



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## California Regional Water Quality Control Board, San Diego Region

March 27, 2015

**Certified Mail – Return Receipt Requested**

Article Numbers: 7011-0470-0002-8952-7168

Mr. Leo Wesselink  
Winchester Wesselink LLC  
32605 Holland Road  
Winchester, CA 92596

**In reply refer to / attn:**  
**220170:RMitchell**

**Subject: Notice of Violation No. R9-2015-0055, Winchester Wesselink LLC, Wesselink Dairy, Riverside County, San Diego Region**

Mr. Wesselink:

Enclosed is Notice of Violation (NOV) No. R9-2015-0055 issued to you for violations of Water Code section 13260, and Order No. R9-2007-0042, *Waste Discharge Requirements for Winchester Wesselink LLC, Wesselink Dairy, Riverside County* (Order No. R9-2007-0042). As described in the NOV, the violations are subject to further enforcement pursuant to the Water Code. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any further enforcement action authorized by law.

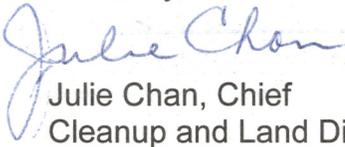
If the 2013 and 2014 annual fees; Operational Status Letter; and Change in Ownership Notice described in the NOV are not received by **5:00 pm on June 25, 2015**, the San Diego Water Board may pursue further enforcement actions. In making the determination of whether and how to proceed with further enforcement 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.

Please submit all future responses to the San Diego Water Board by email.<sup>1</sup> Email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **220170:RMitchell**), and be sent via email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). This request does not replace routine email correspondence that may be sent to individual San Diego Water Board staff members. If you have any questions about email submittal procedures, please contact Ms. Cleo Munoz in our Mission Support Unit, at 619-521-3384 or [cleo.munoz@waterboards.ca.gov](mailto:cleo.munoz@waterboards.ca.gov).

<sup>1</sup> See public notification on electronic reporting on-line at:  
[http://www.waterboards.ca.gov/sandiego/docs/Electronic\\_Reporting\\_Sept2014.pdf](http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf)

Please contact Mr. Roger Mitchell at (619) 521-5898, or at [RMitchell@waterboards.ca.gov](mailto:RMitchell@waterboards.ca.gov) if you have any questions regarding this letter.

Sincerely,



Julie Chan, Chief  
Cleanup and Land Discharge Branch  
JAC: jro:rnmm

Enclosure: Notice of Violation No. R9-2015-0055

Tech Staff Info & Use	
Reg. Measure ID	326937
Place ID	220170
Order No.	R9-2007-0042
Party ID	384216
Violations ID	988006, 988007, 988008

# NOTICE OF VIOLATION

## No. R9-2015-0055

Mr. Leo Wesselink  
Winchester Wesselink LLC  
32605 Holland Road  
Winchester, CA 92596

Violations of Order No. R9-2007-042

March 27, 2015

Mr. Leo Wesselink (hereinafter the Discharger) 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 Discharger is in violation of Order No. R9-2007-0042, *Waste Discharge Requirements for Winchester Wesselink LLC, Wesselink Dairy, Riverside County*. The violations described and documented below were identified during a file review of records associated with the Wesselink Dairy (hereinafter the Dairy).

### A. Summary of Violations

#### 1. Failure to Submit Annual Fee Payments

Section 13260(d)(1)(A) of the Water Code requires the Discharger to submit an annual fee, in accordance with the fee schedule promulgated by the State Water Resources Control Board (State Water Board) in Calif. Code of Regs. title 23, section 2200(c). Records maintained by the State Water Board indicate annual fees for the Dairy were paid regularly until November 2013; however the Discharger has been delinquent in submitting annual fees for 2013<sup>1</sup> and 2014.<sup>2</sup>

#### 2. Failure to Report – Annual Monitoring Reports

Order No. R9-2007-0042 requires the Discharger to submit an *Annual Facility Compliance Report* by November 30 of each year. However, based on information provided in the Dischargers November 2008 – October 2009 Annual Facility Compliance Report, San Diego Water Board staff identified the Dairy as non-operational, and requested the Discharger to provide annual updates on the operational status of the Wesselink Dairy, or request rescission of Order No. R9-2007-0042.<sup>3</sup> Records available to the San Diego Water Board indicate the Discharger has never provided the San Diego Water Board with the requested *Annual Operational Status Letter*.

<sup>1</sup> Unpaid invoice WD0093533 issued on November 19, 2013 for \$1,494.00.

<sup>2</sup> Unpaid invoice WD0107482 issued on December 24, 2014 for \$1,987.00.

<sup>3</sup> Letter issued by San Diego Water Board staff on September 16, 2010, incorporated at part of this notice of violation as Attachment No. 1.

### 3. Failure to Notify – Transfer of Ownership

In accordance with Order No. R9-2007-0042, Section E.7 – *Change in Ownership*, the Discharger is required to submit a written notice at least 30 days in advance of any proposed transfer of the facility to a new owner. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of responsibility and coverage of Order No. R9-2007-0042.

On March 12, 2015, San Diego Water Board staff learned through a telephone conversation with the Discharger, that the Dairy had been sold. According to records maintained by the San Diego Water Board, the Discharger failed to comply with the transfer of ownership requirements specified in Order No. R9-2007-0042.

Based on the proceeding summary of violations, the Discharger must:

- Submit to the State Water Board payment for all unpaid annual fee invoices associated with the Wesselink Dairy, in accordance with section 13260(d)(1)(a) of the Water Code;
- Submit to the San Diego Water Board an *Annual Operational Status Letter*, which must explain the current operational status of the Dairy, and provide a written explanation for the failure to submit the requested *Annual Operational Status Letter* from 2010 to 2014; and
- Provide a written notification to the San Diego Water Board of the transfer of ownership of the Dairy. In accordance with Order No. R9-2007-0042, the notification must include a written agreement between the existing and new discharger containing a specific date for the transfer of the Order's responsibility and coverage between the existing discharger and the new discharger. This agreement must include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable for violations up to the transfer date on.

To avoid further enforcement action on these violations by the San Diego Water Board, please submit all required annual fees, the *Annual Operational Status Letter*, and the transfer of ownership notification to either the State Water Board, or San Diego Water Board, as indicated above, no later than **5:00 pm on June 25, 2015**.

### B. Summary of Potential Enforcement Options

The violations cited above may subject you to additional enforcement by the San Diego Water Board or State Water 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.

Please submit all future responses to the San Diego Water Board by email.<sup>4</sup> Email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **220170:RMitchell**, and be sent via email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). This request does not replace routine email correspondence that may be sent to individual San Diego Water Board staff members. If you have any questions about email submittal procedures, please contact Ms. Cleo Munoz in our Mission Support Unit, at 619-521-3384 or [cleo.munoz@waterboards.ca.gov](mailto:cleo.munoz@waterboards.ca.gov).

Please contact Mr. Roger Mitchell at (619) 521-5898, or at [RMitchell@waterboards.ca.gov](mailto:RMitchell@waterboards.ca.gov) if you have any questions pertaining to this Notice of Violation, or further compliance with the Order No. R9-2007-0042.

Julie Chan, Chief  
Groundwater Protection Branch

JAC:jro:rnm

Tech Staff Info & Use	
Reg. Measure ID	326937
Place ID	220170
Order No.	R9-2007-0042
Party ID	384216
Violations ID	988006, 988007, 988008

<sup>4</sup> See public notification on electronic reporting on-line at:  
[http://www.waterboards.ca.gov/sandiego/docs/Electronic\\_Reporting\\_Sept2014.pdf](http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf)

## Attachment No. 1

**California Regional Water Quality Control Board  
San Diego Region**

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

September 16, 2010

In reply refer to:  
220170:adai

Mr. Leo Wesselink  
Winchester Wesselink LLC  
32605 Holland Road  
Winchester, CA 92596

Dear Mr. Wesselink:

**SUBJECT: WESSELINK DAIRY ANNUAL MONITORING REPORT**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the November 1, 2008-October 31, 2009 annual monitoring report submitted in accordance with Monitoring and Reporting Program No. R9-2007-0042.

Based on information presented in the annual report, it is our understanding that the facility is no longer in operation. Please keep us updated on the status of the facility by submitting a letter to the San Diego Water Board before November 30<sup>th</sup> of each year. Also notify the San Diego Water Board if you would like to request rescission of Order No. R9-2007-0042.

In the subject line of any response, please include the requested "in reply refer to" information located in the heading of this letter. Please contact Ms. Amanda Dai at 858-627-3977 or via email at [adai@waterboards.ca.gov](mailto:adai@waterboards.ca.gov) if you have any questions on this matter.

Sincerely,

Robert W. Morris, P.E.  
Senior Water Resource Control Engineer  
Land Disposal and Cleanup Branch

*California Environmental Protection Agency*

