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11 August 2010

Dan Sholl
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NOTICE OF VIOLATION FOR MISSING SELF-MONITORING REPORTS, PACIFIC COAST SPROUT FARMS, SACRAMENTO FACILITY, SACRAMENTO COUNTY

The discharge of wastewater by Pacific Coast Sprout Farms, Inc. (Discharger) from its Sacramento Facility is regulated by Waste Discharge Requirements (WDRs) Order R5-2005-0034 (NPDES CA0082961) and Time Schedule Order R5-2005-0035. The Monitoring and Reporting Program (MRP) of the WDRs requires monitoring for constituents and other parameters and specifies the location and frequency of monitoring.

The MRP requires the submittal of quarterly and annual self-monitoring reports. To date, the following SMRs have not been received:

- 4th Quarter 2008 report due 3 November 2008
- 2nd Quarter 2009 report due 1 May 2009
- 4th Quarter 2009 monitoring report due 1 February 2010
- January-December 2009 annual report due 1 February 2010

California Water Code section 13385.1 requires the assessment of a \$3,000 mandatory minimum penalty (MMP) for failure to file a discharge monitoring report for each complete period of 30 days following the deadline for submitting the report. Under the California Water Code, penalties for missing reports continue to accrue until an Administrative Civil Liability Complaint is issued to impose the MMP, or until the monitoring report is submitted. This means that the liability for late or missing reports continues to accrue.

However, the State Water Board's recently updated Enforcement Policy provides a process for submitting the late reports and stopping the penalties. **For each monitoring report that was not submitted, please submit a written statement containing the information that applies to your situation:**

California Environmental Protection Agency



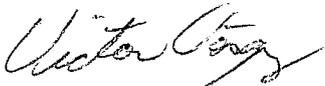
CIWQS Violation ID: 878663

1. **If there was a discharge during the monitoring period and the required monitoring was conducted but you failed to submit the report:** submit the monitoring data and include an explanation as to why the monitoring report was not submitted by the due date.
2. **If there was a discharge during the monitoring period but you failed to conduct the required monitoring:** submit a statement indicating that no monitoring was conducted, describe why the required monitoring was not conducted, and include an explanation as to why the monitoring report was not submitted by the due date.
3. **If there was no discharge during the monitoring period:** submit a statement indicating that there was no discharge during the monitoring period and include an explanation as to why the monitoring report was not submitted by the due date.

The written statements regarding the missing self-monitoring reports must be signed under penalty of perjury and will be considered a "discharge monitoring report" for purposes of the California Water Code. MMPs for late or missing monitoring reports will stop accruing upon the date that the written statement is received by the Water Board.

We strongly encourage you to submit written statements by **16 September 2010** in order for us to provide a cut-off date for determining late reporting violations subject to MMPs. Shortly after that time, we intend to issue an Administrative Civil liability complaint to impose MMPs for any late or missing reports for which the above statements have not been submitted.

If you have questions regarding the submittal of monitoring reports, please contact Ann M. Hopkinson at (916) 464-4825 or at ahopkinson@waterboards.ca.gov.



VICTOR VASQUEZ

Senior Engineer

NPDES Compliance and Enforcement Section