

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
November 9, 2016

- ITEMS: 7
- SUBJECT: Rescission of WDRs: Valley View Dairy, San Diego County (Tentative Order No. R9-2016-0159). *(Roger Mitchell)*
- PURPOSE: To consider adopting Tentative Order No. R9-2016-0159 (Supporting Document 1).
- RECOMMENDATION: Adoption of Tentative Order No. R9-2016-0159.
- KEY ISSUES:
1. The Valley View Dairy is regulated under waste discharge requirements (WDRs) in Order No. 94-127. Dairy operations ceased in 2013.
 2. The property owner ensured that all remnant wastes from the dairy were removed from the property, thereby returning it to a clean and restored condition.
 3. Order No. 94-127 is no longer needed and can be rescinded.
- PRACTICAL VISION: Controlling discharges through WDRs is a key part of the strategy to achieve healthy waters in the San Diego Region. The waste management requirements of Order No. 94-127 served their purpose by compelling the property owner to restore the Dairy to a clean condition even though operations had ceased several years ago.
- DISCUSSION: The Vander Woude Family Trust owns the Valley View Dairy, located in San Diego County (Supporting Document 2). Dairy operations were ongoing from 1976 to 2013, and were regulated under WDRs in Order No. 94-127. Mr. Vander Woude operated the Dairy until October 4, 2005, after which the Dairy was leased to Mr. Steve Dowle until 2013. Following Mr. Vander Woude's death, ownership of the property and the Dairy operation were transferred to the Vander Woude Family Trust. The Dairy ceased operations on the property in 2013.
- The San Diego Water Board issued Notice of Violation No. R9-2014-0027 (NOV) to Mr. Dowle on April 7, 2014, in

part for failure to properly maintain manured areas in accordance with Order No. 94-127. At the time the NOV was issued, however, Mr. Dowle was undergoing a bankruptcy, and was unable to get permission from the Vander Woude Family Trust to access the property and correct the violations noted in the NOV.

The San Diego Water Board issued a letter to the Vander Woude Family Trust on September 19, 2014, reminding the Trustees of their responsibility to comply with Order No. 94-127. In accordance with a workplan approved by the Board, the Trustees removed all dairy related wastes, and restored the Dairy to a clean condition.

In a letter dated June 23, 2016 (Supporting Document 3), the Vander Woude Family Trust requested rescission of the Order. Staff inspected the property (Supporting Document 4) on July 5, 2016, and verified that the remnant manure from the ponds and corrals, corral fences; broken concrete from the corrals; and dairy barn equipment were removed from the property. Staff concluded that the property was in compliance with Order No. 94-127.

No comments on the tentative Order were received during the public comment period.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Order No. R9-2016-0159.
2. Dairy Location Map
3. Request for rescission of Order No. 94-127, letter dated June 23, 2016.
4. Dairy Inspection Report, letter dated July 5, 2016.
5. Notification Letter for Public Hearing and Comment Period.
6. Notice of Public Hearing and Written Comment Period

SIGNIFICANT CHANGES:

Rescission of Order No. 94-127.

COMPLIANCE
RECORD:

There are no outstanding compliance issues at the Dairy.
The following is a list of historical violations for the Dairy:

- November 30, 1993
Failure to submit annual monitoring report.
- November 30, 1995
Failure to submit annual monitoring report.
- December 6, 2013
Failure to properly maintain manured areas and
exceedance of groundwater quality objectives for total
dissolved solids and nitrate.

PUBLIC NOTICE:

Notification of the public hearing and written comment period, and a copy of the Tentative Order were sent to the Vander Woude Family Trust in a letter dated August 31, 2016 (Supporting Document 5). A notice of public hearing and written comment period, and the Tentative Order were also posted on the San Diego Water Board website on August 31, 2016 (Supporting Document 6).