

Central Coast Regional Water Quality Control Board
Prosecution Team Evidence
in the matter of
Cease and Desist Order R3-2016-0015
Exhibit 22

Central Coast Regional Water Quality Control Board

February 2, 2016

Dave Robertson
Centrally Grown, Inc.
7432 Exotic Garden Dr.
Cambria, CA 93428

CERTIFIED MAIL NO. 7015 0640 0001 9856 4264

Danielle Biberia
Facility Manager
Centrally Grown, Inc.
7432 Exotic Garden Dr.
Cambria, CA 93428
danieller@centrallygrown.com

VIA ELECTRONIC MAIL

Dear Mr. Robertson:

**NOTICE OF VIOLATION OF MONITORING AND REPORTING REQUIREMENTS FOR
CENTRALLY GROWN RESTAURANT ONSITE WASTEWATER TREATMENT SYSTEM,
WDR 97-10-DWQ, SAN LUIS OBISPO COUNTY, WDID 3 401212496**

The Central Coast Regional Water Quality Control Board (Water Board) has reviewed the monthly self-monitoring report (SMR) for Centrally Grown, received on January 15, 2016. In addition to the violations noted in the SMR transmittal sheet (not reporting flow data and continued surfacing of effluent in the disposal field), the report documented the following violations:

- (1) The distances between outlet device top of sludge layers and bottom of scum layers were not measured and reported as required;
- (2) The influent and effluent monitoring was not conducted concurrently as required;
- (3) The signatory requirements for the SMR were not met.

As noted in Monitoring and Reporting Program (MRP) No. 97-10-DWQ:

“All reports submitted in response to these general WDRs shall comply with the signatory requirements of Standard Provision B.2.”

Standard Provision B.2. states in relevant parts:

2. “Signatory Requirements [40 CFR 122.10(k)][40 CFR 122.22]
 - a. All application reports or information to be submitted to the RWQCB Executive Officer shall be signed and certified as follows:
 - (1) For a corporation: by a principal executive officer or at least the level of vice president;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively...
 - b. All reports required by this Order and other information requested by the RWQCB or SWRCB shall be signed by a person described in paragraph (a) of this provision or by a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and,
 - (3) The written authorization is submitted to the RWQCB Executive Officer.”

Additionally, the annual report for Centrally Grown was due no later than January 15, 2016. Annual reports are required to contain discussions and analysis not contained in monthly reports, including the following:

- Tabular and graphical summaries of the monitoring data obtained during the previous calendar year;
- A discussion of the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the general WDR’s

The non-submittal or late submittal of the annual report is a violation of the MRP.

This Notice of Violation (NOV) is intended to a) note the violations for the record and b) facilitate a speedy remedy to the continued non-compliance with regard to the monitoring and reporting required by MRP 97-10-DWQ, Second Revision for Centrally Grown Inc. Water Board staff will determine the need to recommend further enforcement actions based upon your response to this NOV and your future compliance with MRP No. 97-10-DWQ. The Water Board reserves its right to take any enforcement action authorized by law.

If you have any questions regarding this notice of violation, please contact Jon Rokke at (805) 549-3892 or by email at jon.rokke@waterboards.ca.gov, or Chris Adair at (805) 549-3761 or by email at chris.adair@waterboardsca.gov.

Sincerely,

Michael J. Thomas
Assistant Executive Officer

Cc:

Nickolaus Knight, Attorney III, State Water Board
Nickolaus.Knight@waterboards.ca.gov

ECM: CW-788896

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