

California Regional Water Quality Control Board, San Diego Region

April 7, 2014

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 2967

Mr. Steve Dowle
Dowle Dairy
18409 Rangehand Road
Ramona, CA 92065

In reply refer to / attn:
270118:RMitchell

Subject: Notice of Violation No. R9-2014-0027, Order No. 94-127, Waste Discharge Requirements for Mr. William Vander Woude Valley View Dairy, San Diego County

Mr. Dowle:

Enclosed is Notice of Violation (NOV) No. R9-2014-0027, issued to the Dowle Dairy (formerly the Valley View Dairy) of Ramona for violations of Order No. 94-127, *Waste Discharge Requirements for Mr. William Vander Woude, Valley View Dairy, San Diego County*, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Also enclosed is the San Diego Water Board's inspection report for the Dowle Dairy dated December 6, 2013. As described in the enclosed NOV, the violations are subject to further enforcement pursuant to the Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response, within **30 days** of correcting the noted violations, or by 5:00 p.m. on **May 7, 2014**, whichever is earliest.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the reference number 270118:RMitchell. For questions or comments, please contact Mr. Roger Mitchell by phone at (619)521-5898, or by email at Roger.Mitchell@waterboards.ca.gov.

Sincerely,

Julie Chan, Chief
Groundwater Protection Branch

JAC:jro:rnm

- Enclosures: 1. NOV No. R9-2014-0027
2. December 6, 2013 Inspection Report

cc (w/enclosures): Mr. William Vander Woude, 1645 Warnock Drive, Ramona, CA 92065

Chiara Clemente, Enforcement Coordinator, San Diego Water Board,
CClemente@waterboards.ca.gov

Catherine Hagan, Office of Chief Counsel, State Water Resources
Control Board, Catherine.Hagan@waterboards.ca.gov

Tech Staff Info & Use	
Reg. Measure ID	142481
Place ID	270118
Order No.	R9-1994-0127
Party (CIWQS)	319021; 49150
Inspection ID	14640473

NOTICE OF VIOLATION

No. R9-2014-0027

Dowle Dairy
Attn: Mr. Steve Dowle
18409 Rangehand Road
Ramona, CA 92065

Violations of Order No. 94-127

April 7, 2014

The Dowle Dairy (formerly Valley View Dairy) is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The Dowle Dairy is in violation of San Diego Water Board Order No. 94-127, *Waste Discharge Requirements for Mr. William Vander Woude, Valley View Dairy, San Diego County*. The violations described and documented below were observed in the November 1, 2012 – October 31, 2013 Annual Self Monitoring Report for the Dowle Dairy (SMR), and during the December 6, 2013 compliance inspection of the Dowle Dairy conducted by the San Diego Water Board staff.

A. Summary of Violations

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

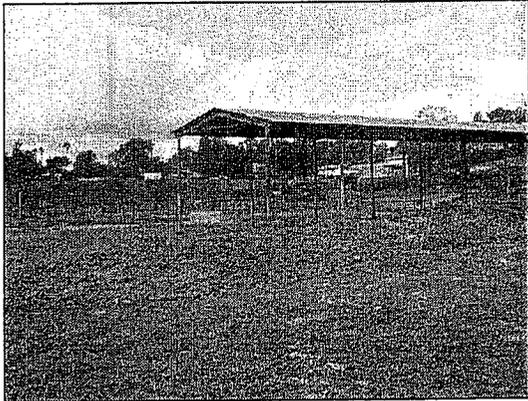
Order No. 94-127, Discharge Specifications, section B.1.b, requires the Discharger to prevent discharges of dairy wastewater or waste solids from causing pollution, contamination, or nuisance. The applicable Water Quality Objectives (WQOs) for Total Dissolved Solids (TDS) and Nitrate as N,¹ for the Santa Maria Hydrologic Area of the San Dieguito Hydrologic Unit, is 1,000 mg/L and 10 mg/L, respectively. The groundwater analytical results reported in the SMR, indicate the detected concentrations for TDS and Nitrate as N are 1,420 mg/L and 82.4 mg/L, respectively. These concentrations exceed the WQOs for the Santa Maria Hydrologic Area.

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

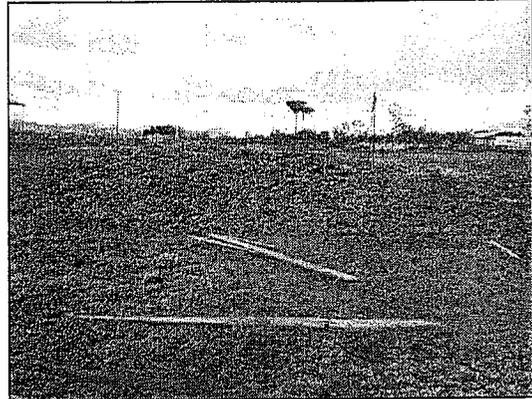
Order No. 94-127, Facility Design and Operations Specifications, section C.1, requires the Discharger to maintain all areas of the facility where manure is located, to prevent nuisance conditions and shall be managed to minimize infiltration of water into underlying soil. The SMR, section IV – Manure & Wastewater, indicates that of the 3,700 cubic yards (cu. yds.) of manure that was produced between November 1, 2012 and October 31, 2013, 2,000 cu. yds. of manure is currently stockpiled onsite, 400 cu. yds. of manure were taken off site. Based on the quantities provided, the SMR does not account for approximately 1,300 cu. yds. of manure reportedly produced at the site.

¹ Prescribed in Chapter 3, Table 3-3 of the Water Quality Control Plan for the San Diego Region (Basin Plan), http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

During the facility inspection, San Diego Water Board staff (Staff) observed (see photographs 1 through 5 below) vast quantities of unmanaged manure left as a thick layer, or large piles within the corrals, milking/washing parlor, other ancillary areas.



Photograph 1: Large quantities of manure remain in situ, or piled in the corrals.



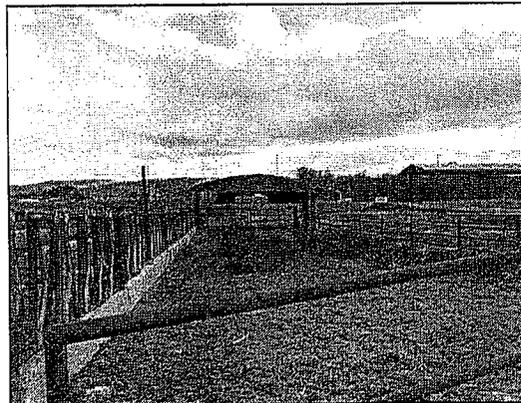
Photograph 2: Large quantities of manure remain in situ, or piled in the corrals.



Photograph 3: Large quantities of manure remain in situ in the corrals.



Photograph 4: Large quantities of manure remain in situ in the milking/washing parlor.



Photograph 5: Large quantity of manure remaining in situ in ancillary areas.

Based on the Dischargers' statement provided in section VII of the SMR, the management of all manured areas and wastewater ponds at the facility appears to have ceased on March 12, 2013, at which time the Discharger filed for bankruptcy protection. The Dischargers indicates in the SMR, management of the manure and wastewaters will be directed by the court.

B. Summary of Concerns

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

Order No. 94-127, section C.2, requires water levels in the retention pond be sufficiently lowered each year to provide adequate storage capacity prior to the beginning of the wet weather periods. Based on observations made during the compliance inspection (see photographs 6 through 8 below) and the Dischargers' financial solvency statement provided in the SMR, San Diego Water Board staff are concerned that if unmanaged, wastewaters generated at the Dowle Dairy may percolate to groundwater and/or runoff into nearby surface water tributaries, thereby threatening the beneficial uses, and/or quality of the waters of the State.



Photograph 6: Southeast pond partially filled (6-8 ft) with sludge.



Photograph 7: Southwest pond partially filled (6-8 ft) with sludge.



Photograph 8: Sludge in Southwest Pond.

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

Order No. 94-127, section C.3, requires all waste treatment, containment, and disposal facilities be protected against 20-year peak stream flows as defined by the San Diego County flood control agency. Based on observations made during the compliance inspection, and the Dischargers' financial solvency statement provided in the SMR, San Diego Water Board staff are concerned that if unmanaged, waste treatment, containment, and disposal facilities may be inundated with solid wastes, thereby reducing the capacity of those waste systems to provide adequate protection against flooding. Flooding and the potential discharge of solid and liquid wastes from the facility may result in the impairment of beneficial uses, and/or the quality of the water of the State.

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

Order No. 94-127, section C.4, requires the confined animal facility to be operated to retain all facility wastewater and all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm event. Based on the observations made during the compliance inspection, and the Dischargers' financial solvency statement provided in the SMR, San Diego Water Board staff are concerned that if unmanaged, wastewater generated as part of a 25-year, 24-hour storm event may be discharged to surface water tributaries, and/or allowed to percolate to groundwater, potentially resulting in the impairment of beneficial uses, and/or the quality of the waters of the State.

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

Order No. 94-127, sections A.2 and A.3, prohibit the creation of conditions resulting in pollution, contamination, or nuisance, from:

- the treatment, storage or disposal of wastes;
- the discharge of solid wastes or wastewaters, resulting from precipitation on, and drainage through manured areas to surface waters, unless when specifically allowed through implementation of Order No. 94-127.

Based on the information gathered during the compliance inspection, and review of the SMR, San Diego Water Board staff are concerned that if unmanaged, discharges of solid waste and wastewaters may result in the impairment of beneficial uses, and/or the quality of the waters of the State, in violation of the prohibitions established in the Basin Plan and adopted in Order No. 94-127.

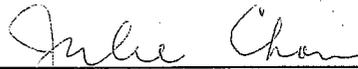
C. Summary of Potential Enforcement Options

The violations cited above may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

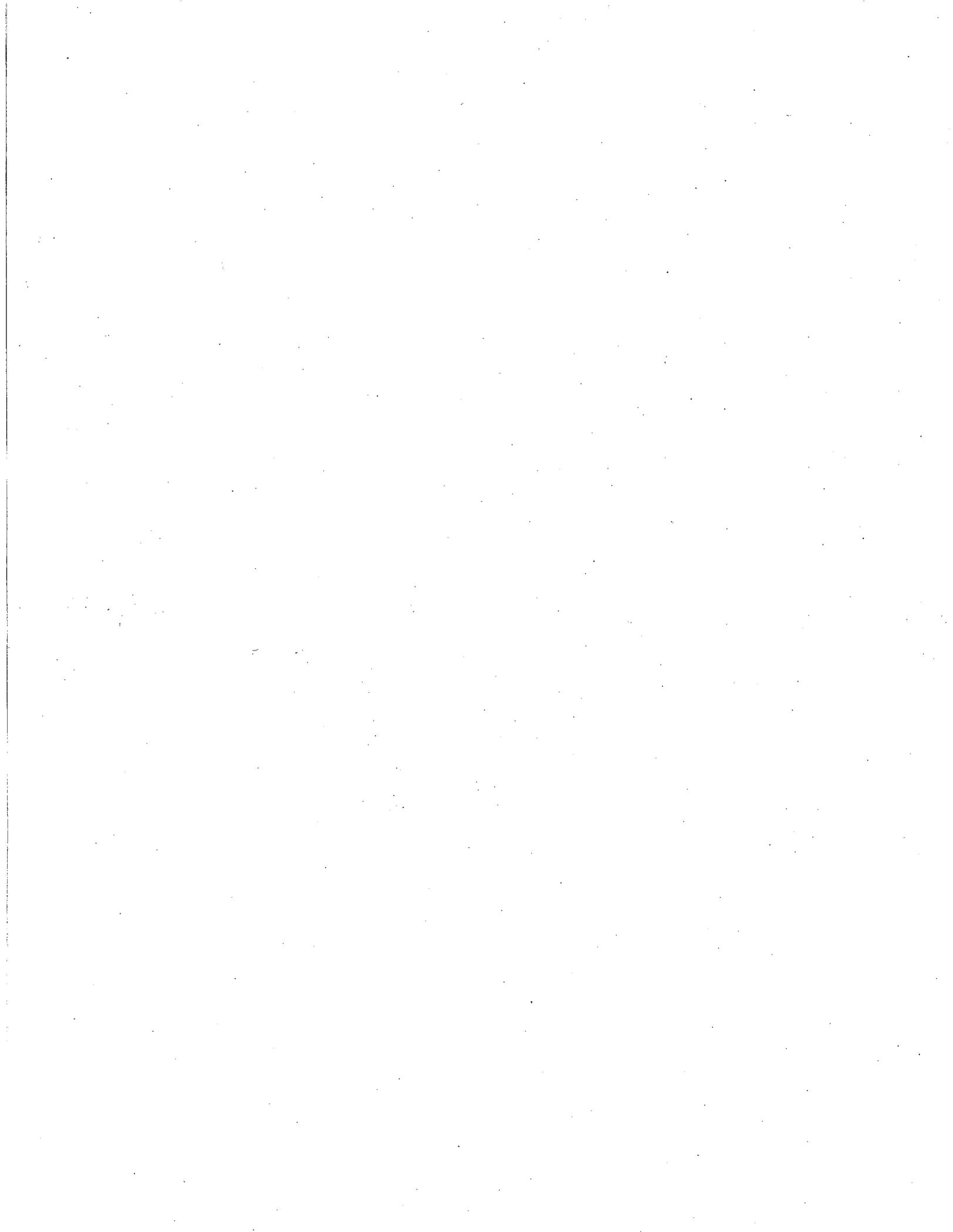
In the subject line of any response, please include the reference code "270118:RMitchell." Questions pertaining to this Notice of Violation should be directed to Mr. Roger Mitchell at 619-521-5898 or roger.mitchell@waterboards.ca.gov.



Julie Chan, Chief
Groundwater Protection Branch

JAC:jro:rnm

Tech Staff Info & Use	
Reg. Measure ID	395168, 142481
Violation ID	964609, 964610
Place ID	270118
Order No.	R9-2014-0027, 94-127
Party (GT/CIWQS) ID	319021; 49150
Inspection ID	14640473



FACILITIES INSPECTION REPORT

Region/Office: 9	Status: Performed	Reg. Measure ID: 142481
Program Type: ANIWSTCOWS	WDID: 9 000000197	Order Number: R9-1994-0127
Scheduled Insp. Date:	Actual Insp. Date: 12/06/2013	

Discharger Information

Party ID: 319022	Discharger Organization Name: Dowle Dairy		
Address:	City, State, Zip:		
Discharger Contact Person:	Discharger Contact Phone:		

Facility Information

Place ID 270118	Facility Name: Dowle Dairy (formerly Valley View Dairy)		
Address: 1645 Warnock Drive	City, State, Zip: Ramona, CA 92065		
County: San Diego	Latitude: 33.014859	Longitude: -116.875037	Method: Map Interpolation

Lead Inspector Information

Lead Inspector Party ID: 534450	Lead Inspector Name: Roger Mitchell		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

INSPECTION TYPE (Check One)

- "A" type compliance - Comprehensive inspection in which samples are usually taken (EPA Type S)
- AGT SPCC - An inspection of an above ground tank site and review of the site's spill prevention control and counter measure plant.
- "B" type compliance - A routine inspection (EPA Type C) that typically does not include collecting samples
- Complaint - Inspection made in response to a complaint
- Field Oversight - Inspection or site visit to confirm clean-up work is being performed
- Follow-up (enforcement) - Included inspections specifically made to verify compliance with enforcement mandates
- Follow-up (non-compliance) - Includes inspections specifically made to verify corrections of non-compliance where no enforcement has been initiated
- Pre-requirement - Inspection made to gather information relative to preparing, modifying, or rescinding requirements
- Pretreatment Compliance Audit - An audit that includes review of that program authority, records, and industrial facility field inspections
- Pretreatment Compliance Inspection - An inspection of a pretreatment program that includes records review and industrial facility field inspections
- MS4 Audit - An evaluation of an MS4 program or program component that could possibly lead to enforcement. It must include a site visit.
- NOT - Inspection performed in response to the submittal of a Notice of Termination coverage under a general order
- Miscellaneous - Any inspection type not mentioned above

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
964609	Groundwater	12/06/2013	2	Exceedance of groundwater quality objective for: TDS observed at 1,420 mg/L while WOQ = 1,000 mg/L, and nitrate as N observed 82.4 mg/L while WQO = 10 mg/L.
964610	BMP	12/06/2013	2	Description exceeds 250 characters. See Violation record in CIWQS for Description.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Inspection of the dairy confirmed that operations have ceased due to on going bankruptcy hearing. Observed approximately 4800 tons of manure abandoned onsite, and three wastewater pond, each with approximately 1 foot of sludge on the bottom. Ponds are not being pumped to prevent overtopping.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Several violation of the dischargers WDRs were observed and found in the annual self monitoring report submitted to the San Diego Regional Water Board.

For Internal Use (Optional)					
Reviewed By:	(1)	(2)	(3)		
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:	