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June 23, 2016

VIA ELECTRONIC MAIL

Mr. Roger Mitchell
San Diego Region
California Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, California 92108-2700

Re: Completion of Dairy Clean Closure - Request to Rescind Order No. 94-127:
Waste Discharge Requirements - Valley View Dairy
270118:RMitchell

Dear Roger:

This office represents Jack and Ellie Hoekstra and Willy Vander Woude (the "Owners"), the Owners of the real property located at 1645 Warnock Road, Ramona, California (the "Property"). As you requested, I am providing a summary of work performed at the Property and providing documentation on the completion of the "clean closing" of the dairy formerly operating on the Property. Additionally, the Owners are formally requesting the rescission of California Regional Water Quality Control Board, San Diego Region ("San Diego Water Board") Order No. 94-127.

I. BACKGROUND

On November 10, 1994, the San Diego Water Board adopted Order No. 94-127, *Waste Discharge Requirements for Mr. William Vander Woude, Valley View Dairy, San Diego County*. Mr. Vander Woude operated the Valley View Dairy on the Property under Order No. 94-127 until the dairy's closure on October 4, 2005. Upon the closure of Valley View Dairy in 2004, the San Diego Water Board was informed that Valley View Dairy was no longer operating and that Steve Dowle would take over and lease the Property to operate Dowle Dairy. Steve Dowle leased the Property and operated Dowle Dairy from 2004 up until Dowle Dairy's Chapter 7 Bankruptcy filing in 2013.

Notice of Violations (NOV) No. R9-2014-0027 was issued by the San Diego Water Board to Dowle Dairy for violations of Order No. 94-127. At the time of these violations, Steve Dowle, not the Owners, was operating Dowle Dairy; however, Order No. 94-127 was never transferred to Mr. Dowle. On December 10, 2008, the San Diego Water Board adopted General Order No. R9-2008-0130 ("General Order") for existing dairies engaged in animal feeding operations and included Dowle Dairy as an eligible enrollee. However, Mr. Dowle opted not to enroll under the General Order and instead elected to continue to operate under Order No. 94-127.

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After the Dowle Dairy Bankruptcy filing, the Owners hired John Gassoway to undertake and manage the cleanup of the dairy on the Property, which began in November 2014. By January 2015, approximately 1,500 yards of manure was removed from the corrals and spread on surrounding fields and worked into the ground. The fields were then planted with wheat which was harvested for hay in early summer 2015. Steve Dowle was evicted from the Property by June of 2015.

Throughout the summer of 2015, the corral fences were taken down, the concrete lanes were broken up, and the dairy barn equipment was removed. After these removals, the corrals were cleaned a second time and the two holding ponds were cleaned out to bare dirt. The two top corrals were leveled to allow for planting crops. Approximately 1800 yards of manure was generated during this cleanup process and was spread on surrounding fields and worked into the ground. Wheat was again planted on these fields and also in the two top corrals in November 2015. In January 2016, approximately 900 yards of concrete was hauled away to another location in Country Estates to be used in a flood control project.

Below you will find a list of each violation and concern listed in NOV No. R9-2014-0027 along with a description of the remedial action taken by Owners and pictures evidencing completion/compliance:

II. REMEDIAL ACTION

A. VIOLATIONS

- 1) Exceedance of Groundwater Quality Objectives for the San Dieguito Hydrologic Unit: Order No. 94-127 section B.1.a.

All water, dairy wastewater and waste solids were removed from the holding ponds. Pictures of the dry ponds are attached as Exhibit "A."

- 2) Failure to Properly Maintain Manured Areas: Order No 94-127 section C.1.

All manure was removed from the corrals, milking/washing parlor, and other ancillary areas. Pictures of the cleaned area/corrals are attached as Exhibit "B."

B. CONCERNS

- 1) Retention Pond Management: Order No. 94-217 section C.2.

All water was removed from the two holding ponds. The two existing holding ponds on the Property will remain in place on the Property and may be used in the future for stormwater retention for the Property. Pictures of the dry ponds are attached as Exhibit "A."

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2) Flood Protection: Order No 94-127 section C.3.

All manure and waste has been removed from the Property. Pictures of the cleaned area/corrals are attached as Exhibit "B."

3) Surface Drainage: Order No. 94-127 section C.4.

All manure and waste has been removed from the Property. Pictures of the cleaned area/corrals are attached as Exhibit "B."

4) Nuisance: Order No. 94-127 sections A.2 and A.3.

All manure and waste has been removed from the Property. Pictures of the cleaned area/corrals are attached as Exhibit "B."

III. REQUEST FOR RESCISSION

The Owners have taken substantial measures to complete the clean closure of the dairy and now, after completing the clean closure, are formally requesting the San Diego Water Board to rescind Order No. 94-127.

As always, should you have any questions, please do not hesitate to contact me.

Very truly yours,



KARNA E. HARRIGFELD
Attorney-at-Law

cc: Clients