



California Regional Water Quality Control Board San Diego Region

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Matthew Rodriguez
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Edmund G. Brown Jr.
Governor

January 4, 2012

In reply refer to:
766892:bpulver

David Hernandez
Hines Growers LLC
2500 Rainbow Valley Boulevard
Fallbrook, California 92028

Dear Mr. Hernandez:

**SUBJECT: NOTICE OF VIOLATION
HINES GROWERS LLC MONITORING AND REPORTING PLAN 2012,
HINES GROWERS LLC FALLBROOK FACILITY**

The Monitoring and Reporting Program Plan and the Quality Assurance Project Plan (collectively referred to as Sampling Plan) submitted by G. Gutman Consulting on behalf of Hines Growers LLC (Hines) does not meet the performance standards of Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations (Ag Waiver). Hines is in **Violation** of Section 4.I.E of the Ag Waiver and will remain so until an acceptable Sampling Plan is submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

Deficiencies noted in the Sampling Plan include the following:

1. The Sampling Plan was submitted as draft, not as final. The San Diego Water Board does not accept draft documents.
2. The Sampling Plan did not include the location of the monitoring location(s). Section 4.I.E.4 of the Ag Waiver states "the MRPP/QAPP must include the monitoring locations. The Sampling Plan states that the sampling location is shown on Figure 1, but Figure 1 was not included. The Sampling Plan further states that the GPS coordinates for the sampling location are to be determined. The Sampling Plan must clearly identify the location of the sampling location(s). **This failure is a violation of Section 4.I.E.4 of the Ag Waiver.**
3. The Quality Assurance Project Plan (QAPP) is inadequate because it fails to include the laboratory methods and method detection limits for the analysis of the collected samples (the QAPP states that the "detection levels and methods will be provided by Calscience Labs"). **This failure is a violation of Section 4.I.E.4 of the Ag Waiver.**

Other comments to the Sampling Plan are as follows:

1. Submit future documents as a word searchable pdf document.
2. Describe what unsafe conditions are present that will prevent the conducting the physical assessment portion of the benthic and habitat assessment. If there is an unsafe condition present at the sample location that would prevent conducting the physical assessment an alternative sample location should be selected and identified.
3. Provide a description of the phased approach referenced in the Sampling Plan.
4. Provide the locations of the existing stations on Rainbow Creek that will be used to collect flow data and a statement (with rationale) whether or not it is representative of the sampling location.
5. Submit a copy of the figure that identifies the sampling location.
6. Provide the longitude and latitude of the sampling location.
7. The QAPP should include a copy of the Calscience Laboratories Quality Assurance/Quality Control Plan or a QAPP. Either of these documents will include much of the information missing from the Sampling Plan (such as names and duties of the Calscience staff, laboratory test methods and method detection limits, and DHS Laboratory Certification Nos. and expiration dates.
8. The Sampling Plan should, at a minimum, be signed by the preparer, and include a statement by Hines Growers, LLC that it has read and approved the Sampling Plan.

Because of the violations and comments noted above a detailed review of the Sampling Plan was not conducted and additional errors and omissions may be present. We are available to meet with you to discuss the required elements of the Sampling Plan.

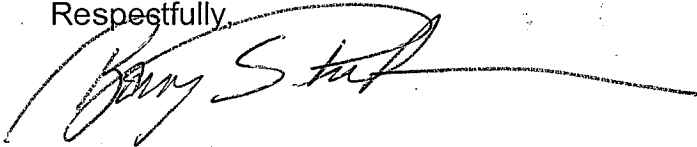
Please note that you will remain in Violation of the Ag Waiver until an acceptable Sampling Plan is submitted to the San Diego Water Board. Because failure to comply with Section 4.I.E of the Ag Waiver may subject you to administrative penalties of up to \$1,000 per day of violation (Water Code section 13261) we strongly suggest that you resolve this **Violation** as soon as possible.

January 4, 2012

For questions pertaining to this letter, please contact me at 858-467-2733 or by email at bpulver@waterboards.ca.gov.

PLEASE INCLUDE "766892:BPULVER" IN THE
SUBJECT LINE OF FUTURE CORRESPONDENCE.

Respectfully,



BARRY S. PULVER, PG 4236, CEG 1364, CHG 696
Engineering Geologist
San Diego Regional Water Quality Control Board

BSP:bsp:cg

cc via e-mail: Mr. George Gutman, G. Gutman Consulting, gpgutman@cox.net