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8 Attorneys for Petitioner HEAL THE BAY

9 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

10 IN RE: THE KISSEL COMPANY, INC., ) PETITION TO REVIEW  
11 PARADISE COVE MOBILE HOME PARK, ) CALIFORNIA REGIONAL WATER  
12 MALIBU, CALIFORNIA ) QUALITY CONTROL BOARD, LOS  
13 ) ANGELES REGION'S ORDER ON  
14 ) COMPLAINT NO. R4-2009-0017  
15 ) ADMINISTRATIVE CIVIL  
16 ) LIABILITY DATED NOVEMBER 16,  
17 ) 2009

18 Pursuant to Water Code § 13320, Heal The Bay hereby petitions the State Water  
19 Resources Control Board ("State Board") to review the California Regional Water Quality  
20 Control Board, Los Angeles Region's action on November 16, 2009, issuing an administrative  
21 civil liability order to the Kissel Company, Inc. ("Kissel") for violations of a time schedule order  
22 and waste discharge requirements ("WDRs") addressing discharges of sewage to land at the  
23 company's Paradise Cove Mobile Home Park in Malibu, California. Heal The Bay seeks State  
24 Board review in order to rectify the Regional Board's illegal interpretation of the scope of the  
25 Regional and State Boards' enforcement authority pursuant to Water Code § 13350(a)(2) and,  
26 based on that improper interpretation, the Regional Board's improper rejection of civil penalties  
27 for blatant violations of a time scheduling order and WDRs issued to Kissel.

28 **I. Name and Contact Information of Petitioners.**

Heal The Bay  
Mark Gold, President  
1444 Ninth Street  
Santa Monica, CA 90401  
(310) 451-1500 x. 123  
mgold@healthebay.org

1 **II. REGIONAL BOARD AND STATE BOARD ACTIONS BEING PETITIONED.**

2 This petition seeks review of an order by the Regional Board issued by the Executive  
3 Officer and dated November 16, 2009, amending Administrative Civil Liability Complaint No.  
4 R4-2009-0017 and assessing an administrative civil penalty in the amount of \$54,500.00 against  
5 the Kissel Company, Inc. A true and correct copy of the Regional Board's order is attached  
6 hereto as Exhibit A.

7 Heal The Bay limits the question for which review is sought to a specific decision made  
8 by the Regional Board in its ACL order that erred by limiting the Regional Board's authority to  
9 assess administrative civil penalties pursuant to Water Code § 13350(a)(2). At paragraph 15.a of  
10 the order, the Regional Board concluded that "[t]he Regional Board ... lacks authority to redress  
11 the violations of the Amended Time Schedule Order (as specified in paragraph 13.c.i., above)  
12 with the imposition of administrative civil liability penalties under subdivision (a)(2) of section  
13 13350." The Regional Board concluded that:

14 liability only attaches when there has been a discharge of waste in violation of an  
15 order. (*See Order WQ 8-10, In the Matter of the Petition of Lake Arrowhead*  
16 *Community Services District.*) Section 13350 limits its applicability to  
17 nondischarge-related violations to cease and desist orders and cleanup and  
abatement orders. (Wat. C. § 13350, subd. (a)(1).)

18 Order, p. 7 (¶ 15.a). As a result, the Regional Board decided not to assess administrative civil  
19 penalties in the amount of \$1,585,000 originally included in ACL Complaint recommended by  
20 the Regional Board's Prosecuting Team for Kissel's violations of Amended Time Schedule  
21 Order No. R4-2006-0079. Heal The Bay's petition to review the Regional Board's order does  
22 not extend to any other provisions of the ACL order.

23 **III. THE DATE THE REGIONAL BOARD ACTED.**

24 November 16, 2009.

25 **IV. STATEMENT OF REASONS THE REGIONAL BOARD'S ACTION WAS**  
26 **INAPPROPRIATE OR IMPROPER.**

27 The Regional Board's conclusion that, under Water Code § 13350(a)(2), "liability only  
28 attaches when there has been a discharge of waste in violation of an order" is incorrect as a  
matter of law. *See* Order, p. 7 (¶ 15.a). The Regional Board's related conclusion that Section

1 13350 limits its applicability to nondischarge-related violations of cease and desist orders and  
2 cleanup and abatement orders also is legally erroneous. *Id.*

3 In addition, the Regional Board abused its discretion by failing to address the original  
4 ACL's proposed penalty assessment for violations of Provision C of the Amended Time  
5 Schedule Order. The original and amended time schedule order included a deadline for Kissel to  
6 achieve full compliance with requirements prescribed by WDR Order No. R4-2002-0108,  
7 including the Effluent Limitations set forth at Provisions B(1)-(5). For 642 days from February  
8 1, 2007 up until November 4, 2008, Kissel violated Provision B effluent limitations because the  
9 company had not installed the requisite treatment equipment necessary to achieve those  
10 limitations. As a result, Kissel discharged every day on average about 40,000 gallons of effluent  
11 that exceeded the WDRs' effluent limitations. The original ACL recommended a civil penalty of  
12 \$1,228,000 for these violations. ACL Complaint, Table 2. Assuming that Water Code §  
13 13350(a)(2) was limited to violations resulting directly from discharges, these violations fit  
14 within that category. Despite being subject to liability pursuant to Water Code § 13350(a)(2)  
15 under even the Regional Board's limited construction of that provision, the Regional Board  
16 abused its discretion by failing to apply Section 13350(a)(2) liability to these discharge  
17 violations in its final order.

18 The Regional Board abused its discretion and proceeded in a manner inconsistent with  
19 law by refusing to assess administrative civil penalties against Kissel for the company's  
20 violations of Amended Time Schedule Order No. R4-2006-0079. The State Board should vacate  
21 the order's erroneous conclusions and remand the order to the Regional Board to assess an  
22 appropriate penalty for Kissel's violations of the Amended Time Schedule Order.

23 **V. STATEMENT OF POINTS AND AUTHORITIES.**

24 **A. Liability Pursuant to Water Code Section 13050(a)(2) is not Limited to**  
25 **Violations Caused by a Discharge of Waste.**

26 Contrary to the Regional Board's conclusion, a discharger is liable pursuant to Water  
27 Code § 13350(a)(2) for any violation of any order issued by the Regional Board as long as they  
28

1 are discharging waste pursuant to the order at issue. The discharge itself need not be the basis  
2 for the violation. Section 13350(a) provides that:

3 (a) Any person who (1) violates any cease and desist order or cleanup and  
4 abatement order hereafter issued, reissued, or amended by a regional board or the  
5 state board, or (2) in violation of any waste discharge requirement, waiver  
6 condition, certification, or other order or prohibition issued, reissued, or amended  
7 by a regional board or the state board, discharges waste, or causes or permits  
8 waste to be deposited where it is discharged, into the waters of the state, ... shall  
9 be liable civilly, and remedies may be proposed, in accordance with subdivision  
10 (d) or (e).

11 The ACL at issue sought to assess administrative civil penalties under Section 13350(a)(2) for  
12 three categories of violations of Kissel's Amended Time Schedule Order, Order No. R4-2006-  
13 0079. The ACL included proposed administrative civil penalties (1) for each of the 254 days  
14 after December 1, 2006 that Kissel failed to complete construction of a new waste treatment  
15 system; (2) for each of 206 days after January 1, 2007 that Kissel failed to abandon septic tanks  
16 at the facility, and (3) for each of the 642 days on which Kissel discharged sewage effluent from  
17 the mobile home park in excess of its WDRs' effluent limitations, especially the bacterial limit  
18 established by the WDRs. Order No. R4-2002-0108, Section B.4. Where violations of the type  
19 described in Section 13350(a)(2) occur, the Regional Board is authorized to "impose civil  
20 liability administratively . . . either on a daily basis or on a per gallon basis, but not both." Water  
21 Code § 13350(e). "The civil liability on a daily basis may not exceed five thousand dollars  
22 (\$5,000) for each day the violation occurs." Water Code § 13350(e)(1).

23 By its plain language, Section 13350(a)(2) does not limit the Regional Board's  
24 administrative civil penalty authority to violations caused solely by the offender's act of  
25 discharging waste. The language expressly assigns liability to "[a]ny person who ... in violation  
26 of any waste discharge requirement ... or other order, discharges waste...." Water Code §  
27 13350(a)(2) (emphasis added). "Waste discharge requirements" are themselves not limited to  
28 requirements specifying the quality or volume of effluent, including time schedules, monitoring  
requirements, and other conditions that are important to controlling the waste discharge. *See*  
Water Code § 13263(c) (providing WDRs may include a time schedule); 23 California Code of  
Regulations §§ 2230 (WDRs include monitoring reports), 2231 (time schedules), 2223 (requiring

1 sewage plants to develop pretreatment programs, operator certification requirements and  
2 maintenance standards). The Legislature was well aware that a violation of any waste discharge  
3 requirement or other order encompassed non-discharge requirements. The Regional Board may  
4 assess penalties for any violation of any waste discharge requirement or other order – including  
5 time schedules and monitoring requirements – while a person is discharging waste addressed by  
6 such order.

7         Assuring that violations of any requirement deemed necessary by the Boards to address a  
8 particular waste discharge may be efficiently enforced under Section 13350(a)(2) does not render  
9 its reference to discharges a nullity. In particular, the plain language of the provision requires  
10 that the offending party discharge waste into waters of the state in order to be liable under  
11 Section 13350(a)(2). In the case of Kissel, there is no dispute that the company discharges on  
12 average about 40,000 gallons of effluent per day to groundwater at the site. Hearing Transcript,  
13 p. 126, ln. 10-12 (June 5, 2009) (“The effluent discharge from the seepage pits at the Park  
14 percolated to groundwater”) (testimony of Weixing Tong); *id.* at 332 (“we are discharging  
15 treated effluent” and noting that -- “from February [2007]” “[t]he only thing missing was  
16 bacterial treatment”) (statement of Kissel’s counsel); *id.* at 331 (“yes, there is evidence that there  
17 was a discharge”) (statement of Kissel’s counsel); *id.* at 133 (“the failure to meet these deadlines  
18 resulted in discharges of untreated or partially treated wastewater sewage throughout the Park  
19 and the delayed compliance with the permit”) (testimony of Mercedes Merino, Regional Board  
20 staff). However, there is no need that the discharge be the direct cause of the violations at issue.

21         Before the Regional Board, Kissel argued that the language of Section 13350(a)(2) must  
22 be reorganized in order to discern its true meaning. Kissel would rearrange the language to read:  
23 “The action that must be taken for liability to be imposed under subsection (a)(2) is the discharge  
24 of waste to waters of the state in violation of an order.” Kissel Company’s Supplemental Brief,  
25 p. 5 (Sept. 3, 2009). Kissel’s rearrangement of the statute’s language is a distinction without a  
26 difference. Where a facility discharges waste without having complied with a Regional Board’s  
27 order to implement additional treatment measures by a date certain or to comply with the effluent  
28 limitations in its WDRs, the facility is discharging in violation of that order. Whether or not the

1 underlying discharge – which is of course the reason all of the requirements and orders were  
2 issued by the Regional Board – is directly causing the violation of any requirement or order is  
3 immaterial to the language of section 13350(a)(2).

4         The State Board’s previous orders confirm the Regional Board’s interpretation. In *In the*  
5 *Matter of the Petition of Freedom County Sanitation District For Review of Administrative Civil*  
6 *Liability Order No. 86-246 by the California Regional Water Quality Control Board, Central*  
7 *Coast Region, Order No. WQ 87-2*, 1987 Cal. Env. Lexis 8 (Cal.St.Wat.Bd. Jan. 22, 1987), the  
8 State Board laid out the elements of Water Code § 13350(a)(2), expressly distinguishing between  
9 the violation and the discharge as two separate elements: “It is up to the Regional Board staff to  
10 affirmatively prove each element listed above: the existence of an order, a negligent or  
11 intentional violation, a discharge, and the creation of a condition of pollution or nuisance.  
12 Without any one element, no liability is possible.” 1987 Cal. Env Lexis 8 at \*4 (Cal. ENV  
13 1987). Since the State Board issued that order, Section 13350(a)(2) has been amended to  
14 eliminate the need to show negligence or intention and pollution or nuisance. Currently, only  
15 three of the four elements identified by the State Board remain elements to prove liability under  
16 Section 13350(a)(2) – the existence of an order, a violation, and a discharge. All three of those  
17 elements exist in Kissel’s violation of the amended time schedule order.

18         Both Kissel and the Regional Board claim that the State Board’s order in *In the Matter of*  
19 *the Petition of Lake Arrowhead Cmty. Servs. Dist. For Review of Administrative Civil Liability*  
20 *Order No. 6-87-147*, 1988 Cal. Env. Lexis 14 \*4; 1988 WL 157318, at \* 2 (Cal.St.Wat.Bd. Sept.  
21 22, 1988)) ruled that liability under Water Code § 13350(a)(2) is limited to violations directly  
22 caused by a discharge of waste. The referenced *dicta* makes no such ruling. It is clear that the  
23 State Board simply listed a subset of elements relevant to the violation at issue. Indeed, the State  
24 Board’s truncated description of the elements of a liability claim under Section 13350(a)(2)  
25 leaves out obvious elements existing at the time. For purposes of *Arrowhead*, the State Board  
26 stated that:

27             Section 13350 requires that two conditions must be met before administrative civil  
28 liability may be imposed. First, there must be a discharge in violation of waste

1 discharge requirements or a prohibition. Second, the discharge must create a  
2 condition of pollution or nuisance.

3 1988 Cal. Env. Lexis 14 \*4. At the time, Section 13350(a)(2) also required that discharges be  
4 intentional or negligent. *Id.* The provision also included, as it still does today, liability for  
5 violations of any “other order.” *Id.* By omitting these elements, the State Board’s summary in  
6 the context of Lake Arrowhead’s discharges plainly was not intended to be the exclusive ruling  
7 on the scope of Section 13350(a)(2).

8 **B. Assuming Water Code Section 13050(a)(2) is Limited to Violations Caused**  
9 **by a Discharge of Waste, Kissel’s Failure to Limit Pollution Levels in its**  
10 **Discharges to Meet the WDR’s Effluent Limitations as Required by the**  
11 **Amended Time Schedule Order are Violations Caused by Discharges.**

12 Turning to the facts of Kissel’s waste discharges addressed by the Amended Time  
13 Schedule Order, it also is clear that at least one of the categories of violations was directly caused  
14 by the facility’s discharges. Item C of the Amended Time Schedule Order provides that “[b]y  
15 February 1, 2007, achieve full compliance.” ATSO, p. 2. Full compliance referred to  
16 compliance with WDR Order No. R4-2002-0108. *Id.*, p. 1. Full compliance with Order No. R4-  
17 2002-0108 includes full compliance with numeric effluent limitations for Kissel’s waste  
18 discharges to the facility’s seepage pits. Order No. R4-2002-0108, Section B (“Effluent  
19 Limitations”). For example, Section B.4 of the WDRs establishes bacterial limits for Kissel’s  
20 discharge:

21 The median total coliform density in the wastewater discharged to the irrigation  
22 and disposal area shall not exceed 70 per 100 milliliters (ml), and not more than 10  
23 percent of the samples shall exceed 230 per 100 ml. In addition, a geometric mean  
24 enterococcus density shall not exceed 24 organisms per 100 ml for a 30-day  
25 period.

26 Order No. R4-2002-0108, Section B.4. The WDRs also establish a turbidity limit of 5  
27 Nephelometric Turbidity Units (“NTU”). *Id.*, Section B.2.

28 At the time the original WDRs were adopted and in its various requests to extend the time  
schedules adopted by the Regional Board for implementing the new disinfection system, Kissel  
admitted that it could not comply with its WDRs’ effluent limitation for bacteria without  
installing the new treatment system:

1 The Discharger has indicated that it cannot immediately comply with the  
2 requirements contained in these WDRs because the treatment system needs to be  
3 upgraded. In order for the Discharger not to be in immediate violation of  
4 requirements in the WDRs, the Regional Board has included this Time Schedule  
5 Order (TSO) that will allow the Discharger to complete all needed upgrades within  
6 the time frame specified in this TSO.

7 Order No. R4-2002-0109, ¶ 8. This fact was reiterated at the enforcement hearing:

8 At the time [2002], the Permittee indicated that it could not immediately comply  
9 with the waste discharge requirements because the existing septic system needed  
10 to be updated. So in order for the Permittee not to be in immediate violation of  
11 this waste discharge requirement and to give the Permittee the time to complete  
12 all needed updates, the Regional Board adopted time schedule order number R4-  
13 2002-0109 on May 23, 2002.

14 Transcript, p. 109, ln 5-14 (testimony of Mercedes Merino). Kissel discharges every day. Thus,  
15 every day that Kissel did not have the new disinfection system in place and functioning properly,  
16 it discharged waste in violation of the WDRs' bacterial limitation. Kissel's monitoring data for  
17 2007 and 2008 demonstrates that Kissel consistently exceeded its effluent limitations for total  
18 coliform, enterococcus and turbidity. See attached Table 1 (summarizing Kissel's effluent  
19 limitation violations in 2007 and 2008); Exhibit B (relevant excerpts of Kissel's quarterly  
20 monitoring reports). Most, possibly all, of the data reported by Kissel was after installation of  
21 portions of its new treatment system minus disinfection. Discharges prior to 2007 likely  
22 exceeded the WDRs' limitations by even greater amounts.

23 Of the numerous violations sought to be enforced by the Regional Board's prosecution  
24 team, 642 violations were of the amended time schedule order Item C and the bacterial discharge  
25 limitation:

26 In its response to the complaint, the Permittee states that it achieved full  
27 compliance by July 27, 2007, which is the date that the Permittee abandoned all  
28 the septic tanks. However, we disagree, as the disinfection system was either not  
operational or bypassed, as I said, during most of 2007 and 2008. It was there but  
not being used. And as noted in Toni Callaway's August 9, 2007 inspection  
report, which is marked as Exhibit 30, the Permittee was not in compliance with  
the effluent limitations because the treated wastewater was not disinfected. The  
bacteria wasn't being removed. And at that time of her inspection of August 9,  
2007, the Permittee was bypassing the disinfection unit.



1 Transcript, p. 119 (statement of Elizabeth Erickson); ACL, p. 20. Kissel's violations of the  
2 bacterial limits continued through at least November 5, 2008, the first date of monitoring by  
3 Kissel of discharges from the finally completed disinfection system. *See id.*, p. 121 ("on  
4 December 17, 2008, in an email marked as Exhibit 67, Barbara Bradley reported that the first  
5 samples taken on November 5, 2008 from the new disinfection system were below the bacteria  
6 effluent limitations prescribed in the WDRs. So that's bacteria – effluent limits achieved on  
7 November 5, 2008"); *see* Exhibit B.<sup>1</sup> Of the total \$1,652,500 administrative civil penalties  
8 sought by the ACL, \$1,228,000 of administrative civil liability was sought for these discharge  
9 violations. Even under Kissel's and the Regional Board's truncated view of the scope of Water  
10 Code § 13350(a)(2) as limited to violations directly resulting from discharges, these 642  
11 violations fit squarely within that category of liability.

12 **VI. PETITIONERS ARE AGGRIEVED.**

13 Petitioner Heal The Bay and its members are aggrieved by the Regional Board's decision  
14 to excuse Kissel from administrative civil penalties pursuant to Water Code § 13350(a)(2). Heal  
15 The Bay's members frequent Paradise Cove and have been exposed to excessive bacterial levels  
16 measured at that beach over the last decade. Heal The Bay has reported high bacterial levels  
17 downstream of Kissel's waste discharges in its annual Beach Report Card. By failing to assess  
18 civil penalties for Kissel's violations of the Amended Time Schedule Order, the Regional Board  
19 has adversely affected Heal The Bay's members by allowing substantial discharges threatening  
20 the health of adjacent creeks and beaches to occur without substantial consequences and failed to  
21 adequately deter future violations of the Regional Board's orders by Kissel and others. Heal The  
22 Bay also is aggrieved by the Regional Board's incorrect limitation of its enforcement discretion.  
23 The ability of the Regional Board to assess civil penalties for all violations of its orders is  
24 essential not only to reducing and deterring illegal pollution discharges in the region, but also  
25 assuring that all reporting and scheduling requirements are achieved ensuring the information

26  
27  
28 <sup>1</sup> Staff was being generous to Kissel, its December 2008 data showing once again  
substantial violations of the company's enterococcus, total coliform, and turbidity limitations.  
*See* Table 1.

1 necessary to the Board's as well as Heal The Bay's missions is available and ensuring that the  
2 Board and the aggrieved community can depend upon the validity of the Board's non-penalty  
3 time schedule orders to induce pollution reductions in an efficient and measured manner.

4 **VII. REQUESTED STATE BOARD ACTION.**

5 Petitioner's request the State Board to issue an order 1) finding that the Regional Board  
6 abused its discretion and proceeded in a manner inconsistent with law by refusing to assess  
7 administrative civil penalties pursuant to Water Code § 13350(a)(2) against Kissel for the  
8 company's violations of Amended Time Schedule Order No. R4-2006-0079, and 2) vacating the  
9 order's erroneous conclusions and remand the order to the Regional Board to assess an  
10 appropriate penalty for Kissel's violations of the Amended Time Scheduling Order.

11 **VIII. STATEMENT OF COPIES SENT TO THE REGIONAL BOARD AND  
12 DISCHARGER.**

13 Copies of this petition are being sent to the Regional Board and the discharger at the  
14 following addresses and, where known, e-mail addresses:

15 Tracy Egoscue, Executive Officer  
16 California Regional Water  
17 Quality Control Board  
18 Los Angeles Region  
19 320 West 4th Street, Suite 200  
20 Los Angeles, CA 90013  
21 tegoscue@waterboards.ca.gov

22 Michael Levy, Senior Staff Counsel  
23 Office of Chief Counsel  
24 State Water Resources Control Board  
25 1001 I Street, 22nd Floor  
26 Sacramento, CA 95814  
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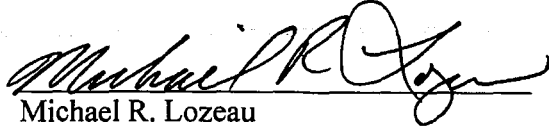
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1 **ISSUES RAISED BEFORE REGIONAL BOARD.**

2           Petitioners certify that each of the issues set forth above were presented either in writing  
3 or orally to the Regional Board prior to its November 16, 2009 decision.

4 Dated: December 16, 2009

5 Respectfully submitted,

  
Michael R. Lozeau  
Attorney for Petitioners Heal The Bay

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**TABLE 1 – 2007 THROUGH 2008 VIOLATIONS**

Date	Parameter	Reported Discharge	WDRs Limitation
March 1, 2007	Turbidity	20 NTU	5 NTU
March 1, 2007	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
March 1, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
March 1, 2007	BOD	67 mg/L	30 mg/L (monthly avg); 45 mg/L (daily max)
April 5, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
May 24, 2007	Enterococcus	No analysis	24/100 ml
May 24, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
June 1, 2007	Enterococcus	275.5 MPN/100 ml*	24/100 ml
June 1, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
June 8, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
June 20, 2007	Enterococcus	1413.6 MPN/100 ml*	24/100 ml
June 20, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
August 13, 2007	Turbidity	10.8 NTU	5 NTU
August 13, 2007	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
August 13, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
September 13, 2007	Turbidity	9.5 NTU	5 NTU
October 5, 2007	Turbidity	5.6 NTU	5 NTU
October 5, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
October 5, 2007	Enterococcus	1299.6 MPN/100 ml*	24/100 ml
October 26, 2007	Turbidity	6.9 NTU	5 NTU
October 26, 2007	Total Coliform	1600 MPN/100 ml*	70/100 ml
October 26, 2007	Enterococcus	1600 MPN/100 ml*	24/100 ml
January 9, 2008	Turbidity	10.2 NTU	5 NTU
January 9, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
January 9, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml

**TABLE 1 – 2007 THROUGH 2008 VIOLATIONS**

Date	Parameter	Reported Discharge	WDRs Limitation
February 8, 2008	Turbidity	7.6 NTU	5 NTU
February 8, 2008	Total Coliform	387.3 MPN/100 ml*	70/100 ml
February 8, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
February 14, 2008	Turbidity	11.9 NTU	5 NTU
February 14, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
February 14, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
February 29, 2008	Turbidity	13.4 NTU	5 NTU
February 29, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
February 29, 2008	Enterococcus	1203.3 MPN/100 ml*	24/100 ml
March 14, 2008	Turbidity	9.6 NTU	5 NTU
March 14, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
March 14, 2008	Enterococcus	1553.1 MPN/100 ml*	24/100 ml
May 2, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
May 2, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
June 2, 2008	Turbidity	14.4 NTU	5 NTU
June 2, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
June 2, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
September 17, 2008	Turbidity	9.9 NTU	5 NTU
September 17, 2008	Total Coliform	1600 MPN/100 ml*	70/100 ml
September 17, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
December 5, 2008	Turbidity	23.2 NTU	5 NTU
December 5, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
December 12, 2008	Total Coliform	80 MPN/100 ml*	70/100 ml
December 12, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
December 19, 2008	Turbidity	8.6 NTU	5 NTU

**TABLE 1 – 2007 THROUGH 2008 VIOLATIONS**

Date	Parameter	Reported Discharge	WDRs Limitation
December 19, 2008	Enterococcus	2419.2 MPN/100 ml*	24/100 ml
December 24, 2008	Turbidity	9.3 NTU	5 NTU

\*Kissel qualified each of these data points as equal to or greater than the reported figure. Each of these data points is the minimum estimate of bacterial densities in the effluent samples. It is likely that most of these data points underreport the actual densities of coliform and enterococci because undisinfected sewage often has densities of fecal bacteria over 1 million colony forming units per 100 ml.

# EXHIBIT A

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

<b>In the matter of:</b>	)	<b>Order on Complaint No. R4-2009-0017</b>
	)	<b>Administrative Civil Liability</b>
<b>The Kissel Company, Inc.</b>	)	<b>Pursuant to California Water Code § 13350</b>
<b>Paradise Cove Mobile Home Park</b>	)	<b>For Violations of</b>
<b>Malibu, CA</b>	)	<b>Order Nos. R4-2002-0108, R4-2006-0079, &amp; R4-2007-0043</b>

This matter was heard on June 5, 2009 in Los Angeles, California before the Regional Water Quality Control Board, Los Angeles Region (Regional Board). Ms. Deborah Smith, Ms. Paula Rasmussen, Mr. Hugh Marley, Ms. Mercedes Merino, Staff Counsel Jennifer Fordyce, and Senior Staff Counsel Jeff Ogata appeared for the Prosecution Team. Mr. Garrett Hanken and Mr. Steven Dahlberg appeared on behalf of The Kissel Company, Inc. (hereinafter Permittee).

Following the presentation of evidence and the arguments of the Permittee and the Prosecution Team, the matter was submitted to the Regional Board, subject to ruling on the admissibility of exhibits 27, 31, 46, 48, and 52. The Parties stipulated to the admissibility of exhibit 95, and it will be received. The Regional Board hereby admits these exhibits into evidence. The authenticity of the photographs was established by admissions by The Kissel Company, and witness testimony about the accuracy of the photographs as compared to their contemporaneous observations, with the exception of several of the photographs in exhibit 52, which, following this ruling, are admitted by stipulation. The email communications contained in the exhibits are business records of the Regional Board, the nature and use of which are routinely used in the regular course of this agency's business.

Upon consideration of the admissible evidence and arguments presented, the Regional Board hereby finds as follows:

1. The Permittee owns and operates the Paradise Cove Mobile Home Park (Park), which encompasses approximately 72 acres of land with 257 mobile home sites located at 28128 Pacific Coast Highway in Malibu, California. The average daily flow of domestic wastewater has been estimated at 41,000 gallons per day (gpd). The peak flow rate is estimated at 60,000 gpd. All homes in the Park are located within 1,500 feet of the Pacific Ocean. The wastewater is discharged through a system of seepage pits, which flows into local groundwater.
2. The geological materials underneath the Park are porous media consisting of unconsolidated loose sands, sandy clay, and marine terrace deposits, or fractured



bedrock, all of which are pathways for percolating water. Wastewater discharged to the seepage pits at the Park will travel through the vadose zone (unsaturated zone between land surface and groundwater table) by gravity, and reach the groundwater underneath the seepage pits.

3. The groundwater below the Park is considered waters of the state.
4. On May 23, 2002, the Regional Board adopted Order No. R4-2002-0108 prescribing Waste Discharge Requirements (WDRs) for the Park to operate an onsite wastewater treatment plant and discharge treated effluent to a subsurface disposal system consisting of seepage pits, leach fields, or subsurface drip irrigation areas. At that time, the Permittee indicated that it could not immediately comply with the requirements contained in Order No. R4-2002-0108 because the existing septic system needed to be upgraded. In order to ensure compliance with the WDRs, the Regional Board adopted Time Schedule Order No. R4-2002-0109 that allowed the Permittee to complete all needed upgrades by November 30, 2003. The Permittee did not meet the deadlines prescribed in TSO No. R4-2002-0109.
5. Order No. R4-2002-0108 contains the following discharge requirements:
  - a. WDR General Provision D.1 states:  
"There shall be no overflows of the community sanitary sewer in this facility or discharge of wastes to waters of the State (including storm drains) at any time."
  - b. WDR General Provision D.9 states:  
"The treatment system, including the collection system and the disposal system, shall be maintained in such a manner that at no time sewage will be permitted to surface or overflow at any location."
  - c. WDR General Provision D.11 states:  
"Wastes discharged shall at no time contain any substance in concentrations toxic to human, animal, plant, or aquatic life."
  - d. WDR General Provision D.12 states:  
"The discharge of waste shall not create a condition of pollution, contamination, or nuisance."
  - e. WDR General Provision D. 13 states:  
"The direct or indirect discharge of any wastewater to surface waters or surface water drainage courses is prohibited."

- f. WDR General Provision D. 14 states:  
“Any discharge of wastewater from the treatment system (including wastewater collection system) at any point other than specifically described in this Order is prohibited, and constitutes a violation of the Order.”
  - g. WDR Provision E. 10 states:  
“This Order includes the attached Monitoring and Reporting Program (Attachment T) which incorporated herein by reference.”
6. Order No. R4-2002-0108 also prescribed groundwater monitoring requirements that required the Permittee to conduct groundwater sampling for pH, total and fecal coliform, enterococcus, nitrate-nitrogen, nitrite-nitrogen, total nitrogen, and total dissolved solids on a quarterly basis from the six monitoring wells located throughout the Site.
  7. The wastewater treatment plant has a design capacity of 60,000 gallons per day of wastewater and serves approximately 257 units. The Permittee currently discharges treated effluent from the wastewater treatment plant storage tanks and hence to seepage disposal areas. The wastewater is susceptible of containing pH, total dissolved solids (TDS), total suspended solids (TSS), biochemical oxygen demand (BOD), oil and grease (O&G), total coliform, residual chlorine, ammonia nitrogen, nitrate nitrogen, nitrite nitrogen, organic nitrogen, and other pollutants that can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (California Water Code § 13000 *et seq.*).
  8. The Regional Board received a letter dated July 20, 2003 from the Permittee’s consultant, Nolte Associates, Inc., requesting an extension of the final completion date for the construction of the wastewater treatment plant. On January 4, 2004, the Regional Board informed the Permittee that its extension request was granted and extended the deadline for completion of the wastewater treatment plant to September 30, 2004.
  9. On October 24, 2006, the Regional Board adopted Amended TSO No. R4-2006-0079. The Amended TSO prescribed deadlines for the completion of three tasks needed to bring the Park’s treatment system into compliance with its WDRs. The Amended TSO required the Permittee to comply with the following tasks and respective deadlines:
    - A. “By November 1, 2006, complete construction of the wastewater treatment plant. Should there be any changes to the plant’s final engineering plans dated April 2004, revised plans including ‘as built’ drawings shall be submitted.”
    - B. “By December 1, 2006, remove or legally abandon septic tanks not part of the new treatment system, according to guidelines set by the Uniform Plumbing Code (I - 11 a, b and c).”
    - C. “By February 1, 2007, achieve full compliance.”

The Permittee did not meet these deadlines.

10. On August 8, 2007, the Regional Board issued the Permittee a Notice of Violations (NOV) for, among other things, fourteen reporting violations of Order No. R4-2002-0108 and failure to meet all three deadlines in Amended TSO No. R4-2006-0079. The Regional Board also required the Permittee, pursuant to California Water Code (CWC) section 13267, to provide information on twelve reported discharges of untreated and/or partially treated sewage from September 30, 2006 to July 23, 2007 at several locations within the Park. The NOV required that the Permittee submit to the Regional Board a report detailing implementation of corrective and preventative actions to bring the discharge into full compliance with effluent limitations of Regional Board Order No. R4-2002-0108 and Amended TSO No. R4-2006-0079 and to prevent future sewage spills.
11. On September 5, 2007, the Regional Board issued CAO No. R4-2007-0043 to the Permittee. CAO No. R4-2007-0043 was issued in response to the chronic unpermitted discharges of untreated sewage at the Park. CAO No. R4-2007-0043 ordered the Permittee to take remedial action to cleanup and abate actual and threatened discharges of raw sewage at the Park. Such action includes: (i) immediately cease all unauthorized sewage discharges; (ii) immediately cleanup, abate the risks from, and properly dispose of any residual waste from any of the unpermitted discharge locations; and (iii) immediately take measures to abate the ongoing threat of sewage discharges by adopting and implementing a Spill Prevention Plan.
12. On February 4, 2009, the Chief Deputy Executive Officer issued Complaint No. R4-2009-0017 against the Permittee for penalties in the amount of \$1,652,500 for violations of Order No. R4-2002-0108, Amended TSO No. R4-2006-0079, and CAO No. R4-2007-0043, as identified in Tables 1, 2, and 3 to Complaint No. R4-2009-0017.
13. Upon hearing the evidence submitted by the parties and considering the arguments presented, the Regional Board determined on June 5, 2009 that the Permittee violated requirements contained in the orders directed to it, as follows:
  - a. **Violations of Waste Discharge Requirements Order No. R4-2002-0108 (WDRs):**
    - i. **Waste Discharge Violations:** The Kissel Company violated the WDRs on three occasions by discharging sewage and partially treated sewage from Paradise Cove's treatment collection systems on April 30, 2007, May 1, 2007, and July 20, 2007, in violation of, among other provisions, General Provision D.14, on page 3 of the WDRs. ( These discharges discharged to Ramirez Creek and No-Name Creek, which are waters of the state. Accordingly liability is appropriate pursuant to Water Code section 13350(a)(2), in an amount not to exceed \$5,000 for each day of the violation, as described in subdivision (e)(1), for a combined maximum potential penalty of \$15,000. These violations are described in **Table 1** attached hereto and incorporated herein by reference.

ii. **Reporting Violations:** The Kissel Company violated the Monitoring and Reporting Program (No. CI-8342), which is incorporated into the WDRs at page 9, Provision E.10, by failing to file monitoring reports for MW-4 for seven constituents each on two occasions. These violations are described in **Table 2** attached hereto and incorporated herein by reference. As noted at page 8, Provision E.1. of the WDRs, the monitoring requirements are imposed pursuant to Water Code section 13267.

1. The Prosecution Team alleged that liability is appropriate under Water Code section 13350, subdivision (a)(2), for a maximum potential penalty of \$70,000, which represents a possible \$5,000 per day of violation. The Permittee disputes that liability is appropriate under that subdivision, for the reasons set forth in paragraph 13.c., below.
2. While not plead in the ACLC, liability for violations of the Monitoring and Reporting Program is appropriate and has been established pursuant to Water Code section 13268. Liability for pursuant to Water Code section 13268 may be imposed in an amount not to exceed \$1,000 for each day of each violation.<sup>1</sup>

b. **Violations of Cleanup and Abatement Order No. R4-2007-0043 (CAO):**

- i. The Kissel Company violated the CAO by discharging untreated and partially treated sewage on 12 occasions. These violations are described in **Table 3** attached hereto and incorporated herein by reference. These do not include alleged violations on September 21, and September 22, 2007, for which the Board finds the record contains inadequate evidence to support. The discharge of waste in violation of a cleanup and abatement order gives rise to liability pursuant to Water Code section 13350(a)(1), in an amount not to exceed \$5,000 for each day of the violation, as described in subdivision (e)(1), for a combined maximum potential penalty of \$60,000.

c. **Violations of Amended Time Schedule Order No. R4-2006-0079 (Amended TSO):**

- i. The Kissel Company violated the Amended TSO, by failing to timely meet the deadlines for: (1) completing construction of the wastewater treatment plant by November 1, 2006 (284 days, to August 12, 2007), (2)

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<sup>1</sup> The Prosecution Team argues in its supplemental brief that each day that the Permittee failed to submit the appropriate reports after their due date is an additional day of violation. Under that analysis the Permittee would be deemed to have failed to submit adequate reports from the March 31, 2003 and March 31, 2006 reporting periods for 2,258 and 1,162 days respectively, for each of the seven parameters missing in each report. While technically correct, neither the Complaint in this matter, nor the Prosecution Team have ever suggested such a penalty assessment prior to their additional brief following the Interim Order. The Regional Board declines to consider the approach at this stage as it would be unfair and would expose the Permittee to possible penalties far out of proportion to violations and the fines that they could have anticipated from the pleadings and the hearing. The Regional Board will instead use the structure alleged in the Complaint, of \$1,000 maximum penalty on each of the two dates the reports were due for each parameter. That yields a maximum potential liability of \$14,000.

abandoning all old septic tanks that are not part of the new system by December 1, 2006 (237 days, to July 26, 2007), and (3) achieving full compliance with requirements prescribed in Order No. R4-2002-0108 by February 1, 2007 (642 days, to November 4, 2008). These violations are described in **Table 4** attached hereto and incorporated herein by reference.

- ii. When the Amended TSO was adopted, the Regional Board purported to prescribe penalties pursuant to Water Code section 13308, in the sum of \$3,000 per day of noncompliance, to ensure compliance with the schedule. The Prosecution Team has opined that those penalty provisions are improper, as an order pursuant to Water Code section 13308 requires a determination that there is a threatened or continuing violation of a cleanup and abatement order, a cease and desist order, or an order pursuant to either Water Code sections 13267 or 13383. The record shows that the draft Amended TSO was originally proposed as a time schedule order pursuant to Water Code section 13300, but at the hearing, the Regional Board added the provisions pursuant to section 13308.
  - iii. The Regional Board agrees with the Prosecution Team about the propriety of penalties under section 13308, and finds that the penalties specified in the Amended TSO are unenforceable, as there was no determination that there was a threatened or continuing violation of an order pursuant to either Water Code sections 13301, 13304, 13267, or 13383 when it was adopted. The remainder of the Amended TSO is, however, a valid and enforceable order pursuant to Water Code section 13300.
  - iv. As noted in paragraph 13.a.ii.1., above, the Prosecution Team alleges and the Permittee disputes that liability for these violations can be assessed pursuant to Water Code section 13350, subdivision (a)(2).
14. Given the arguments raised about the applicability of Water Code section 13350, subdivision (a)(2) to the violations described in sub-paragraphs 13.a.ii. and 13.c., above, the Regional Board issued an Interim Order, containing the findings above. The Parties were also directed to file an additional brief addressing the following issues:
- a. Whether Water Code section 13350(a)(2) liability requires that the violation of the relevant order result from a discharge of waste to waters of the state; and
  - b. Whether and under what circumstances the ACLC may be amended to conform to proof, so it alleges the reporting violations pursuant to Water Code section 13268 instead of 13350.

The Parties were allowed 90 days to file their supplemental briefs, and the matter was continued until the first board meeting in December to allow the Regional Board the opportunity to review and consider the supplemental briefs. Upon receipt of the supplemental briefs, the Regional Board deliberated in closed session during board meetings on November 2, 2009 and on November 5, 2009.

15. Upon review of the supplemental briefs, the Regional Board has determined there is no need to reopen the proceeding for an additional hearing or further arguments. Based upon the evidence and arguments presented on June 5, 2009, and the supplemental briefs submitted by the Parties, the Regional Board hereby finds and determines as follows:

- a. The Regional Board finds that it lacks authority to redress the violations of the Amended Time Schedule Order (as specified in paragraph 13.c.i., above) with the imposition of administrative civil liability penalties under subdivision (a)(2) of section 13350. In pertinent part, that subdivision states:

“(a) Any person who... (2) **in violation of any** waste discharge requirement, waiver condition, certification, or other **order or prohibition** issued, reissued, or amended by a regional board or the state board, **discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state...shall be liable civilly**, and remedies may be proposed, in accordance with subdivision (d) or (e).” (Emphasis added.)

While a time schedule order pursuant to either Water Code section 13300 is an “order” as described in subdivision (a)(2), not every violation of an order or prohibition gives rise to liability under that subdivision. Specifically, liability only attaches when there has been a discharge of waste in violation of an order. (See *Order WQ 8-10, In the Matter of the Petition of Lake Arrowhead Community Services District.*) Section 13350 limits its applicability to non-discharge-related violations to cease and desist orders and cleanup and abatement orders. (Wat. C. § 13350, subd. (a)(1).)

The Prosecution Team argues that the Amended TSO includes an implied order prohibiting discharges when the time schedule requirements have not been met. The argument cannot prevail. The Amended TSO on its face contains no such prohibition. If such a prohibition existed, the Amended TSO would be inconsistent with the waste discharge requirements, which expressly authorize a discharge (subject to compliance with effluent and other limitations). The Regional Board declines to hold on this record that the Permittee’s WDRs were impliedly superseded by the Amended TSO, especially when the Regional Board expressed its intent when it adopted the Amended TSO that its provisions should be enforced with penalties, not a prohibition on discharge.

The discussion above should not suggest that a section 13300 time schedule order is unenforceable. Administrative mechanisms to compel compliance with non-discharge provisions in a section 13300 time schedule order, for instance, can include first issuing either a cease and desist order (Wat. C. § 13301) or a cleanup and abatement order (Wat. C. § 13304), and then punishing violations of that order with an administrative civil liability complaint pursuant to 13350 subdivision (a)(1). A cease and desist or cleanup and abatement order may also be enforced through a subsequent order pursuant to section 13308. Alternatively,

a permittee's waste discharge requirements can be rescinded for non-compliance.<sup>2</sup>

- b. For the same reasons specified in paragraph 15.a., above, the Regional Board finds that it cannot impose administrative civil liability penalties under subdivision (a)(2) of section 13350 for violations of the reporting requirements described in paragraph 13.a.ii., above. As noted above, reporting requirements issued pursuant to section 13267 may be enforced with administrative civil liability assessments pursuant to section 13268.

The Permittee argues that section 13268 is limited to redressing the "failure to submit reports", but not for submitting incomplete reports. The Permittee is incorrect. The qualifying language in section 13268 specifies that its provisions apply to the failure to furnish technical or monitoring reports "as required" by the order. The failure to comply with the requirements in the order to submit monitoring data for any parameter or location (including in this case for MW-4) is a failure to submit the reports "as required", and is subject to penalties under section 13268 in an amount not to exceed \$1,000 for each day in which the violation occurs.

Nor does the allegation that the Permittee was unable to obtain the data because MW-4 was allegedly covered when the reports were due absolve the Permittee of responsibility for submittal of the reports as required. If provisions of an order are infeasible, when compliance is required, it was the Permittee's obligation to seek relief from the order, not to ignore its requirements.

- c. The Regional Board finds it has authority to amend the complaint on its own motion to substitute section 13268 as the legal authority for the imposition of administrative civil liability for section 13350, as was alleged. The Permittee does not contend that the Regional Board lacks authority to amend the complaint, and instead directed its attention to the appropriateness of penalties. The Prosecution Team correctly notes that all facts necessary to assess liability under 13268 have been alleged and established. Furthermore, there is no prejudice to the Permittee. The Permittee has been on notice from the Complaint that liability for reporting violations has been sought, however the amount of potential liability under 13268 is one/fifth of that which could have been assessed under section 13350, which was alleged in the Complaint.
16. Pursuant to CWC section 13350(e), the Regional Board may impose civil liability administratively pursuant to CWC section 13323 *et seq.* in an amount, which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs, or ten dollars (\$10) for each gallon of waste discharged, but not both, for violations subject to section 13350, and one thousand dollars (\$1,000) for each day in which the violation occurs for violations subject to section 13268.

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<sup>2</sup> This discussion is illustrative only, and should not read as a complete recitation of the Regional Board's entire range of enforcement options.

17. The total maximum civil liability authorized by the California Water Code sections 13268 and 13350 for the violations described in paragraph 13., above, is as follows:

<b>Violations</b>	<b>Potential Maximum Liability</b>	<b>Statutory Reference</b>
Table 1	\$15,000	Wat. C. § 13350(a)(2), (e)(1)
Table 2	\$14,000	Wat. C. § 13268(a)(1), (b)(1)
Table 3	\$60,000	Wat. C. § 13350(a)(2), (e)(1)
Table 4	\$0	
<b>Total:</b>	<b>\$89,000</b>	

18. Pursuant to CWC § 13327, the Regional Board has considered the following factors in determining the amount of civil liability to be imposed:

a. Nature, circumstances, extent, and gravity of the violations:

The Permittee discharged untreated and partially treated wastewater, which created a risk to the public and conditions of pollution and nuisance at the Park. For over a year, the disinfection system was bypassed and partially untreated wastewater was discharged to the seepage pits. The volumes of the spills as reported by the Permittee were relatively small, ranging between 10 gallons and 750 gallons. Furthermore, the Permittee reported that when notified of an overflow, spill or back up, either the Permittee's own pump truck or an outside contractor was dispatched to the spill site and sand bags were installed to contain the effluent, and a maintenance crew conducted a cleanup of the area, including pumping up standing effluent and spraying the affected area with bleach. Therefore, a reduction from the maximum civil liability may be warranted.

The Permittee failed to comply with Amended TSO No. R4-2006-0073 from November 1, 2006 through November 4, 2008 by failing to meet the deadlines prescribed in Items A, B, and C. These deadlines were imposed for the purpose of abating continued discharges of untreated and partially treated sewage throughout the Park, and delayed compliance with Order No. R4-2002-0108. While the Permittee is not liable in this proceeding for violations of the Amended TSO, the failure to comply with this order of the Regional Board is a circumstance that is relevant to the nature and circumstances of the violations.

With respect to the reporting violations, the Permittee's claim that it was unable to obtain the data because MW-4 was allegedly covered when the reports were due does not absolve the Permittee of responsibility for submittal of the reports as required. If provisions of an order are infeasible when compliance is required, it is the Permittee's obligation to seek relief from the order, not to ignore its requirements. The Permittee did not do so. Therefore, a reduction from the maximum civil liability is not warranted.



- b. Susceptibility of the cleanup or abatement of the discharge:  
The untreated and partially treated sewage spills were readily susceptible to cleanup before reaching Ramirez Canyon Creek and the Pacific Ocean. In response to the spills, the Permittee used pump trucks to lessen the amount of sewage discharging from the collection system during the different events. Bacterial contamination of soil due to contact with untreated and partially treated wastewater was susceptible to cleanup, and an effort to sanitize the affected area was made by the Permittee. Therefore, a reduction from the maximum civil liability may be warranted.
- c. Degree of toxicity of the discharge:  
The untreated and partially treated wastewater contains bacteria and viruses known to be harmful to human health and the environment. The Permittee reported that impacted areas were cleaned and disinfected by "pumping up any puddles of effluent and spraying the entire area with bleach." Therefore, a reduction from the maximum civil liability may be warranted.
- d. Permittee's ability to pay:  
The Permittee owns and operates a 72-acre mobile home park on the Pacific Coast in Malibu, CA, with a 2007 assessed value of \$6,541,912. In addition, the Permittee receives monthly rent for each of the 257 mobile home spaces. Therefore, a reduction from the maximum civil liability is not warranted.
- e. Effect on the Permittee's ability to continue its business:  
Imposing the maximum civil liability on the Permittee will not negatively affect the Permittee's ability to continue operation of the Park. Therefore, a reduction from the maximum civil liability is not warranted.
- f. Any voluntary cleanup efforts undertaken:  
The Permittee undertook voluntary cleanup efforts following the spills that occurred on April 30, 2007, May 1, 2007, September 10, 2007, September 13, 2007, September 18, 2007, September 21, 2007, September 22, 2007, October 07, 2007, November 19, 2007, March 3, 2008, April 4, 2008, April 25, 2008, April 28, 2008, May 14, 2008, July 19, 2008 and July 25, 2008. The Permittee reported that the affected areas were cleaned and disinfected with bleach. The Permittee also reported that ponded wastewater and debris were collected and disposed of properly. Therefore, a reduction from the maximum civil liability may be warranted.
- g. Prior history of violations:  
The Permittee has a long history of sewage overflows at the Park; there were 180 overflows between 1995 and 1999, and 26 overflows were documented in the year 2000. The Los Angeles County Department of Environmental Health calls for beach closure if two consecutive samples have coliform levels above 5000 MPN/100mL. Information in the file indicated there was at least one official beach closure on May 12, 1997 that occurred at Paradise Cove beach.

The Permittee also has a history of failing to comply with the WDRs issued by the Regional Board. Furthermore, between February 2006 and March 2008, the Regional Board received email and phone reports of thirty-four (34) spills from residents of the Park, only seventeen (17) of which were reported by the Permittee itself (Table 3). Therefore, a reduction from the maximum civil liability is not warranted.

h. Degree of culpability:

The Permittee owns and operates the facility and its collection system, and therefore has the sole responsibility for the discharge. The Permittee failed to bring the Park into compliance with Order No. R4-2002-0108 and Amended TSO No. R4-2006-0079 despite several NOV's issued by the Regional Board.

i. Economic benefit or savings resulting from the violations:

The Permittee experienced an economic savings of at least \$500 by avoiding the cost of sampling the following parameters as required by the monitoring and reporting program contained in Order No. R4-2002-0108:

Parameter Not Sampled	Samples Required	Cost per Sample	Total Avoided Cost
pH	2	\$10	\$20
Total coliform	2	\$25	\$50
Fecal coliform	2	\$45	\$90
Enterococcus	2	\$45	\$90
Nitrate-nitrogen	2	\$25	\$50
Nitrite-nitrogen	2	\$25	\$50
Total Nitrogen	2	\$25	\$50
Total dissolved solids	2	\$50	\$100

Therefore, a reduction from the maximum civil liability is not warranted.

The Permittee failed to address changes and modifications that were necessary to complete construction of the wastewater treatment plant, to abandon old septic tanks, and failed to meet compliance deadlines. However, the Permittee has alleged that failure to complete the system in a timely manner is costing the Permittee almost \$25,000 per month in lost revenue. The Permittee claims that this is revenue that it would be entitled to in the form of rent increases but that it could not collect because the system had not been completed. At the hearing, however, although testifying that monthly receipts are in excess of \$303,000 for the Park, in response to a direct question on behalf of the Regional Board, Mr. Dahlberg denied knowing or being able to estimate his monthly overhead for Paradise Cove management and operations. The Regional Board does not find his testimony credible in this respect. Therefore a reduction from the maximum civil liability is not warranted.

- j. Other matters as justice may require:  
An additional matter to consider includes time spent by staff of the Regional Board in evaluating the incidents of violation and preparing this Complaint and related documents. The Regional Board charges a rate of \$135 per hour for recovery of staff costs. With total staff time at approximately 300 hours, staff costs incurred by the Regional Board are estimated at \$40,500.
19. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to "actions" and "special proceedings" and are contained in the California Code of Civil Procedure apply to judicial proceedings, not administrative proceeding. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, § 405(2), p. 510).
20. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) in accordance with Title 14, California Code of Regulations, section 15321, subdivision (a)(2).
21. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) and will be provided upon request.

**WHEREFORE, IT IS HEREBY ORDERED** that:

1. Administrative Civil Liability Complaint No. R4-2009-0017 is hereby amended to reflect that liability for the violations described in Table 3, attached hereto, is alleged and punishable pursuant to Water Code section 13268.
2. The Kissel Company, Inc., shall be liable for the violations specified in Tables 1, 2, 3, and 4, attached hereto, and Administrative civil liability is hereby assessed as follows:

Violations	Liability per-Violation	Total Liability	Statutory Reference
Table 1	\$3,500	\$10,500	Wat. C. § 13350(a)(2), (e)(1)
Table 2	\$1,000	\$14,000	Wat. C. § 13268(a)(1), (b)(1)
Table 3	\$2,500	\$30,000	Wat. C. § 13350(a)(2), (e)(1)
Table 4	\$0	\$0	
<b>Total:</b>		<b>\$54,500</b>	

3. Administrative civil liability under California Water Code section 13350 is imposed upon The Kissel Company, Inc. in the amount of \$54,500.00 for the violations found herein to have occurred.
4. Pursuant to California Water Code § 13323(d), within 30 calendar days of issuance of this Order by the Executive Officer, The Kissel Company, Inc. shall pay \$54,500.00 by check, payable to the "Waste Discharge Permit Fund." The check shall contain a reference to "ACL Order No. R4-2009-0017."
5. In the event that The Kissel Company, Inc. fails to comply with the requirements of this Order, the Executive Officer is authorized to refer this matter to the Office of Attorney General for enforcement.

I, Tracy J. Egoscue, do hereby certify that the foregoing is a full, true, and correct copy of an Order, adopted unanimously, by the California Regional Water Quality Control Board, Los Angeles Region, on November 5, 2009.

*Samuel Unser A.E.O.*  
Tracy J. Egoscue  
Executive Officer

*November 16, 2009*  
Date

**Table 1**  
**Violations of Waste Discharge Requirements Order No. R4-2002-0108**  
**(Waste Discharge Violations)**

Date	Type of Spill	Volume of Spill	Number of Days in Violation
04/30/2007	Sewage Spill	200 gallons	1
05/01/2007	Sewage Spill	200 gallons	1
07/20/2007	Sewage Spill	100-150 gallons	1

**Table 2**  
**Violations of Waste Discharge Requirements Order No. R4-2002-0108**  
**(Reporting Violations)**

Date	Monitoring Period	Monitoring Well	Parameter	Required Frequency	Number of Violations
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	pH	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Total and fecal coliform	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Enterococcus	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Nitrate-nitrogen	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Nitrite-nitrogen	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Total Nitrogen	Quarterly	1
3/31/2003	1 <sup>st</sup> Quarter 2003	MW-4	Total Dissolved Solids	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	pH	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Total and fecal coliform	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Enterococcus	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Nitrate-nitrogen	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Nitrite-nitrogen	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Total Nitrogen	Quarterly	1
3/31/2006	1 <sup>st</sup> Quarter 2006	MW-4	Total Dissolved Solids	Quarterly	1

**Table 3**  
**Violations of Cleanup and Abatement Order No. R4-2007-0043**

Date	Type of Spill	Volume of Spill	Number of Days in Violation
09/10/2007	Sewage Spill	500 gallons	1
09/13/2007	Sewage Spill	500 gallons	1
09/18/2007	Sewage Spill	5-10 gallons	1
10/07/2007	Sewage Spill	50 gallons	1
11/19/2007	Sewage Spill	10 gallons	1
03/03/2008	Sewage Spill	unknown	1
04/04/2008	Sewage Spill	unknown	1
04/25/2008	Sewage Spill	unknown	1
04/29/2008	Sewage Spill	unknown	1
05/14/2008	Sewage Spill	125	1
07/19/2008	Sewage Spill	unknown	1
07/25/2008	Sewage Spill	unknown	1

**Table 4**  
**Violations of Amended Time Schedule Order No. R4-2006-0079**

Amended TSO Task	Compliance Achieved	Number of Days in Violation
A. By November 1, 2006, complete construction of the wastewater treatment plant. Should there be any changes to the plant's final engineering plans dated April 2004, revised plans including "as built" drawings shall be submitted.	Construction of the Wastewater Treatment Plant was finalized on August 13, 2007	284 days (From November 1, 2006 to August 12, 2007)
B. By December 1, 2006, remove or legally abandon septic tanks not part of the new treatment system, according to guidelines set by the Uniform Plumbing Code (I - 11 a, b and c).	All septic tanks that were not part of the new Wastewater Treatment Plant were removed or legally abandoned on July 27, 2007	237 days (From December 1, 2006 to July 26, 2007)
C. By February 1, 2007, achieve full compliance.	Achieved compliance on November 5, 2008	642 days (From February 1, 2007 to November 4, 2008)

# EXHIBIT B

HAND DELIVERED

April 13, 2007

ATTN: Information Technology Unit  
Los Angeles Regional Water Quality Control Board  
320 West 4th Street  
Suite 200  
Los Angeles, CA 90013  
(213) 576-6600

<p>LOGGED IN BY TECHNICAL SUPPORT</p>	
Name:	<u>IL</u>
Date:	<u>4-17-07</u>

2007 APR 13 PM 12:22  
 RECEIVED  
 CHINA REGIONAL WATER  
 QUALITY CONTROL BOARD  
 LOS ANGELES REGION

Re: 2007 first Quarter Report

We are hereby transmitting one (1) copy of the quarterly wastewater treatment system monitoring report for the Paradise Cove Mobile Home Park at 28128 Pacific Coast Highway.

**MONITORING AND REPORTING**

for

**KISSEL COMPANY, INC.**

at

**PARADISE COVE MOBILE HOME PARK**

**(File No. 01-083)**

**WDR Order No. R4-2002-0108**

**M&RP No. CI 8342**

**TSO Order No. R4-2002-0109**

We ask you to please acknowledge receipt at right.

Print Name:

\_\_\_\_\_

Sincerely,

Signature:

\_\_\_\_\_

Title:

\_\_\_\_\_

Steven Braband  
President, BioSolutions Inc.

Date:

\_\_\_\_\_

cc: Steven Dahlberg, Kissel Company, Inc.  
File



**MONITORING AND REPORTING**  
for

**KISSEL COMPANY, INC.**

at

**PARADISE COVE MOBILE HOME PARK**  
(File No. 01-083)

**WDR Order No. R4-2002-0108**

**MRP No. CI-8342**

**TSO Order No. R4-2002-0109**

Quarterly Report  
for

Reporting Period: January 1, 2007 – March 31, 2007

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Findings & Analysis

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Appendix A – Overall Site Plan

---

Appendix B – Groundwater Laboratory Analyses and Chain of Custody Forms

---

Appendix C – Septage Hauling Records

---

this report prepared by:  
**BioSolutions, Incorporated**  
Agoura Hills, CA

## Quarterly Report

This report provides information to fulfill the monitoring and reporting provisions of the discharger's Monitoring and Reporting Program CI-8342, a part of the currently issued Waste Discharge Requirements (WDR) Order No. R4-2002-0108.

All water and wastewater samples have been taken in accordance with all pertinent state and federal laws, guidelines, and industry approved standards. Additionally, all laboratory analyses have been conducted by a California ELAP approved facility.

### I. Water Quality Monitoring

#### A. Influent Monitoring

In accordance with the discharger's Time Schedule Order (TSO) No. R4-2002-0109, the daily and monthly wastewater flow will not be monitored until the final secondary treatment system is operational.

#### B. Effluent Monitoring

In accordance with the discharger's TSO, the treated effluent will not be monitored until the final secondary treatment system is operational.

#### D. Groundwater Monitoring

Appendix A contains a site plan showing the location of all the groundwater monitoring wells. The original field reports, lab analyses and chain-of-custody forms for these samples are included as Appendix B of this report. The field form for purging precedes the lab reports.

Groundwater monitoring was performed in accordance with Stone Environmental Inc. Standard Operating Protocol (SOP) 6.27.2. Wells were purged using a variable-speed Grundfos pump or a disposable bailer. Between three and five well volumes were purged. Grab samples were taken with a disposable bailer within 24 hours of the completion of purging, within the industry standard sampling window. A tabular summary of this data can be found on page 5.

As acknowledged in the TSO, actual vertical separation to groundwater will not be analyzed or considered in violation until the treatment facility has achieved full upgrade as outlined in the WDR.

### II. General Provisions For Sampling and Analysis

All chemical, bacteriological, and toxicity analyses were conducted by Pat-Chem Laboratories of Moorpark, CA, a facility certified by the State Department of Health Services Environmental Laboratory Accreditation Program (ELAP). Laboratory analyses followed United States Environmental Protection Agency (USEPA) standard methods as noted on the lab reports in the Appendices.

### III. General Provisions For Reporting

The new treatment plant is running in startup condition. Wastewater effluent samples were taken by Barton Slutske and submitted to the Regional Board. Weekly samples will be taken for twelve weeks.

### IV. Waste Hauling Reporting

Please see Appendix C for all records of system pumping and septage hauling provided by the discharger.

### V. Certification Statement

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 a fine and imprisonment."

Executed on this 12 day of November, 2007 at \_\_\_\_\_

[Signature] (Signature)

PRINCIPAL Br Solutions Inc. (Title)

BACTERIA  
 BOD  
 TURB.  
 HIGH, but  
 OK, because  
 within 12 weeks  
 start-up.  
 TMC  
 07-02-07

WasteWater Sampling for Paradise Cove Mobilehome Park

Constituent	3/7/2007													
pH (s.u.)														
TSS (mg/L)	14													
BOD <sub>5</sub> (mg/L)	67	✓												
Turbidity (NTU)	20.6	✓												
Total Coliform (mpn/100mL)	>1600	✓												
Fecal Coliform (mpn/100mL)	>1600	✓												
Enterococcus (mpn/100mL)	>2419.2	✓												
Oil & Grease (mg/L)	<5													
TDS (mg/L)	444													
Nitrate - N (mg/L)	<0.02													
Nitrite - N (mg/L)	<0.02													
Ammonia - N (mg/L)	23	✓												
Organic Nitrogen (mg/L)	13.3													

Table 2: Effluent Sampling Summary for January through March

Constituent														
pH (s.u.)														
TSS (mg/L)														
BOD <sub>5</sub> (mg/L)														
Turbidity (NTU)														
Total Coliform (mpn/100mL)														
Fecal Coliform (mpn/100mL)														
Enterococcus (mpn/100mL)														
Oil & Grease (mg/L)														
TDS (mg/L)														
Nitrate - N (mg/L)														
Nitrite - N (mg/L)														
Ammonia - N (mg/L)														
Organic Nitrogen (mg/L)														

Table 3: Effluent Sampling Summary for April through June

Constituent														
pH (s.u.)														
TSS (mg/L)														
BOD <sub>5</sub> (mg/L)														
Turbidity (NTU)														
Total Coliform (mpn/100mL)														
Fecal Coliform (mpn/100mL)														
Enterococcus (mpn/100mL)														
Oil & Grease (mg/L)														
TDS (mg/L)														
Nitrate - N (mg/L)														
Nitrite - N (mg/L)														
Ammonia - N (mg/L)														
Organic Nitrogen (mg/L)														

Table 4: Effluent Sampling Summary for July through September

Constituent														
pH (s.u.)														
TSS (mg/L)														
BOD <sub>5</sub> (mg/L)														
Turbidity (NTU)														
Total Coliform (mpn/100mL)														
Fecal Coliform (mpn/100mL)														
Enterococcus (mpn/100mL)														
Oil & Grease (mg/L)														
TDS (mg/L)														
Nitrate - N (mg/L)														
Nitrite - N (mg/L)														
Ammonia - N (mg/L)														
Organic Nitrogen (mg/L)														

Table 5: Effluent Sampling Summary for October through December

NOTES:



May 7, 2007

Mrs. Toni Callaway  
Associate Engineering Geologist  
Regional Water Quality Control Board  
320 West 4<sup>th</sup> St., Suite 200  
Los Angeles, CA 90013

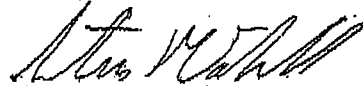
RE: WWTP Monthly Samples

Dear Toni:

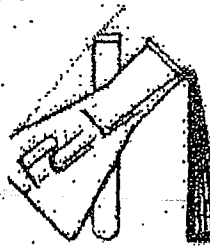
Attached please find monthly sample reports for the Paradise Cove Mobilehome Park wastewater treatment plant for March, 2007 and April, 2007. There was not a sample pulled in February, 2007 because we did not realize that you considered the effective start up date to be February 1, 2007 until you informed me of that in early March, 2007.

Mr. Bart Slutske has been instructed to obtain a sample every month from here forward. Please let me know if you require any additional information.

Very truly yours,  
PARADISE COVE MOBILEHOME PARK

  
Steven F. Dahlberg

SFD/mtf



# PAT-CHEM LABORATORIES

11890 Discovery Ct • Moorpark, CA 93021 • Ph. (805) 832-0012 • Fax (805) 682-0018

To: Barton Slutske Consulting  
830 Roosevelt Court  
Simi Valley CA, 93065

Page 1 of 1

At: Bart Slutske  
Date: 07-Mar-07 15:23  
T: Water Samples

Project: P.O.C. - Trailer Park, Paradise Cove

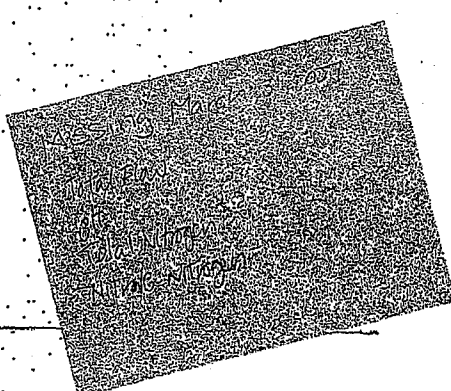
PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT
Welling Tank T/P (Sample ID: 0703047-01) Collected 01-Mar-07 by Bart Slutske					
Ammonia as N	EPA 850.2	AC70208	0.01	02-Mar-07 (MS)	23.0 mg/l
Chemical Oxygen Demand	EPA 400.1	AC70227	5	07-Mar-07 (SW)	07 mg/l
Amlic Nitrogen	SM 4500N	AC70204	0.05	02-Mar-07 (MS)	13.3 mg/l
Grease (HEM)	EPA 1604	AC70211	5	02-Mar-07 (MS)	5 mg/l
Dissolved Solids	EPA 160.1	AC70220	5	02-Mar-07 (SW)	444 mg/l
Suspended Solids	EPA 160.2	AC70221	5	03-Mar-07 (SW)	14 mg/l
Turbidity	EPA 160.1	AC70210	0.1	02-Mar-07 (SW)	20.0 NTU
Total Nitrogen	EPA 800.0	AC70217	0.02	02-Mar-07 (MS)	0.02 mg/l
Total Phosphorus	EPA 800.0	AC70217	0.02	02-Mar-07 (MS)	0.02 mg/l
Total Coliforms	SM 9221E	AC70125	1.0	02-Mar-07 (MS)	2430.2 MPN/100 ml
Fecal Coliforms	SM 9221E	AC70125	2	03-Mar-07 (MS)	1600 MPN/100 ml

### Units and Definitions

- Result was greater than or equal to the reported value.
- Result was greater than reported value.
- Analyte DETECTED.
- Analyte NOT DETECTED at or above the reporting limit.
- Not Reported
- Sample results reported on a dry weight basis

*Handwritten notes:*

100% looks high  
 3700 57  
 Limit 30 mg/l  
 Total Nitrogen Limit = 10 mg/l  
 Turbidity test 30 NTU  
 Limit 30 NTU  
 SONTU  
 TEST 20 NTU  
 ALL bacteria high



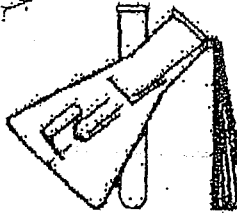
actually Submitted.

*Pat Buechner*

Director

3/7/2007

atory Director



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0018

Customer: Barton Slutske Consulting  
830 Roosevelt Court  
Simi Valley CA, 93065

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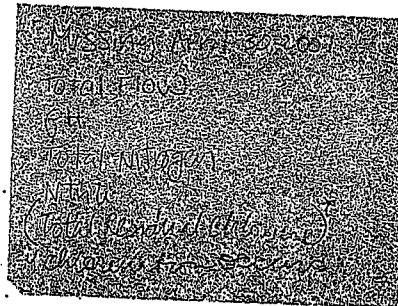
Attention: Bart Slutske  
Report Date: 12-Apr-07 07:44  
Subject: Water Samples

Project P.O.#: Trailer Park, Paradise Cove

PARAMETER	METHOD	QC	REPORTING	ANALYZED	RESULT	NOTE
		PATCH	LIMIT	ANALYSIS		
First Docking Tank T.P. (Sample ID: 07040801) Collected: 08-Apr-07 by Customer						
Ammonia as N	EPA 350.2	AD70602	0.01	08-Apr-07 (CS)	0.27 mg/l	OK
Biochemical Oxygen Demand	EPA 405.1	AD70616	5	11-Apr-07 (EB)	5 mg/l	OK
Oil & Grease (TSM)	EPA 1664	AD70610	5	08-Apr-07 (MS)	5 mg/l	OK
Total Dissolved Solids	EPA 180.1	AD70613	6	08-Apr-07 (CW)	390 mg/l	OK
Total Suspended Solids	EPA 100.2	AD70612	5	08-Apr-07 (CW)	6 mg/l	OK
Turbidity	EPA 180.1	AD70625	0.1	08-Apr-07 (LA)	1.3 NTU	OK
Nitrate as N	EPA 300.0	AD70624	0.02	08-Apr-07 (MA)	33.7 mg/l	OK
Enterococci	SM 9230B	AD70422	1.0	08-Apr-07 (CW)	2.0 MPN/100 ml	OK
Total Coliforms	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	>=
E. Coli	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	>=
Fecal Coliforms	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	>=

**Notes and Definitions**

- >= Result was greater than or equal to the reported value.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit.
- NR Not Reported
- dry Sample results reported on a dry weight basis



Respectfully Submitted,

*Pat Brueckner*

Pat Brueckner  
Laboratory Director

4/12/2007

*T. Nitrogen high 33.97 mg/l  
Sum of 10 mg/l low  
Total Coliforms high  
Enterococci high  
OK*





**MONITORING AND REPORTING**

for

**KISSEL COMPANY, INC.**

at

**PARADISE COVE MOBILE HOME PARK**

(File No. 01-083)

**WDR Order No. R4-2002-0108**

**MRP No. CI-8342**

**TSO Order No. R4-2002-0109**

Quarterly Report

for

Reporting Period: April 1, 2007 – June 30, 2007

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Findings & Analysis

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Appendix A – Overall Site Plan

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Appendix B – Wastewater Laboratory Analyses and Chain of Custody Forms

---

Appendix C – Groundwater Laboratory Analyses and Chain of Custody Forms

---

Appendix D – Septage Hauling Record

---

this report prepared by:  
**BioSolutions, Incorporated**  
Agoura Hills, CA

## Quarterly Report

This report provides information to fulfill the monitoring and reporting provisions of the discharger's Monitoring and Reporting Program CI-8342, a part of the currently issued Waste Discharge Requirements (WDR) Order No. R4-2002-0108.

All water and wastewater samples have been taken in accordance with all pertinent state and federal laws, guidelines, and industry approved standards. Additionally, all laboratory analyses have been conducted by a California ELAP approved facility.

### I. Water Quality Monitoring

#### A. Influent Monitoring

In accordance with the discharger's Time Schedule Order (TSO) No. R4-2002-0109, the daily and monthly wastewater flow will not be monitored until the final secondary treatment system is operational.

#### B. Effluent Monitoring

Wastewater effluent samples were taken by the Treatment Systems Operator, Barton Slutske and submitted to the Regional Board. The monthly sample results are shown in Appendix B. A tabular summary of this data can be found on page 5.

#### D. Groundwater Monitoring

Appendix A contains a site plan showing the location of all the groundwater monitoring wells. The original field reports, lab analyses and chain-of-custody forms for these samples are included as Appendix C of this report.

Groundwater monitoring was performed in accordance with Stone Environmental Inc. Standard Operating Protocol (SOP) 6.27.2. Wells were purged using a variable-speed Grundfos pump or a disposable bailer. Between three and five well volumes were purged. Grab samples were taken with a disposable bailer within 24 hours of the completion of purging, within the industry standard sampling window. A tabular summary of this data can be found on page 6.

As acknowledged in the TSO, actual vertical separation to groundwater will not be analyzed or considered in violation until the treatment facility has achieved full upgrade as outlined in the WDR.

### II. General Provisions For Sampling and Analysis

All chemical, bacteriological, and toxicity analyses were conducted by Pat-Chem Laboratories of Moorpark, CA, a facility certified by the State Department of Health Services Environmental Laboratory Accreditation Program (ELAP). Laboratory analyses followed United States

Environmental Protection Agency (USEPA) standard methods as noted on the lab reports in the Appendices.

### III. General Provisions For Reporting

The new treatment plant is running in startup condition. Works continues to add additional portions of the park onto the Treatment Plant.


### IV. Waste Hauling Reporting

Please see Appendix D for all records of system pumping and septage hauling provided by the discharger.

### V. Certification Statement

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 a fine and imprisonment."

Executed on this 13 day of JULY, 2007 at \_\_\_\_\_

 (Signature)

PRINCIPAL PROSOLUTIONS INC. (Title)

**WasteWater Sampling for Paradise Cove Mobilehome Park**

Constituent	First Quarter			Second Quarter		
	7-Jan	15-Feb	1-Mar	12-Apr	24-May	June
pH (s.u.)						
TSS (mg/L)			14		<5	<5
BOD <sub>5</sub> (mg/L)			87		7	<5
Turbidity (NTU)			20.8		2.1	1.5
Total Coliform (mpn/100mL)			1600>=		1600>=	1600>=
Fecal Coliform (mpn/100mL)			1600>=			
Enterococcus (mpn/100mL)			2419.2>		2419.2>	2419.2>
Oil & Grease (mg/L)			<5		<5	<5
TDS (mg/L)			444		426	456
Nitrate - N (mg/L)			<0.02		12	10.1
Nitrite - N (mg/L)			<0.02		0.35	0.58
Ammonia - N (mg/L)			23		1.47	2.28
Organic Nitrogen (mg/L)			13.3		0.32	0.85
Total Nitrogen (mg/L)			36.30		14.14	13.81

**Table 1: Effluent Sampling Summary for January through June**

Constituent	Third Quarter			Fourth Quarter		
	20-Jul	9-Aug	Sept	19-Oct	16-Nov	22-Dec
pH (s.u.)						
TSS (mg/L)						
BOD <sub>5</sub> (mg/L)						
Turbidity (NTU)						
Total Coliform (mpn/100mL)						
Fecal Coliform (mpn/100mL)						
Enterococcus (mpn/100mL)						
Oil & Grease (mg/L)						
TDS (mg/L)						
Nitrate - N (mg/L)						
Nitrite - N (mg/L)						
Ammonia - N (mg/L)						
Organic Nitrogen (mg/L)						
Total Nitrogen (mg/L)						

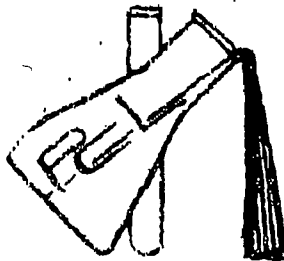
**Table 2: Effluent Sampling Summary for July through December**

**NOTES:**

- a) Chlorine is not being used as a disinfection agent. Therefore the wastewater was not tested for its presence.
- b) 'Semi & Volatile Organics' includes priority pollutants that are part of the EPA 624 & 625 test series.
- c) Volatile organics which are below detection levels are reported as 'ND' for not detected.
- d) Total Nitrogen is the sum of the concentrations of Nitrate (N), Nitrite (N), Ammonia (N), and Organic Nitrogen.

# APPENDIX B

## Wastewater Laboratory Analyses and Chain of Custody Forms



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0016

Client: **Barton Slutske Consulting**  
 830 Roosevelt Court  
 Simi Valley CA, 93065

Page 1 of 1

Client: **Bart Slutske**  
 Report Date: **07-Mar-07 15:23**  
 Project: **Water Samples**

Project/P.O.#: **Trailer Park, Paradise Cove**

PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
Dosing Tank T.P. (Sample I.D.# : 0702017-01) Collected: 01-Mar-07 By Customer						
Ammonia as N	EPA 350.2	AC70203	0.01	02-Mar-07 (MA)	23.0 mg/l ✓	
Chemical Oxygen Demand	EPA 405.1	AC70227	5	07-Mar-07 (CW)	87 mg/l	
Organic Nitrogen	SM 4500N	AC70203	0.06	02-Mar-07 (CB)	13.3 mg/l	
Oil & Grease (HEM)	EPA 1664	AC70211	5	02-Mar-07 (MB)	5 mg/l	<
Total Dissolved Solids	EPA 180.1	AC70220	5	02-Mar-07 (CW)	444 mg/l	
Total Suspended Solids	EPA 180.2	AC70221	5	02-Mar-07 (CW)	74 mg/l	
Turbidity	EPA 180.1	AC70210	0.1	02-Mar-07 (CW)	20.0 NTU ✓	
Nitrate as N	EPA 300.0	AC70217	0.02	02-Mar-07 (MA)	0.02 mg/l	<
Nitrite as N	EPA 300.0	AC70217	0.02	02-Mar-07 (MA)	0.02 mg/l	<
Total Coliforms	SM 9221E	AC70123	1.0	02-Mar-07 (MA)	2419.2 MPN/100 ml	>= ✓
Fecal Coliforms	SM 9221E	AC70123	2	03-Mar-07 (MA)	1800 MPN/100 ml	>= ✓
Fecal Coliforms	SM 9221E	AC70123	2	03-Mar-07 (MA)	1800 MPN/100 ml	>= ✓

**Notes and Definitions**

Result was greater than or equal to the reported value.

Result was greater than reported value.

Analyte DETECTED

Analyte NOT DETECTED at or above the reporting limit

Not Reported

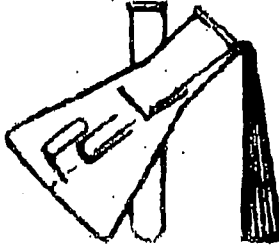
Sample results reported on a dry weight basis

Respectfully Submitted,

*Pat Brueckner*

Pat Brueckner 3/7/2007  
 Laboratory Director





# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0018

Customer: **Barton Slutsko Consulting**  
 630 Roosevelt Court  
 Simi Valley CA, 93085

Page 1 of 1

Attention: **Bart Slutsko**  
 Report Date: **30-May-07 13:54**  
 Subject: **Water Samples**

Project/P.O.#: **Trailer Park, Paradise Cove**

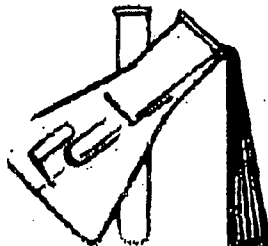
PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
Influent Tank T.P. (Sample I.D.#: 0703385-01) Collected: 24-May-07 By Customer						
Ammonia as N	EPA 350.2	AE72805	0.01	28-May-07 (LA)	1.47 mg/l	
Biochemical Oxygen Demand	EPA 408.1	AE72817	5	30-May-07 (CW)	7 mg/l	
Organic Nitrogen	SM 4500N	AE72805	0.05	28-May-07 (LA)	0.32 mg/l	
Oil & Grease (HEM)	EPA 1664	AE72609	5	25-May-07 (TF)	5 mg/l	
Total Dissolved Solids	EPA 180.1	AE72814	5	28-May-07 (CW)	428 mg/l	
Total Suspended Solids	EPA 180.2	AE72813	5	28-May-07 (CW)	5 mg/l	
Turbidity	EPA 180.1	AE72807	0.1	25-May-07 (LA)	2.1 NTU	
Nitrate as N	EPA 300.0	AE72811	0.02	28-May-07 (LA)	12.0 mg/l	
Nitrite as N	EPA 300.0	AE72811	0.02	28-May-07 (LA)	0.35 mg/l	
Total Coliforms	SM 9221E	AE72419	2	28-May-07 (NM)	1800 MPN/100 ml	>= ✓
E. Coli	SM 9221E	AE72419	2	28-May-07 (NM)	1800 MPN/100 ml	>= ✓
Fecal Coliforms	SM 9221E	AE72419	2	28-May-07 (NM)	1800 MPN/100 ml	>= ✓

**Notes and Definitions**

- >= Result was greater than or equal to the reported value.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis

Respectfully Submitted:

Pat Brueckner  
 Laboratory Director 6/17/2007



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0016

Client: **Barton Slutskis Consulting**  
 630 Roosevelt Court  
 Simi Valley CA, 93065

Page 1 of 1

Analyst: **Bart Slutskis**  
 Report Date: **08-Jun-07 14:59**  
 Sample: **Water Samples**

Project/P.O.#: **Trailer Park, Paradise Cove**

PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
Boeing Tank T.P. (Sample I.D.#: 0706018-01) Collected: 01-Jun-07 By Alex Vega						
Ammonia as N	EPA 360.2	AF70404	0.01	04-Jun-07 (LA)	2.28 mg/l	
Chemical Oxygen Demand	EPA 408.1	AF70118	5	08-Jun-07 (CW)	5 mg/l	<
Organic Nitrogen & Grease (MEM)	SM 4500N	AF70429	0.08	05-Jun-07 (LA)	0.85 mg/l	
Total Dissolved Solids	EPA 1664	AF70418	8	04-Jun-07 (TF)	5 mg/l	<
Total Suspended Solids	EPA 180.1	AF70409	5	04-Jun-07 (CW)	458 mg/l	
Turbidity	EPA 180.2	AF70408	5	04-Jun-07 (CW)	5 mg/l	<
Total Nitrate as N	EPA 190.1	AF70136	0.1	01-Jun-07 (CW)	1.5 NTU	
Total Nitrite as N	EPA 300.0	AF70129	0.02	01-Jun-07 (LA)	10.1 mg/l	✓
Total Phosphate as P	EPA 300.0	AF70128	0.02	01-Jun-07 (LA)	0.68 mg/l	
Total Coliforms	SM 9230B	AF70124	1.0	02-Jun-07 (MA)	276.5 MPN/100 ml	✓
Fecal Coliforms	SM 9221E	AF70124	2	03-Jun-07 (MA)	1800 MPN/100 ml	>=
Coli	SM 9221E	AF70124	2	03-Jun-07 (MA)	2 MPN/100 ml	<
Fecal Coliforms	SM 9221E	AF70124	2	03-Jun-07 (MA)	1800 MPN/100 ml	>= ✓

**Units and Definitions**

Result was greater than or equal to the reported value.

Analyte DETECTED

Analyte NOT DETECTED at or above the reporting limit

Not Reported

Sample results reported on a dry weight basis

Respectfully Submitted,

*Pat Bueckner*

Pat Bueckner 6/8/2007  
 Laboratory Director

LOGGED IN BY  
TECHNICAL SUPPORT  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

OCT 12 11:12:35  
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

October 12, 2007

ATTN: Information Technology Unit  
Los Angeles Regional Water Quality Control Board  
320 West 4th Street  
Suite 200  
Los Angeles, CA 90013  
(213) 576-6600

**HAND DELIVERED**

Re: 2007 Third Quarter Report

We are hereby transmitting one (1) copy of the quarterly wastewater treatment system monitoring report for the Paradise Cove Mobile Home Park at 28128 Pacific Coast Highway.

**MONITORING AND REPORTING**

for

**KISSEL COMPANY, INC.**

at

**PARADISE COVE MOBILE HOME PARK**

**(File No. 01-083)**

**WDR Order No. R4-2002-0108**

**M&RP No. CI 8342**

**TSO Order No. R4-2002-0109**

We ask you to please acknowledge receipt at right.

Print Name: \_\_\_\_\_

Sincerely,

Signature: \_\_\_\_\_

Steven Braband  
President, BioSolutions Inc.

Title: \_\_\_\_\_

Date: \_\_\_\_\_

cc: Steven Dahlberg, Kissel Company, Inc.  
File

RECEIVED 12 11:12:35

COPIES TO E-MAIL

**MONITORING AND REPORTING**

for

**KISSEL COMPANY, INC.**

at

**PARADISE COVE MOBILE HOME PARK**

(File No. 01-083)

**WDR Order No. R4-2002-0108**

**MRP No. CI-8342**

**TSO Order No. R4-2002-0109**

Quarterly Report

for

Reporting Period: July 1, 2007 – September 30, 2007

## Table of Contents

Findings & Analysis

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Appendix A – Overall Site Plan

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Appendix B – Wastewater Laboratory Analyses and Chain of Custody Forms

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Appendix C – Groundwater Laboratory Analyses and Chain of Custody Forms

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Appendix D – Septage Hauling Record

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this report prepared by:  
**BioSolutions, Incorporated**  
Agoura Hills, CA

## Quarterly Report

This report provides information to fulfill the monitoring and reporting provisions of the discharger's Monitoring and Reporting Program CI-8342, a part of the currently issued Waste Discharge Requirements (WDR) Order No. R4-2002-0108.

All water and wastewater samples have been taken in accordance with all pertinent state and federal laws, guidelines, and industry approved standards. Additionally, all laboratory analyses have been conducted by a California ELAP approved facility.

### I. Water Quality Monitoring

#### A. Influent Monitoring

In accordance with the discharger's Time Schedule Order (TSO) No. R4-2002-0109, the daily and monthly wastewater flow will not be monitored until the final secondary treatment system is operational.

#### B. Effluent Monitoring

Wastewater effluent samples were taken by the Treatment Systems Operator, Barton Slutske and submitted to the Regional Board. The monthly sample results are shown in Appendix B. A tabular summary of this data can be found on page 5.

#### D. Groundwater Monitoring

Appendix A contains a site plan showing the location of all the groundwater monitoring wells. The original field reports, lab analyses and chain-of-custody forms for these samples are included as Appendix C of this report.

Groundwater monitoring was performed in accordance with Stone Environmental Inc. Standard Operating Protocol (SOP) 6.27.2. Wells were purged using a variable-speed Grundfos pump or a disposable bailer. Between three and five well volumes were purged. Grab samples were taken with a disposable bailer within 24 hours of the completion of purging, within the industry standard sampling window. A tabular summary of this data can be found on page 6.

As acknowledged in the TSO, actual vertical separation to groundwater will not be analyzed or considered in violation until the treatment facility has achieved full upgrade as outlined in the WDR.

### II. General Provisions For Sampling and Analysis

All chemical, bacteriological, and toxicity analyses were conducted by Pat-Chem Laboratories of Moorpark, CA, a facility certified by the State Department of Health Services Environmental Laboratory Accreditation Program (ELAP). Laboratory analyses followed United States

Environmental Protection Agency (USEPA) standard methods as noted on the lab reports in the Appendices.

### III. General Provisions For Reporting

The new treatment plant continues to run in startup condition. The Disinfection System continues to be worked on to bring the effluent into compliance.

There were numerous back-ups during construction this quarter as the paving company broke pipes and lines filled with dirt as the roadways were being pulverized to prepare the roadways for paving. Dates and locations are found in Kissel Companies report found in Appendix E.

One fan creating air to a portion of the treatment media failed creating elevated BOD sample results in the August sample. This fan was replaced allowing proper aeration to the entire treatment system. The Pur-o-Tech disinfection system is being modified by the manufacturer to ensure proper functioning with premature clogging of the bag filters on their system.

### IV. Waste Hauling Reporting

Please see Appendix D for all records of system pumping and septage hauling provided by the discharger.

### V. Certification Statement

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 a fine and imprisonment."

Executed on this 12 day of OCTOBER, 2007 at \_\_\_\_\_.

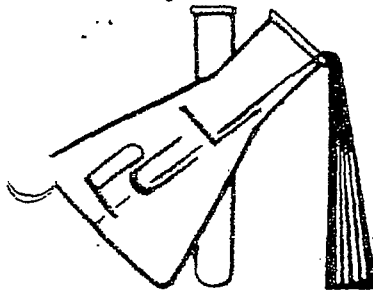
  
\_\_\_\_\_  
(Signature)

PRINCIPAL PWS SOLUTIONS INC.  
\_\_\_\_\_  
(Title)

# APPENDIX B

## Wastewater Laboratory Analyses and Chain of Custody Forms





# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-00

Customer: Barton Slutske Consulting  
630 Roosevelt Court  
Simi Valley CA, 93065

Page 1 of 1

Attention: Bart Slutske  
Report Date: 07-Mar-07 15:23  
Subject: Water Samples

Project/P.O.#: Trailer Park, Paradise Cove

PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
Final Dosing Tank T.P. (Sample I.D.# : 0703017-01) Collected: 01-Mar-07 By Customer						
Ammonia as N	EPA 350.2	AC70203	0.01	02-Mar-07 (MA)	23.0 mg/l	
Biochemical Oxygen Demand	EPA 405.1	AC70227	5	07-Mar-07 (CW)	67 mg/l	
Organic Nitrogen	SM 4500N	AC70203	0.05	02-Mar-07 (CS)	13.3 mg/l	
Oil & Grease (HEM)	EPA 1664	AC70211	5	02-Mar-07 (MB)	< 5 mg/l	
Total Dissolved Solids	EPA 160.1	AC70220	5	02-Mar-07 (CW)	444 mg/l	
Total Suspended Solids	EPA 160.2	AC70221	5	02-Mar-07 (CW)	14 mg/l	
Turbidity	EPA 180.1	AC70210	0.1	02-Mar-07 (CW)	20.6 NTU	
Nitrate as N	EPA 300.0	AC70217	0.02	02-Mar-07 (MA)	< 0.02 mg/l	
Nitrite as N	EPA 300.0	AC70217	0.02	02-Mar-07 (MA)	< 0.02 mg/l	
Enterococcus	SM 9230B	AC70123	1.0	02-Mar-07 (MA)	2419.2 MPN/100 ml	>
Total Coliforms	SM 9221E	AC70123	2	03-Mar-07 (MA)	1600 MPN/100 ml	> if
Fecal Coliforms	SM 9221E	AC70123	2	03-Mar-07 (MA)	1600 MPN/100 ml	> if

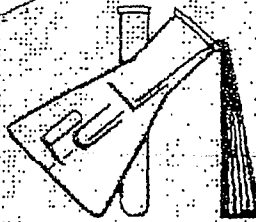
## Notes and Definitions

- >= Result was greater than or equal to the reported value.
- > Result was greater than reported value.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis

Respectfully Submitted,

Pat Brueckner  
Laboratory Director

3/7/2007



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0016

Customer: Barton Slutske Consulting  
630 Roosevelt Court  
Simi Valley, CA 93065

Page 1 of 1

Attention: Bart Slutske  
Report Date: 12-Apr-07 07:44  
Subject: Water Samples

Project/P.O.#: Trailer Park, Paradise Cove

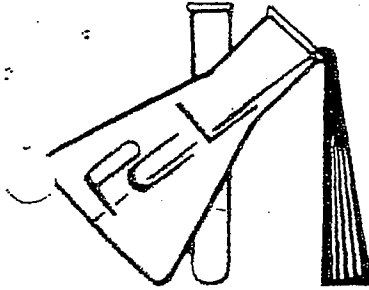
PARAMETER	METHOD	QC REPORTING		ANALYZED (ANALYST)	RESULT	NOTE
		BATCH	LIMIT			
Final Dosing Tank T.P. (Sample I.D.#: 0704058-01) Collected: 05-Apr-07 By Customer						
Ammonia as N	EPA 850.2	AD70602	0.01	06-Apr-07 (CS)	0.27 mg/l	
Biochemical Oxygen Demand	EPA 405.1	AD70618	5	11-Apr-07 (EB)	< 5 mg/l	
Oil & Grease (HEM)	EPA 1664	AD70610	5	08-Apr-07 (MB)	< 5 mg/l	
Total Dissolved Solids	EPA 160.1	AD70613	5	06-Apr-07 (CW)	390 mg/l	
Total Suspended Solids	EPA 160.2	AD70812	5	06-Apr-07 (CW)	6 mg/l	
Turbidity	EPA 180.1	AD70626	0.3	06-Apr-07 (LA)	1.3 NTU	
Nitrate as N	EPA 300.0	AD70624	0.02	09-Apr-07 (MA)	33.7 mg/l	
Enterococcus	SM 9230B	AD70422	1.0	06-Apr-07 (CW)	2.0 MPN/100 ml	
Total Coliforms	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	Y/N
E. Coli	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	Y/N
Fecal Coliforms	SM 9221E	AD70422	2	07-Apr-07 (MA)	1600 MPN/100 ml	Y/N

### Notes and Definitions

- >= Result was greater than or equal to the reported value.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis

Respectfully Submitted,

Pat Brueckner 4/12/2007  
Laboratory Director



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-0012

Customer: Barton Slutske Consulting  
630 Roosevelt Court  
Simi Valley CA, 93065

Page 1

Attention: Bart Slutske  
Report Date: 30-May-07 13:54  
Subject: Water Samples

Project/P.O.#: Trailer Park, Paradise Cove

PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
Final Dosing Tank T.P. (Sample I.D.# : 0705398-01) Collected: 24-May-07 By Customer						
Ammonia as N	EPA 350.2	AE72505	0.01	29-May-07 (LA)	1.47 mg/l	
Biochemical Oxygen Demand	EPA 405.1	AE72517	5	30-May-07 (CW)	7 mg/l	
Organic Nitrogen	SM 4500N	AE72505	0.05	29-May-07 (LA)	0.32 mg/l	
Oil & Grease (HEM)	EPA 1664	AE72509	5	25-May-07 (TF)	< 5 mg/l	
Total Dissolved Solids	EPA 160.1	AE72514	5	29-May-07 (CW)	426 mg/l	
Total Suspended Solids	EPA 160.2	AE72513	5	29-May-07 (CW)	< 5 mg/l	
Turbidity	EPA 180.1	AE72507	0.1	25-May-07 (LA)	2.1 NTU	
Nitrate as N	EPA 300.0	AE72511	0.02	25-May-07 (LA)	12.0 mg/l	
Nitrite as N	EPA 300.0	AE72511	0.02	25-May-07 (LA)	0.35 mg/l	
Total Coliforms	SM 9221E	AE72419	2	26-May-07 (NM)	1600 MPN/100 ml	>=
E. Coli	SM 9221E	AE72419	2	26-May-07 (NM)	1600 MPN/100 ml	>=
Fecal Coliforms	SM 9221E	AE72419	2	26-May-07 (NM)	1600 MPN/100 ml	>=

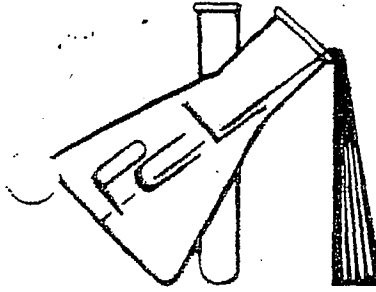
## Notes and Definitions

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- dry Sample results reported on a dry weight basis

Respectfully Submitted,

Pat Brueckner  
Laboratory Director

5/30/2007



# PAT-CHEM LABORATORIES

11990 Discovery Ct. • Moorpark, CA 93021 • Ph. (805) 532-0012 • Fax (805) 532-01

Customer: **Barton Slutske Consulting**  
630 Roosevelt Court  
Simi Valley CA, 93065

Page 1

Attention: **Bart Slutske**  
Report Date: **06-Jun-07 14:59**  
Subject: **Water Samples**

Project/P.O.#: **Trailer Park, Paradise Cove**

PARAMETER	METHOD	QC BATCH	REPORTING LIMIT	ANALYZED (ANALYST)	RESULT	NOTE
<b>Final Dosing Tank T.P. (Sample I.D.# : 0706018-01) Collected: 01-Jun-07 By Alex Vega</b>						
Ammonia as N	EPA 350.2	AF70404	0.01	04-Jun-07 (LA)	2.28 mg/l	
Biochemical Oxygen Demand	EPA 405.1	AF70118	5	06-Jun-07 (CW)	< 5 mg/l	
Organic Nitrogen	SM 4500N	AF70429	0.05	05-Jun-07 (LA)	0.91 mg/l	
Oil & Grease (HEM)	EPA 1664	AF70415	5	04-Jun-07 (TF)	< 5 mg/l	
Total Dissolved Solids	EPA 160.1	AF70409	5	04-Jun-07 (CW)	456 mg/l	
Total Suspended Solids	EPA 160.2	AF70408	5	04-Jun-07 (CW)	< 5 mg/l	
Turbidity	EPA 180.1	AF70130	0.1	01-Jun-07 (CW)	1.5 NTU	
Nitrate as N	EPA 300.0	AF70129	0.02	01-Jun-07 (LA)	10.1 mg/l	
nitrite as N	EPA 300.0	AF70129	0.02	01-Jun-07 (LA)	0.56 mg/l	
Enterococcus	SM 9230B	AF70124	1.0	02-Jun-07 (MA)	275.5 MPN/100 ml	
Total Coliforms	SM 9221E	AF70124	2	03-Jun-07 (MA)	1600 MPN/100 ml	>=
E. Coli	SM 9221E	AF70124	2	03-Jun-07 (MA)	< 2 MPN/100 ml	
Fecal Coliforms	SM 9221E	AF70124	2	03-Jun-07 (MA)	1600 MPN/100 ml	>=

### Notes and Definitions

- >= Result was greater than or equal to the reported value.
- DET Analyte DETECTED
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- NR Not Reported
- dry Sample results reported on a dry weight basis

Respectfully Submitted,

Pat Brueckner  
Laboratory Director

6/6/2007