plans last summer without notifying proper local agencies or residents.

Thus, we nearby residents - perhaps the most-affected party of all - are left to our own devices to attempt to stop a train after it has left the station.

This pattern of behavior makes it all the more incumbent upon the Board of Supervisors to reject the Proposed Declaration of Mitigated Negative Impact and order a full Environmental Impact Statement. An EIR is the only protection we have against the government agencies as the attempt to violate CEQA and the California Water Code as they build a wastewater treatment plant that will be in violation of CEQA and CWC the day it is activated.

Item 1.42 On the DETERMINATION OF INITIAL STUDY, ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED checklist and affidavit, page IS-41, we note that "potentially significant impact" has been found

only for Aesthetics and Recreation, when the following other categories should also be included:

- Land Use and Planning
- Population and Housing
- Water
- Air Quality
- Biological Resources
- Hazards
- Mandatory Findings of Significance, and
- Cultural Significance.

Obviously, the proposal "MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required", as the matrix indicates. To hold that the mitigation proposed by the County for the first time this year will preclude a significant negative impact on the local environment of Trancas Canyon is a patently false claim.

As discussed in this Chapter of our comments, the County's Mitigated Negative Impact finding is incorrect and illegal under the facts of the case. In the next chapter we will examine California Administrative Codes that also require an EIR.

2. CEQA and California Administrative Code violations

Title 14 of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, is quite relevant to this matter. We hereby submit accurate and contextual excerpts of relevant sections, followed by our comments and arguments.

Item 2.1

Section 15002 General Concepts.

(g) Significant Effect on the Environment. A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See: Section 15382.) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: Section 15091.)

(h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

(1) Changing a proposed project
(2) Imposing conditions on the approval of the project;
(3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
(4) Choosing an alternative way of meeting the same need;
(5) Disapproving the project;
(6) Finding that changing or altering the project is not feasible;
(7) Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.

Comments: As detailed in this letter, this Project will substantially and adversely change physical conditions in the vicinity of public recreational facilities, private houses and Environmentally-Sensitive Habitat Areas in Trancas Canyon. The County is obligated under Section 15002(g) to identify any and all significant negative impacts to the environment caused by a project, find whether the adverse environmental impacts have been substantially reduced or if not, why not. The County has utterly failed to do this.

Thus, the county is obligated to prepare a full Environmental Impact Report to respond to the seven alternative methods delineated in Section 15002(h)(1-7). The first five methods

listed in this section are clearly available to the County, meaning that either abandoning the Project or declaring that this potential environmental damage is inevitable in order to rehabilitate the Trancas Plant are not appropriate solutions.

Item 2.2

Section 15021. Duty to Minimize Environmental Damage and Balance Competing Public Objectives.

(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.

(1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.

(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any *significant effects that the project would have on the environment.*

(b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.

(c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

(d) CEQA *recognizes that in determining whether and how a project should be approved, a public* agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of *competing public objectives when the agency decides to approve a project that will cause one or* more significant effects on the environment.

Comments: The County has failed in its duty to accurately inventory environmental damage in its proposed Project as currently conceived, and then produce alternatives to mitigate or minimize the damage. In the proposed Mitigated Negative Declaration, the County has not explored feasible alternatives or other mitigation measures such as structures (buildings and walls) to mitigate the offensive views, sounds, smells, insects and foam-blowoff inflicted upon surrounding residences and park uses by open-air, roiling sewage vats.

No statement of overriding considerations as described in sections 15021 or 15093 has been prepared. No economic data are provided to justify the minimal expense of the current proposal vis-à-vis the added cost of providing adequate environmental mitigation. The County's obligation to provide a "satisfying living environment for every

Californian", as mandated in Section 15021(d), makes it clear the proposed open, roiling sewage vats, and related apparatus, within the primary view range of no fewer than eight homes in Trancas Canyon is contrary to impacts allowed by CEQA.

Item 2.3

Section 15063. Initial Statement

(a) Following preliminary review, the Lead Agency shall conduct an Initial Statement to determine if the project may have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

(1) All phases of project planning, implementation, and operation must be considered in the Initial Study of the project.

(2) To meet the requirements of this section, the lead agency may use an environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act.

(3) An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. However, an initial study is neither intended nor required to include the level of detail included in an EIR.

(b) Results.

(1) If the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency shall do one of the following:

(A) Prepare an EIR, or

(B) Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or

(C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration. Another appropriate process may include, for example, a master EIR, a master environmental assessment, approval of housing and neighborhood commercial facilities in urban areas as described in section 15181, approval of residential projects pursuant to a specific plans described in section 15182, approval of residential projects consistent with a community plan, general plan or zoning as described in section 15183, or an environmental document prepared under a State certified regulatory program. The lead agency shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.

(2) The Lead Agency shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

(c) Purposes. The purposes of an Initial Study are to:

(1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.

(2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative

Declaration.

(3) Assist in the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,

(B) Identifying the effects determined not to be significant,

(C) Explaining the reasons for determining that potentially significant effects would not be significant, and

(D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessment early in the design of a project;

(5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

(6) Eliminate unnecessary EIRs;

(7) Determine whether a previously prepared EIR could be used with the project.

(d) Contents. An Initial Study shall contain in brief form:

(1) A description of the project including the location of the project;

(2) An identification of the environmental setting;

(3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.

(4) A discussion of the ways to mitigate the significant effects identified, if any;

(5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls.

(e) Submission of Data. If the project is to be carried out by a private person or private organization, the Lead Agency may require such person or organization to submit data and information which will enable the Lead Agency to prepare the Initial Study. Any person may submit any information in any form to assist a Lead Agency in preparing an Initial Study.

(f) Format. Sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendices G and H. When used together, these forms would meet the requirements for an initial study, provided that the entries on the checklist are briefly explained pursuant to subsection (d)(3). These forms are only suggested, and public agencies are free to devise their own format for an initial study. A previously prepared EIR may also be used as the initial study for a later project.

(g) Consultation. As soon as a Lead Agency has determined that an Initial Study will be required for the project, the Lead Agency shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared. During or immediately after preparation of an Initial Study for a private project, the Lead Agency may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

Comments: Section 15063 is the crux of the County's attempt to fulfill its obligation under CEQA by attempting to use an Mitigated Negative Declaration in lieu of a full Environmental Impact Report. In section 15063(a), the County is charged with fully determining "if the project may have a significant effect

on the environment." The 2003 Initial Statement fails to meet that goal. The County is charged with considering "all phases of project planning, implementation, and operation" with the goal of minimizing negative environmental impacts. No details about working with neighbors, government or park agencies or other stakeholders in the planning process to mitigate the impacts of the Project are specified in the Initial Statement. The Initial Statement does not properly address project construction or operation and the mitigations that can be accomplished in those phases.

In Section 15063(b)(1)(c), the County is obligated to prepare a full Environmental Impact Report if "the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment." The mistakes and omissions of the Initial Statement mask the severe effect on the environment this Project will inflict. An honest assessment of the Project's overwhelming impact on the environment of Trancas Canyon clearly mandates a full Environmental Impact Report under this section.

In observing the County's compliance with sections 15063(c) and 15063(d), we note that the County has arrived at faulty Initial Statement conclusions because of the flaws and shortcomings in the Initial Statement itself. No accurate analysis on the true impact of the Project can be made given the errors and omissions in the Initial Statement. Proper mitigation of the negative environmental impacts cannot be discussed as those impacts are ignored, downplayed or understated in the County's faulty Initial Statement. Most egregious is the County's failure to follow Section 15063(c)(4), "The purposes of an Initial Statement (is) to facilitate environmental assessment early in the design of a project". As evidenced in this letter, an inaccurate environmental assessment is evidenced in the Initial Statement.

We note Section 15063(c)(5), "The purposes of an Initial Study (is) to provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment." The county has utterly failed to provide an accurate assessment as mandated here, as Chapter 1 clearly indicates.

We do note that this year, as opposed to last, the County has honored Section 15063(g), which mandates that it "... shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared." At least one major agency, the Santa Monica Mountains Conservancy, is a Trust agency as defined by this code, and was not consulted prior to the drafting of the proposed Negative Declaration in 2002, nor was the Conservancy notified upon publication of the notice of intent. This was a serious violation that taken alone should completely require the withdrawal of the proposed Negative Declaration, and rescission of the Initial Statement. It is possible that other Trustee agencies have not been consulted in this matter at all. We are not at this time aware of all Trustee agencies that are applicable under Section 15063(g), but it appears none have been consulted or notified.

But we note that this section of law was followed in 2003 only as a direct result of actions taken by the undersigned. This is evidence that the County's past actions have been illegal, and that they are observing this section of law only because we caught them violating it in 2002. This circumstance places their present efforts to observe CEQA, the CWC and other environmental laws as arguably questionable.

Item 2.4

Section 15064. Determining the Significance of the Environmental Effects Caused by a Project

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

(1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR.

(2) When a final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider

the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68).

(2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

Comments: Section 15064(a) defines in plain language the obligations placed by CEQA on the County. The County's failure to draft an Environmental Impact Report as mandated by this section of the Administrative Code, and CEQA, is obvious. This section says "if there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR." The errors and omissions in the Initial Statement notwithstanding, we present clear and convincing evidence that the Project will have a devastating impact on an Environmentally-Sensitive Habitat Area, a coastal estuary, city and National Park Service recreational trails, endangered animals and nearby residents. A complete and factual examination of this affected area and the scope of the Project prove there is no question that Los Angeles County is mandated to write a complete Environmental Impact Report as mandated by this section.

Section 15064(b) points out the County's obligation to make its decision "based to the extent possible on scientific and factual data." This was not done. This section also notes that the very limited mitigations in place at other Wastewater Plants operated by the County in Malibu - such as the facility surrounded on three sides by busy urban streets and the fourth side by a condominium project at the Malibu Civic Center - may not be appropriate in rural Trancas Canyon. That other plant is in an area of the Malibu Civic Center zoned for high-density residential uses, across the busy Pacific Coast Highway and Civic Center Way from the largest shopping center between Santa Monica and Oxnard. Trancas Canyon, on the other hand, is zoned Rural Residential, and is substantially wild or natural.

Section 15064(c) shows the County its obligation to seek input from all persons and agencies potentially affected by the planned project **before** writing the Initial Statement. The County's document does not specifics about input from the California Coastal Commission, City of Malibu, National Park Service, local recreational groups such as Trancas Riders and Ropers, the Malibu Coastal Lands Conservancy, the Santa Monica Mountains Conservancy, or many local residents in its design or mitigation. If those groups were consulted by the County, as it is obligated by this Section, before the issuance of the Initial Statement, we have no way of knowing that. The County is

obligated to present to us, as a part of these documents and findings, just which groups were consulted, and just what they had to say.

Section 15064(d) gives the County specific directions it must follow in preparing an Initial Statement, directions the County has failed to follow. The County has failed to "consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project."

Section 15064(d)(1) gives the County specific warnings about potential negative environmental impact given by the Code ("the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant"), conditions which would trigger a full Environmental Impact Report if the incomplete proposed Negative Declaration had documented them, as it failed to do.

Section 15064(d)(2) again cites a hypothetical sewage project which would trigger additional growth as a condition which must trigger a full Environmental Impact Report. The Trancas Project includes a 13 percent increase in sewage treatment capacity, and 47 percent increase in peak operating capacity, and although no new housing in the adjacent area is expected by the County, there are no legal covenants or prohibitions in the scope of the current Project which would preclude such growth. This section should have served as a clear direction to the County that a full Environmental Impact Report is mandatory in this case.

Section 15064(e) shows that "economic or social changes may be used … to determine that a physical change shall be regarded as a significant effect on the environment." Given that the installation of open-topped, bubbling sewage tanks in the direct view of recreational areas and residences is a key negative environmental impact of the proposed Project, this section also triggers a full Environmental Impact Report and complete mitigation.

Section 15064(f)(1) places the obligation upon the County to write a full Environmental Impact Report based on the presentation of a "fair argument" by opponents of the current scope of the Project." It must be noted that, in 2002 and prior

years, the County failed to consult with local government agencies, groups and neighbors in advance of issuing the Initial Statements, as directed by Section 15064(c) and discussed above. Further, the objections laid out in Chapter 1 of this letter were communicated to the County when its representatives met with us in July 2001 to discuss the Trancas Project. Further, the county is clearly obligated to draft a full report based upon the objections we raised in 2001: "If a lead agency is presented with a fair argument that a project **may** (emphasis added) have a significant effect on the environment, the lead agency **shall** (emphasis added) prepare an Environmental Impact Report even though it may also be presented with other substantial evidence that the project will not have a significant effect", says the code. Thus, the County's obligation to prepare an Environmental Impact Report, as opposed to an Initial Statement of Negative Declaration, is clear.

Finally and most importantly on the matter of Section 15064(f)(1), the County withdrew its 2002-DND as a direct result of the comments made by the undersigned in July 2002, In other words, the County acknowledges by its actions that a "fair argument" was made by the undersigned. This is prima facie evidence that we made a fair argument - it killed the 2002-DND - which clearly mandates the completion of an EIR and subsequent mitigations.

Section 15064(f)(2) allows the county to prepare mitigations and offer a Mitigated Negative Declaration only if "the applicant would avoid the effects or mitigate the effects to a point where **clearly no significant effect** (emphasis added) on the environment would occur. The public agency must find there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared." This section makes it plain that a Mitigated Negative Declaration is also not proper in this case, and that a complete Environmental Impact Report is the only acceptable and legal path for the Project.

Item 2.5

Section 15065. Mandatory Findings of Significance

A lead agency shall find that a project may have a significant effect on the environment and

thereby require an EIR to be prepared for the project where any of the following conditions occur:

(a) The project has the potential to substantially degrade the quality of the environment, *substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife* population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the *effects of past projects, the effects of other current projects, and the effects of probable* future projects as defined in Section 15130.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Comments: The County's obligation to provide a complete Environmental Impact Report is clearly met by all four conditions, easily exceeding the statutory requirement that says that meeting any one of these criteria alone is enough to trigger an Environmental Impact Report. As delineated in this letter, I have shown that the project far exceeds the standard set by Section 15065(a): "the Project has **the potential** (emphasis added) to substantially degrade the quality of the environment". The County is well aware of this potential, having been acted on it last year after receiving our devastating arguments against the 2002-DND.

As for Section 15065(b), this letter clearly shows the long-term environmental quality of Trancas Canyon will be irreparably harmed in accomplishing the short-term goal of providing secondary sewage treatment in a haphazard, obnoxious manner.

The cumulative effects of the Plant rehabilitation are indeed considerable, thus exceeding the threshold set by Section 15065(c).

And the substantial negative impact of the Project on human beings living or pursuing recreation near the plant, as specified by Section 15065(d), are irrefutable. All four conditions have been exceeded here, where we need only to prove the possibility of one standard violation to trigger the provisions mandating a full Environmental Impact Report is needed.

It was clearly the County's obligation to investigate this fully before deciding on a Mitigated Negative Declaration, not the people reacting to the faulty Initial Statement.

Item 2.6

Section 15070. Decision to Prepare a Negative or Mitigated Negative Declaration
A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:
(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
(b) The initial study identifies potentially significant effects, but:
(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public *review would avoid the effects or mitigate the effects to a point where clearly no* significant effects would occur, and
(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Comments: The record before the County now, as a result of comments filed in response to the faulty proposed Mitigated Negative Declaration, provides more-than "substantial evidence, in light of the whole record before the agency, that the project **may** (emphasis added) have a significant effect on the environment." We have more than exceeded numerous Sections that trigger a full Environmental Impact Report, making the issuance of Negative Declaration or Mitigated Negative Declaration wholly insufficient.

Item 2.7

Section 15382. (Definition of) Significant Effect on the Environment. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Comments: The County's faulty proposed Mitigated Negative Declaration, as detailed in this letter, is filled with errors and omissions. It cannot accurately assess the significant effect on the environment as defined in Section 15382 due to its flaws. In this letter, I have pointed out dozens of significant

and minor errors or omissions in the Initial Statement. Thus, the County's declaration that there are no unmitigated negative environmental impacts caused by the Project in accordance with Section 15382 cannot be accurate.

Item 2.8

Section 15384. (Definition of) Substantial Evidence.
(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the *environment does not constitute substantial evidence.*

Comments: More than enough relevant information and reasonable inferences have been supplied to make a fair argument that this Project as currently drafted will create an enormous negative environmental impact on Trancas Canyon. In filing my comments, I cite specific facts that are not speculative, unsubstantiated or inaccurate. Rather, in setting forth the existing environmental setting of the Project's site in Trancas Canyon, and the Project's extensive negative impacts, I have completed and corrected the County's assessment obligation as defined by this Code and CEQA. The Initial Statement failed utterly in this attempt, and must be discarded in favor of a complete Environmental Impact report as mandated repeatedly in this code.

Summary: As detailed in this letter, there will be numerous substantive and negative impacts on the environment of Trancas Canyon, an environmentally-sensitive habitat area, under the County's current Project plans. As ample evidence in this letter sets forth, this Project qualifies for a full Environmental Impact Report on many levels. This report must be prepared, and proper mitigating steps must be amended into the Project, before the Plant can be in compliance with the California Environmental Quality Act, and with administrative codes as delineated in Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the CEQA.

3. The current RWQCB permit is illegal and would create an illegal nuisance

In addition to the errors detailed in the Initial Statement, we have discovered that the County's current permits for the Rehabilitation Project were granted by the Los Angeles Regional Water Quality Control Board without full disclosure of the Plant's deleterious effects, and thus clearly contrary to both the spirit and letter of the law.

Item 3.1

California Water Code Section 13050(m) "Nuisance" means anything which meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
(3) Occurs during, or as a result of, the treatment or disposal of wastes.

Review of the current proposed Project makes it clear building it will result in a "nuisance" as defined in CWC section 10350(m), to wit: "nuisance" means anything which ... is indecent or offensive to the senses ... so as to interfere with the comfortable enjoyment of life or property; affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (and) occurs during, or as a result of, the treatment or disposal of wastes."

As for this standard, it is beyond question that a living room view of roiling partially-treated sewage, coupled with loud aeration noises, imposed upon neighboring homes, is offensive to the senses. The users of three public trails will likewise suffer a significantly-degraded parkland experience as a result of this project's offensive nature. These persons are clearly members of a community (hikers or Malibu residents) or neighborhood (the houses in Malibu Park along Seastar Drive and Surfside Way), thus easily fulfilling all three requirements for the plant to be declared a nuisance.

As codified in CWC Section 13263(e), neighbors affected by the nuisance plant are granted standing to demand RWQCB corrective action. Section 13263(e) mandates that "upon application by any affected person, or on its own motion, the regional board may review and revise requirements." This details how persons affected by wastewater problems may demand that the RWQCB review and revise permits granted to the County for the operation and rehabilitation of the offending plant.

Item 3.2

California Water Code Section 13304 (a) Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

We note that CWC Section 13304(a) directs that "any person who ... causes or permits ... or threatens to create a condition of pollution or nuisance, shall upon order of the regional board ... in the case of threatened pollution or nuisance take other necessary remedial action." This obligates the County to take steps to prevent a threatened nuisance.

Item 3.3

California Water Code Section 13241. Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the
prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

(a) Past, present, and probable future beneficial uses of water.

(b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.

(c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

(d) Economic considerations.

(e) The need for developing housing within the region.
(f) The need to develop and use recycled water.

The board's action is proscribed by this Section 13241, which says "each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable ... prevention of nuisance ..." Although we are not versed in RWQCB policy, the state law that mandates such a policy is clear, as is its applicability in the Trancas Canyon case specifically.

4. County violations of federal wastewater laws

In gathering information about this matter and then analyzing it, one is struck by one major question: why is the County choosing to ignore ample evidence already presented to it about the environmental impact of this Plant and the proposed Rehabilitation?

The answer lies in a report adopted by the State of California Water Quality Control Board (State WQCB). A 1997 staff report adopted by the State WQCB at its November 1977 meeting noted that back in 1977, the Trancas Plant was upgraded and improved with an Environmental Protection Agency (EPA)/State construction grant of $1.25 million. The adapted findings indict the County for intentionally crippling the Trancas Plant:

> "A sufficient replacement fund was not established at the time of the EPA grant award in 1977 nor any time thereafter. An eventual shortage of maintenance funds resulted, and hence the current problems with the plant. *Federal law and grant regulations required a recipient of a* grant to adopt and maintain a user charge system which would collect sufficient funds to pay for the costs of operation and maintenance of any wastewater treatment services. These funds include necessary expenditures for replacement of equipment, accessories, or appurtenances which were needed during the service life of treatment works to maintain the capacity and the performance for which the treatment works were designed and constructed. The County deemed a replacement fund unwarranted at the time the EPA grant was awarded because a regional treatment system was expected to be in place and operational before the end of the Trancas plant's useful life. The regional treatment system plans were pursued by the County during the 1980's but abandoned due to opposition by the local residents. It was never constructed." - staff report adopted by State RWQCB, Sacramento, Nov. 19 1997.

Thus, the loan to the County was rejected.

In other words, the State WQCB has already found that the County

violated federal law and grant regulations by illegally failing to establish a maintenance fund for the Trancas Plant. The County illegally refused to spend enough money to keep the 1977 federally-funded installation running. The State WQCB has already found that the County gambled that this required maintenance expenditure would be unnecessary - they were counting on the pending construction of a regional sewerage system in Malibu. The State WQCB report makes it clear that at some future point, the County knew its gambling debt could come due.

Twenty-four years later, the County is trying to pay off its lost bet with user fee monies raised from the assessed users in the Consolidated Sewer Maintenance District's Trancas Zone. Part of this lost bet, in the County's eyes, will come in the form of a severely degraded environment for the recreational users of Trancas Canyon, and we unfortunate neighbors in the impact zone.

5. The existing Coastal Development Permit is not valid

The Trancas Project received a Coastal Development Permit from the California Coastal Commission in 2002. This permit was based on the 2002 Draft Negative Declaration that was submitted to the Coastal Commission in 2002 to substantiate and document the County's request for a permit.

Subsequent to the Commission's granting of this coastal permit, the County was forced to withdraw the 2002-DND because of a multitude of factual errors, wrong conclusions, and legal violations in the proposed findings. But these obvious errors in the 2002-DND had been presented to the County by us before the permit came up before the Coastal Commission, yet the County continued to represent that the 2002-DND as accurate and factual before the Commission as it made its decision.

Now, the County has acknowledged that the Project's "negative impact" on the surrounding parkland is - in fact - "potentially significant" in many cases, and those substantial negative impacts must be in fact substantially mitigated, and is issued its 2003-MND to address those issues. These mitigations, and the substantial negative impacts that necessitate these mitigations, were not presented to the Coastal Commission. But the County was fully aware of the severe deficiencies in its 2002-DND before the permit was acted upon by the Commission.

In its haste to get the Plant permits granted and the Project built, the County knowingly presented this false information to the Coastal Commission. Therefore, the Coastal Commission was acting on this inaccurate information, deliberately crafted and submitted by the County, while the Commission was oblivious to the overwhelming evidence that the 2002-DND was inaccurate and filled with illegal conclusions.

Although the County Wastewater Department's motives were and remain clear and unquestioned - to satisfy the public health needs of Trancas residents in what it held to be a lawful matter - this action borders on fraud. A catastrophic error in judgment occurred when the County knowingly used bad CEQA documents - loaded with what the County by its actions now admits were

severe deficiencies, errors and illegalities - to rush thru a Coastal Development Permit at the state.

And at the very least, we will prove administratively and/or in court that the current Coastal Development Permit issued to the Trancas Project is based on withdrawn CEQA documents and therefore null and void. Clearly, the 2003 Mitigated Negative Declaration must be submitted for a new Coastal Development Permit.

As it stands today, the Trancas Water Pollution Control Plant (Expansion and) Rehabilitation Project has no valid Coastal Development Permit.

Finally, in the current 2003-IS, the County itself admits on page IS-5 that "permits or approvals from the following responsible agencies will be required for the proposed project:

- South Coast Air Quality Management District...
- California Coastal Commission...
- Los Angeles RWQCB..."

This is no typographical error or boilerplate text. The County itself acknowledges in the 2003-IS that a new Coastal Development Permit must be obtained for the Project.

6. Past County bad faith and illegal acts.

The County's rush to evade RWQCB sanctions for its inability to properly maintain public health levels at the Trancas Water Pollution Control Plant has been obvious and regrettable. Going back to the 1970s, the County has bungled the operation of the Plant. And in this reconstruction and expansion effort, brought about by the failure by the County to maintain the existing plant to state and federal standards, the County has made repeated and substantial errors.

In 2002, numerous public trustee agencies as defined by CEQA were not informed about the 2002-DND, and were unaware of the proposal at all. These agencies include the National Park Service, City of Malibu, Los Angeles County Department of Beaches and Harbors, Santa Monica Malibu Unified School District, California Coastal Commission, legislators in the area and the State Parks Department. We have discovered that every one of them were not notified about the County's Notice of Negative Declaration Initial Statement.

Neither was the Santa Monica Mountains Conservancy, which is a CEQA Trustee agency in the concerned portion of the Santa Monica Mountain range, and we have discovered that the Conservancy is as such statutorily entitled be notified of the County's plans long before an Initial Statement is issued.

Not notified were such public group stakeholders as the Santa Monica Mountains Trail Council, Malibu Trails Commission, Santa Monica Baykeeper, Heal The Bay, California Parks Foundation or the Malibu Park Homeowners Association.

Ancestral groups active in maintaining ancient footpaths used by Chumash Indians in the Santa Monica Mountains were not contacted, although they have valid concerns about the impact of the project on a trail identified by the National Park Service as "the old chumash trail", that connects to a location acknowledged by the Initial Statement to be an ancestral habitation site.

Not notified were the owners of adjacent property, such as Javid

Development, the Malibu Bay Company, or private homeowners such as Randy and Suzanne Steiner, who live within 60 feet of the proposed aeration tanks. The Laetz family was only notified about the Negative Declaration because we spotted surveyors on the County Plant site 3 years ago and asked to be notified of any action.

Now, 12 months later, it appears that the County has again ignored all of these groups. As concerned parties, we request that the County disclose to us the scope and breadth of consultation with the above groups in formulating the current CEQA document.

In past conversations with planners at the California Coastal Commission's Ventura Field office, staff there has not been aware that the Project is substantially hidden from view from Pacific Coast Highway and would remain hidden if enclosed in a structure. We note that in conversations with Mr. Bouse that he has expressed the County's view that possible mitigations for many of these deficiencies have elicited concern from the Coastal Commission about the impact on views from Pacific Coast Highway and Zuma Beach. Of course, this potential mitigation could not be explored because the 2002-DND omitted it, and the Coastal Commission was not given a copy of it to review in the first place.

Now, we find that the same conditions exist in the 2003-IS. We question if the Coastal Commission has been made aware of the negligible impact on Zuma Beach or Pacific Coast Highway that mitigating structures that we request would have.

We also note that the Los Angeles RWQCB is currently voicing optimism that a delay can be granted for its deadline for the County to rehabilitate the Plant. Steven Kane, the assistant director of the Los Angeles RWQCB, told me an extension should easily be granted due to the evidence that the current Project will result in the illegal and unsound establishment of a "nuisance" as defined in the CWC. Kane says that the Board would be obligated to forestall enforcement action against the County if it makes a good faith effort to address the environmental concerns raised herein.

Further, RWQCB officials specifically cited the Trancas WPCP as

a likely recipient of Proposition 40 and Proposition 50 moneys for coastal estuary and wastewater treatment uses. Yet despite this, the County remains steadfast in its opposition to any change in the scope of this Project

We also note that Mr. Bouse has expressed to us in conversation that his mission is to find a solution to the pending wastewater treatment system failure at Trancas Canyon at the lowest possible cost to the 237 homeowners who must shoulder the cost of the Project. While such devotion to ratepayers is commendable, it does not permit the County to violate the laws by building this Project as currently designed, which would impact coastal park use and nearby homeowners so severely and negatively. The users of the sewage plant may not legally pass their sewage problem off on their neighbors.

- **We take this opportunity to note that the existing open-air sewage treatment at Trancas is small in area. But the nuisance is nevertheless illegal under current CWC, Title 14 and CEQA standards. Our complaints about the open air nuisance to the County have been met with the answer that the rehabilitation of the Plant is under design, which means that all pre-existing, substandard nuisances will have to be eliminated at that time.**

- **The Initial Statement acknowledges that "the new facilities will be more centrally located on the property than the existing structures." Make no mistake, this is not an expansion of existing open-air facilities. These are "new" facilities, as noted by the County repeatedly in its Initial Statement.**

- **The preexistence of substandard wastewater treatments can in no way be used to justify continued operation of the offensive nuisance after a rebuild - much less the installation of a open air nuisance on an exponentially-larger scale. A small nuisance - illegal - exists now, which is a shame, but that cannot be used as a pretext to allow an very large, very illegal travesty to be installed.**

In summary, we have found 42 specific errors in the County's proposed Negative Declaration. We have documented blatant errors in the County's RWQCB permits, and a rush to beat RWQCB fines

that is unnecessary given the Board's willingness to prevent the construction of a nuisance plant. And we have exhaustively researched and reported on the County's flagrant failure to follow CEQA and the California Administrative Codes guidelines that clearly mandate a full Environmental Impact Report and its mitigations, as opposed to an incomplete, inappropriate and illegal proposed Negative Declaration.

It is now the obligation of Los Angeles County to again withdraw flawed proposed CEQA documents, in this case the 2003 Notice of Intent to Adopt a Mitigated Negative Declaration for the Trancas WPCP, and work with us and other stakeholders to draw up new plans for the necessary rehabilitation of this aging Plant that are lawful, reasonable, and appropriate. Failure to reject the current proposed Mitigated Negative Declaration and faulty Initial Statement is a violation of California law and is actionable.

We close with what we said 51 weeks ago: **as affected persons, we have a reasonable request: that the open-topped, above-ground aeration tanks must be enclosed in a structure so that their offensive contents shall not be visible from beyond the plant boundaries; that this structure be insulated to contain noise within the Plant; and that appropriate landscaping and grading be proposed and detailed in the Plan to eliminate the potential offensive industrial intrusion on surrounding open parkland and primary views from neighboring homes.**

We do not dismiss the substantial financial imposition on the County; the Consolidated Sewer Maintenance District, Trancas Zone; and the 237 constituent ratepayers in this matter. We are puzzled why the County has waited until this was a statutory crisis to address this issue with the people and agencies "downstream" from the nuisance Plant. We note that a decade has passed since the RWQCB first addressed the substandard Trancas Wastewater Plant. And we wonder why federal Environmental Protection Agency, Clean Water Act, recent environmental California initiatives such as Propositions 40 or 50, or other capital sources for wastewater plants have not been accessed to solve this problem.

The "upstream" users and County have instead chosen to make the "downstream" park users and residents suffer the consequences

for this planning failure.

An illegal sewage plant project is not the answer. We stand ready to work with the County to come up with plans that do not place this incredible, incalculable damage upon the surrounding environment, and us. But we cannot compromise on the basic demand that environmental protections in accordance with the law be fully implemented.

One final note is appropriate here. Despite the overwhelming inadequacies inherent in the County's proposals and documents, we note the substantial improvements made in the Trancas WPCP Project plans in the last 51 weeks, after we filed our comments on the 2002 effort. We believe the County Wastewater Department in general, and project manager Jeff Bouse in particular, have spared no effort to address our concerns, and we are most appreciative of that.

(Signature page follows)

Sincerely,
Trancas Canyon neighbors

Hans Laetz
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Malibu CA 90265
310 589-4875
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Diane Laetz

Randy Steiner
6402 Surfside Way
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Suzanne Steiner

Jim Barnes
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Joseph de Angelis
6415 Surfside Way
Malibu CA 90265

Phyllis de Angelis

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"Enriching Lives"

JAMES A. NOYES, Director

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November 6, 2003

IN REPLY PLEASE
REFER TO FILE: W-9

Mr. Dermot Stoker, President
Malibu West
30756 West Pacific Coast Highway
Malibu, CA 90265

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY
TRANCAS WATER POLLUTION CONTROL PLANT
REHABILITATION PROJECT

This is in response to your letter of July 21, 2003, regarding your comments to our draft Mitigated Negative Declaration/Initial Study (MND/IS) for the Trancas Water Pollution Control Plant Rehabilitation Project.

Thank you for your support of the MND and the landscaping plan to mitigate the visual impacts.

We appreciate your offer to accommodate a neighbor's request for an 18 feet high tennis court style fence. However, the fence would require a permit amendment from the California Coastal Commission (CCC). In the CCC's letter, dated August 18, 2003, they indicated that "…staff would be unlikely to accept such a permit amendment because.… A fence, 18 to 20 feet high, would likely have impacts to visual resources…". In addition, the Santa Monica Mountain Conservancy's letter, dated September 9, 2003, stated that their previous concerns regarding potential adverse visual impacts have been met by the Mitigated Negative Declaration, but that they are opposed to the installation of a tennis court style fence to screen views while the proposed vegetative screening matures. The opposition of these public entities, which have public policy and environmental protection responsibilities, and the negative impacts of the fence, makes the addition of the requested fence infeasible.

If you have any questions, please contact Mr. Hu Yi at (626) 300-3374

Very truly yours,

JAMES A. NOYES
Director of Public Works

MANUEL DEL REAL
Assistant Deputy Director
Waterworks and Sewer Maintenance Division

HY:cs
SM505

MALIBU WEST

30756 W. PACIFIC COAST HIGHWAY • MALIBU, CALIFORNIA 90265 • TEL: 310-457-7725 • FAX: 310-457-0862

Mr. Jeffrey Bouse
L.A. County Dept. of Public Works
Waterworks and Sewer Maintenance Division
P.O. Box 1460
Alhambra, CA 91802-1460

July 21, 2003

Re: Draft Mitigated Negative Declaration
Trancas Water Pollution Control Plant
Rehabilitation Project

Dear Mr. Bouse:

We have received and studied the documents relating to the above project, and on behalf of the 237 families who are members of our Association and who are the primary users of the Trancas Plant, we confirm our support for the County's "Mitigated Negative Declaration."

This rehabilitation project is long overdue, and during the past 7 years of negotiations with regulatory and environmental groups, costs have escalated dramatically. Also, the plant has continued to pose a potentially serious health and safety hazard due to deterioration of the facilities.

In addition to the mechanical upgrades planned for the plant, an extensive landscaping plan will be implemented. This has been designed to mitigate not only the general aesthetic views from adjacent trails, but also to screen the facilities from the view of nearby residences.

In particular, one neighbor, Mr. Hans Laetz, whose home is situated above the property, has specifically requested that an 18-foot high tennis style fence be placed between his rear view and the new landscaping.

A copy of Mr. Laetz's comments before the Malibu City Council on July 9th, 2003 is attached. We refer to his specific statement: ..."All we residents want is a fence between us and the churning sewage. We want a tennis court style fence, maybe 18 feet high, strung behind the trees…"

The Malibu West community has no objection to this type of fence being installed so long as this does not further delay the project. We understand that the additional costs incurred would be assessed to the users.

We urge the Board of Supervisors to approve the Mitigated Negative Declaration without further delay, which will enable this urgently needed rehabilitation project to finally get under way before any serious emergency situation develops.

Dermot Stoker, President
Malibu West Board of Directors

cc: Mayor Ken Kearsley, and members of the Malibu City Council
Katie Lichtig, City Manager
Victor Peterson
Director/Building Official, City of Malibu
Scott Albright, Planner, City of Malibu

City Council 7/9/03
Re: Sewer

Hans Laetz Statement
6402 Surfside Way

I'm almost embarrassed to talk about a much more local issue when so important issues are on the table, but I need to. Ah, once again the Trancas Canyon Sewage plant issue is open for public comment. Ah, the La county sewage people are again back with there plan for a raw open sewage tank below my house below 8 houses it will bring the sewage tank out from the tucked away position, out to where its in plain view. Ah, last year we came here, we can to ask for your help we knew the counties plan was illegal and wrong but didn't really know how to stop it. On our own we analyzed the counties CEQA declaration and we found 44 specific violations of state law, which was enough to stop them in their tracks. They withdrew their document, waited and came back after a year and know they are back with a midigated negative dec. Want to what their there midigations are ...
they are going to plant some bushes, and saplings around the sewage tank and ask us to wait 10 years until they grow in. In 10 years if these little trees make it, if they don't blow over burn or what ever, if they don't die then we'll see about half the sewage blocked from our living room. We are asking for very little here, all we residents want is a fence between us and the churning sewage. We want a tennis court style fence, maybe 18 feet high, strung behind the trees so when the trees grow up know one will see it. So we don't see churning sewage foam from the 8 houses of Surfside Way. The estimate cost is to be about $10,000.00.
The county says you cant do this, you know why, they don't want to go modify the coastal permit. They think that will delay everything, that's the <u>only</u> reason they cant build this fence because they don't want to go back and redo the coastal permit.
So that's why I'm here tonight. I'm asking the City of Malibu to please ask the County to put the fence in so we don't have to look at their sewage. To get this fence we are prepared; the residents we know what our rights are now, last year I came to you when I was here, frankly I was scared. I didn't know what to do, but in the last year I have done a lot of research, we can ask for an EIR. It will cost Malibu West homeowners $500,000. to do it, but we can ask for it and you know what, The EIR will result in us get the fence anyway because the law is on our side. The state law says you cannot build or expand or move a sewage tank and create a nuisance. The state law and

California water code defines a nuisance as sewage visible from a house so they are gong to have to screen it anyway. We can be obstinate and be bad neighbors and demand a $500,000. expenditure for the people of Malibu West, but that's crazy here, If Malibu West Homeowners Association agrees that this is a cost that they do not want to do.
Please the City of Malibu could enter comments.
The period closes July 24 all we want is a fence and a screen, we'll live with that.

Attachment C. Mitigation Monitoring and Reporting Program for the Trancas Water Pollution Control Plant Rehabilitation Project

Impact	Mitigation Measure	Monitoring Phase	Implementation Method	Monitoring Agency
Aesthetics/Recreation				
The replacement facilities will be more centrally located on the property than the existing structures, resulting in potential impacts on aesthetics of the trail users and residences. (IS, pages 37-38, and 40)	**AR-1.1:** Implement the native landscape planting plan set forth in Appendix A to the Mitigated Negative Declaration, and install native vegetation to partially screen and soften the appearance of the facility from the surrounding recreational trails and residences to mitigate the potential impacts to less than significant. The plan calls for a total of 49 trees, consisting of seven 36-inch boxed California Sycamore (approximately 12 to 16 feet tall and 6 to 7 feet wide at planting), eight 24-inch boxed California Sycamore (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), fifteen 24-inch boxed White Alder (approximately 10 to 12 feet tall and 4 to 5 feet wide at planting), nineteen 24-inch boxed California Bay (approximately 4 to 5 feet tall and 2 to 3 feet wide at planting), and approximately 131 shrubs in 5- and 15-gallon sizes.	Prior to and during construction.	Specify in bid requests, contractor plans and specifications; site inspections shall verify implementation.	Department of Public Works; Consultant Engineer; Construction Contractor.
	AR-1.2: The exterior of the replacement facilities, including the covers over the aeration tank, shall be an earth or vegetative toned color to enhance the appearance of the structures and to blend in with the surrounding landscape.	Prior to and during construction.	Specify in bid requests, contractor plans and specifications; site inspections shall verify implementation.	Department of Public Works; Construction Contractor.