

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

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**CEASE AND DESIST ORDER NO. R4-2016-XXXX
(FILE NO. 01-083)**

**REQUIRING THE KISSEL COMPANY, INC. AND PARADISE COVE LAND COMPANY, LLC
(PARADISE COVE MOBILE HOME PARK AND PARADISE COVE BEACH CAFÉ)
TO CEASE AND DESIST DISCHARGING WASTE CONTRARY TO WASTE DISCHARGE
REQUIREMENTS AND WATER RECLAMATION REQUIREMENTS PRESCRIBED IN ORDER
NO. R4-2016-XXXX AND TO COMPLY WITH REMEDIAL ACTIONS AND TIME SCHEDULE**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter, Regional Water Board) finds:

1. The Kissel Company, Inc. (Kissel) and the Paradise Cove Land Company, LLC (jointly referred to as Dischargers) own and operate the Paradise Cove Mobile Home Park (Park) and the Paradise Cove Beach Café (Beach Café) located at 28128 Pacific Coast Highway in Malibu, California.
2. The Park encompasses approximately 72 acres of land. There are approximately 210 mobile home sites. All mobile home sites in the Park are located within 1,300 feet of the Pacific Ocean. The domestic wastewater generated from the mobile home units is sent to the Park's advanced onsite wastewater treatment system (OWTS), which was constructed in 2007. The system provides secondary treatment through an ultraviolet (UV) system, and then the effluent from the treatment system is distributed to a series of seepage pits for disposal. The Park's OWTS is designed for an average flow of about 40,000 gallons per day (gpd) and a peak flow rate of 60,000 gpd. The existing seepage pits for the Park have a total designed disposal capacity of 73,464 gpd. Kissel was previously regulated by waste discharge requirements (WDRs) contained in Regional Water Board Order No. R4-2002-0108 and monitoring and reporting program (MRP) CI No. 8342, issued by the Board on May 23, 2002, for the discharges of wastewater generated from the Park. Since November 2008, Kissel has generally been in compliance with effluent limitations contained in Order No. R4-2002-0108.
3. The Beach Café is located on a flat arc-shaped beach, approximately 150 feet from the Pacific Ocean, between bluffs and 70 feet from the Ramirez Creek culvert. The Beach Café is a one-story building with seating for 300 persons. A separate restroom facility called the Sandbox serves beach visitors. All wastewater generated from the Beach Café and the Sandbox is sent to the Beach Café's advanced OWTS, which was upgraded in 2014. The treated wastewater is then distributed to 21 seepage pits, and four (4) zones of subsurface drip dispersal located on the south slope of the east bluff section of the Park. The Beach Café's OWTS is designed for an average flow of 16,000 gpd and a peak flow rate of 25,000 gpd. The existing seepage pits for the Beach Café have a total designed disposal capacity of 23,159 gpd. Kissel's discharges of wastewater from the Beach Café and Sandbox was previously regulated by General WDRs contained in State Water Resources Control Board (State Water Board) Water Quality Order No. 97-10-DWQ, *General WDRs for Discharges to Land by Small Domestic Wastewater Treatment Systems*, adopted by State Water Board on November 18, 1997. The Regional Water authorized such discharges on December 29, 2003, along

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with MRP CI No. 8568. After the upgrade to the Beach Café's OWTS in 2014, Kissel has generally been in compliance with effluent limitations contained in the General WDRs.

4. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for protecting waters of the state. The Park overlies the Point Dume Groundwater Area ground waters along the southern slopes of the Santa Monica Mountains. The designated beneficial uses of the underlying groundwater are municipal and domestic water supply (existing), agricultural supply (existing), and industrial service supply (potential).
5. There are no domestic water wells downgradient of the Park and Beach Café. The Park, the Beach Café, and all the residents receive water from the Los Angeles County Waterworks District 29.
6. During an inspection of the Park and Beach Café on January 26, 2016, the Dischargers expressed interest in expansion of the treatment capacity that will add additional wastewater flows to the Beach Café's OWTS currently in place, and will consolidate flows with the Park and add additional treatment to allow for the use of recycled water. The expansion project would include adding 10 new mobile home units at the Park. The units will be located northeast of the Beach Café. It is anticipated that an additional 2,000 gpd of wastewater will be discharged through the Beach Café's OWTS. The Dischargers also propose to install a blending and polishing treatment system consisting of a two-stage ammonia reduction and denitrification, disinfection, and filtration treatment system, in order to meet recycled water requirements. The Dischargers expressed interest in using recycled water for irrigation, which will reduce water usage at the Park.
7. On February 1, 2016, the Dischargers submitted a document to the Regional Water Board entitled "*Conceptual Plan and Timeline for Improving Effluent Quality, Blending Effluent, and Installing Subsurface Drip Reuse at Paradise Cove*" (Plan). The Plan contained a detailed timeline for the expansion and improvement of the Park's OWTS and the Beach Café's OWTS. In the Plan, the Dischargers indicate they intend to install a filtration system at the Park's OWTS prior to disinfection to improve the disinfection efficiency. The Dischargers will develop an engineering plan for transferring the treated wastewater from the Beach Café OWTS and blending with the treated wastewater generated from the Park's OWTS. The Dischargers plan to install additional treatment units, which include two blend tanks, followed by process units for enhanced nitrification and denitrification with the final treated wastewater being treated by filtration and disinfection to meet all requirements for recycling of the treated wastewater for irrigation at the Park. The capacity after the Dischargers' upgrades to the systems will be sufficient to treat wastewater from the Beach Café, the Sandbox restrooms, and the proposed additional 10 mobile home units.
8. Treated wastewater from both the Park's treatment system and the Beach Café's treatment system will be blended in a 30,000-gallon equalization tank and further treated in the AdvanTex® AX-MAX300 polishing treatment pods in order to meet Title 22 water recycling criteria. The treated wastewater will flow into the filtration system, followed by chlorination disinfection. The treated wastewater will then flow into a dosing tank. The treated wastewater from the dosing tank will be pumped out and utilized for subsurface irrigation. The upgraded treatment system, including the Park's treatment system, the

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Beach Café's treatment system, the equalization tank and the polishing treatment pods, once completed, will be referred as the Paradise Cove Wastewater Treatment Plant.

9. Treated wastewater from the upgraded treatment system will irrigate up to 65,000 square-feet (1.5 acres) of landscape area controlled by the Dischargers. During the dry months, up to 60,000 gallons of the treated wastewater will be recycled on a daily basis, but the actual amount of recycled water use will depend on the demand of recycled water needed for irrigation.
10. Treated wastewater not being used for irrigation (e.g., during periods of rainfall) will be discharged to the seepage pits located throughout the Park. The seepage pits will also be used to divert treated wastewater during maintenance of the subsurface drip system and as an emergency backup disposal system. The existing seepage pits have a total capacity of 96,623 gpd, which is sufficient to accommodate wastewater discharges from both the Park's wastewater treatment system and the Beach Café's wastewater treatment system when recycled water cannot be used for irrigation.
11. The upgraded system would be designed to produce wastewater meeting advanced (with nitrification-denitrification) tertiary treatment effluent limits, which can be recycled for subsurface irrigation with a design capacity of 85,000 gpd.
12. Following a review of the WDRs in Regional Water Board Order No. R4-2002-00108 for the Park and the General WDRs in State Water Board Order No. 97-10-DWQ for the Beach Café, and in consideration of the inspection conducted at both facilities on January 26, 2016, as well as the Plan submitted on February 1, 2016, the Regional Water Board determined that revised and consolidated WDRs for the Park and the Beach Café were necessary and appropriate.
13. On June 9, 2016, following a public hearing, the Regional Water Board adopted Order No. R4-2016-XXXX, which established consolidated WDRs and water reclamation requirements (WRRs) for the Park and Beach Café. These WDRs/WRRs specify requirements for the recycled water use and wastewater discharges at the Park and Beach Cafe. In order to allow recycled water to be utilized from the upgraded system, the WDRs/WRRs prescribe new and/or more stringent effluent limitations based on the requirements specified in the Basin Plan and Water Recycling Criteria in California Code of Regulations, Title 22, Division 4, Chapter 3. The WDRs/WRRs require the effluent to meet Maximum Contaminant Levels (MCLs) for drinking water and groundwater quality objectives in the Basin Plan.
14. WDRs/WRRs Order No. R4-2016-XXXX requires the Dischargers to comply with effluent limitations at the Park and Beach Café, including, not limited to:

Constituent	Units ^[1]	Daily Maximum	30-Day Average
pH	pH units	6.5 – 8.5	---
BOD ₅ 20°C	mg/L	45	30
Total suspended solids	mg/L	45	30
Total nitrogen ^[2]	mg/L	10	--

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Constituent	Units ^[1]	Daily Maximum	30-Day Average
Nitrate as N	mg/L	10	--
Nitrite as N	mg/L	1	--
Oil and grease	mg/L	15	10
Total dissolved solids (TDS)	mg/L	1,000	--
Sulfate	mg/L	250	--
Chloride	mg/L	250	--
Boron	mg/L	1.0	--
MBAS ^[3]	mg/L	0.5	--

Constituent	Units ¹	Limit
Turbidity	NTUs	The turbidity of the effluent shall not exceed any of the following: a) A daily average of 2 NTUs, b) 5 NTUs more than 5 percent of the time (72 minutes) during any 24-hour period, and c) 10 NTU at any time.
Total Coliform	MPN	The total coliform (median number of coliform organisms in the effluent) shall not exceed 23 MPN per 100 ml, as determined from the bacteriological results of the last 7 days for which analyses have been completed, and the number of total coliform bacteria shall not exceed 240 MPN/100 mL in more than one sample in any 30 days period.

^[1]mg/L=milligrams per liter; MPN/100mL = most probable number (MPN) per 100 milliliters; NTU= Nephelometric turbidity units

^[2]Total nitrogen= nitrate-N + nitrite-N + ammonia-N + Organic Nitrogen

^[3]Methylene Blue Active Substances

15. The effluent water quality data collected from the Park's OWTS from January 2009 to December 2015 are as follows:

Constituent	Units	Treated Wastewater ^[1]
pH	pH units	6.0 – 8.5
BOD ₅ 20°C	mg/L	5 – 386 ^[2]
Total suspended solids	mg/L	5 – 46
Turbidity	NTU	0.3 – 23.2
Oil & grease	mg/L	5 – 48
Nitrate as N	mg/L	0.33 – 21.9
Nitrite as N	mg/L	0.02 – 1.99
Ammonia as N	mg/L	0.33 – 20.9
Organic Nitrogen	mg/L	0.10 – 18.5

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Constituent	Units	Treated Wastewater ^[1]
Total Nitrogen	mg/L	1.02 – 53.03
Total dissolved solids	mg/L	102 – 832
Total coliform	MPN/100mL	2 – 900
Fecal coliform	MPN/100mL	2 – 900
Enterococcus	MPN/100mL	1 – 2,419 ^[3]

^[1] Range based on reported values for all samples analysis performed from January 2009 to December 2015

^[2] BOD concentration of 386 mg/L was a one-time exceedance that occurred on November 28, 2012.

^[3] The high Enterococcus count occurred during the adjusting and testing period of the UV system in November 2008.

16. Monitoring data from the Beach Café's OWTS from March 2014 to December 2015 characterizes the effluent water quality as follows:

Constituent	Units	Treated Wastewater ^[1]
pH	pH units	6.9 – 8.2
BOD ₅ 20°C	mg/L	5 – 43
Turbidity	NTU	0.60 – 20.5
Total suspended solids	mg/L	5 – 45
Oil & grease	mg/L	5 – 30
Nitrate as N	mg/L	0.04 - 37.2
Nitrite as N	mg/L	0.1 – 1.22
Ammonia as N	mg/L	0.27 – 6.78
Organic Nitrogen	mg/L	0.57 – 6.5
Total Nitrogen	mg/L	5.9 – 38.6
Total dissolved solids	mg/L	1,140
Total coliform	MPN/100mL	2 – 1,600
Fecal coliform	MPN/100mL	1 – 2,400
Enterococcus	MPN/100mL	1 – 2,419.6

^[1] Range based on the statistical minimum and maximum reported values for all sample analysis performed after the upgrades to the wastewater treatment system were completed.

17. Based on this monitoring data, the Dischargers, with the current treatment processes at the Park and the Beach Café, should achieve compliance with the effluent limitations prescribed in Order No. R4-2016-XXXX, except for nitrate as N, total nitrogen, total coliform, and turbidity. The Dischargers will not be able to comply with the effluent limitations for nitrate as N, total nitrogen, total coliform, and turbidity until the Dischargers' proposed upgrade is complete.
18. California Water Code section 13301 provides in pertinent part "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b)

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comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action...Cease and desist orders may be issued directly by a board, after notice and hearing.”

19. As a result of the historical monitoring data and other activities described in this Order, the Regional Water Board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the Regional Water Board in the WDRs/WRRs. This Order requires the Dischargers to take appropriate remedial action and to comply in accordance with the time schedule set forth below. The time schedule provides the Dischargers sufficient time to complete upgrades to the wastewater treatment plant(s) at the Park and Beach Café to promptly achieve compliance with the WDRs/WRRs in Order No. R4-2016-XXXX.
20. This Order includes interim effluent limitations, identified below, and actions and milestones leading to compliance with the effluent limitations for turbidity, nitrate as N, total nitrogen, and total coliform. The interim effluent limitations are derived statistically at the 99th/95th percentile of monitoring data collected from January 2009 through December 2015. The established time schedule is as short as possible, taking into account the technological, operation, and economic factors that affect the design, development, and implementation of the remedial actions that are necessary to comply with the effluent limitations.
21. A Cease and Desist Order is appropriate in these circumstances to allow time for the Dischargers to complete facility modifications that will bring the Park and Beach Café’s treatment systems into compliance with effluent limitations. The temporary exceedances allowed by this Order are in the public interest given the significant environmental benefits associated with upgrading the treatment systems to promptly achieve compliance with the effluent limitations to allow for recycled water use at the Park, especially in light of California’s historic drought.
22. California Water Code section 13267 provides in pertinent part:
 - (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.
 - (b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
23. The technical and/or monitoring reports required by this Order are necessary to assure compliance with the WDRs/WRRs and this Order. The Dischargers operate the Park and Beach Café that produces and discharges the waste subject to the WDRs/WRRs. The

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actions and reports required by this Order are directly related to the Dischargers' compliance with these requirements and do not require expense that is not already required pursuant to the WDRs/WRRs. The expense will not affect the Dischargers' ability to continue in business. The burden of these actions and reports bears a reasonable relationship to the need for the actions and reports.

27. This Cease and Desist Order concerns an existing facility and does not significantly alter the status with respect to the facility. The issuance of this Order is an enforcement action by a regulatory agency and is being taken for the protection of the environment. Therefore, issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et seq.) in accordance with sections 15061(b)(3), 15301, 15306, 15307, 15308, and 15321(a)(2) of Title 14 of the California Code of Regulations.
28. The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to issue this Order concerning compliance with the WDRs/WRRs. The Regional Water Board accepted written comments, and heard and considered all comments and evidence pertaining to this matter in a public hearing.
29. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13301 and 13267, The Kissel Company, Inc. and Paradise Cove Land Company, LLC, as owners and operators of the Paradise Cove Mobile Home Park and the Paradise Cove Beach Café, shall comply with the following measures to ensure compliance with Order No. R4-2016-XXXX:

1. Cease and desist discharging wastes in violation or threatened violation of Order No. R4-2016-XXXX. No term or condition of Order No. R4-2016-XXXX is superseded or stayed by this Order.
2. Comply immediately with the effluent limitations prescribed in Order No. R4-2016-XXXX, except for turbidity, nitrate as N, total nitrogen, and total coliform.
3. Comply immediately with the interim effluent limitations specified in Table 1, below, which shall be deemed effective from June 9, 2016 to August 31, 2018:

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Table 1. Interim Effluent Limitations

Constituent	Units ^[1]	Daily Maximum	Monthly Average
Turbidity	NTU	23.2	16.6
Nitrate as N	mg/L	22	21
Total Nitrogen	mg/L	52	46
Total coliform	MPN/100mL	900	500

^[1]mg/L=milligrams per liter; MPN/100mL = most probable number (MPN) per 100 milliliters; NTU= Nephelometric turbidity units

4. Comply with the following remedial actions and milestones according to the time schedule below:
 - a. By **November 1, 2017**, the Dischargers shall begin construction, installation, and/or expansion upgrades to the Park and Beach Café's OWTs.
 - b. By **June 1, 2018**, the Dischargers shall complete construction, installation, and/or expansion upgrades to the Park and Beach Café's OWTs.
 - c. As soon as possible, but no later than **September 1, 2018**, the Dischargers shall achieve full compliance with all requirements in Order No. R4-2016-XXXX.
5. Until such time as the Dischargers achieve full compliance with all effluent limitations prescribed in Order No. R4-2016-XXXX, the Dischargers are prohibited from using recycled water at the Park or Beach Café.
6. Submit quarterly progress reports on the status of the construction, installation, and expansion upgrades according to the following schedule (see Table 2). The first report is due on **October 30, 2016**.

Table 2. Quarterly Progress Reports Schedule

Reporting Period	Report Due
January - March	April 30
April - June	July 30
July - September	October 30
October - December	January 30

7. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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8. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Dischargers shall contain the professional's signature and/or stamp of the seal.
9. The Dischargers shall submit all reports required under this Order, including groundwater monitoring data in Electronic Data Format, well and discharge location data, and searchable PDF reports and correspondence, to the State Water Resources Control Board's GeoTracker database under Global ID WDR100026601.
10. If the Dischargers fail to comply with any provision of this Order, the Regional Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, may take appropriate administrative enforcement action pursuant, but not limited to, California Water Code sections 13268 and/or 13350. The Regional Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
11. The Regional Water Board may reopen this Order at its discretion or at the request of the Dischargers or interested persons, if warranted. Lack of progress towards compliance with this Order may be cause for the Regional Water Board to modify the terms and conditions of this Order.
12. This Order becomes effective immediately upon issuance.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 9, 2016.

Samuel Unger, P.E.
Executive Officer

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