



San Diego Regional Water Quality Control Board

July 31, 2015

In reply refer to / attn:
220170:RMitchell

Winchester-Wesselink LLC
c/o Mr. Carl J. Pentis, Esq.
Law Offices of Carl Pentis
500 N. State College Boulevard, Suite 1200
Orange, CA 92868

Certified Mail – Return Receipt Requested:
Article Numbers: 7011 0470 0002 8952 7748

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

Winchester-Wesselink LLC:

Enclosed is Notice of Violation (NOV) No. R9-2015-0055 issued to the Winchester-Wesselink LLC 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 annual fee; Operational Status Letter; and Change in Ownership Notice described in the NOV are not received by **5:00 pm on August 31, 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.¹ 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. Information required by Order No. R9-2007-0042 or this NOV should be mailed to sandiego@waterboards.ca.gov. Routine email correspondence, however, may be sent to individual San Diego Water Board staff members. If you have any specific 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.

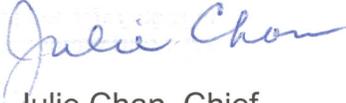
¹ See public notification on electronic reporting on-line at:
http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf

Winchester-Wesselink LLC

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In the subject line of any response, please include the reference code 220170:RMitchell. Please contact Mr. Roger Mitchell at 619-521-5898, or at Roger.Mitchell@waterboards.ca.gov if you have any questions.

Sincerely,



Julie Chan, Chief
Groundwater Protection Branch
JAC: jro:rnm

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

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



San Diego Regional Water Quality Control Board

**NOTICE OF VIOLATION
No. R9-2015-0055**

Winchester-Wesselink LLC
c/o Mr. Carl J. Pentis, Esq.
Law Offices of Carl Pentis
500 N. State College Boulevard, Suite 1200
Orange, CA 92868

Violations of Order No. R9-2007-042

March 27, 2015

The Winchester-Wesselink LLC (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 Water Code section 13260, and 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 California Code of Regulations 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 failed to submit the annual fee for 2013.¹

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

¹ Unpaid invoice WD0093533 issued on November 19, 2013 for \$1,494.00.

No. R9-2007-0042.² 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.

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 July 21, 2015, San Diego Water Board staff learned through communications with Burkhalter Kessler Clement & George LLP, that the Dairy, as a result of a bank foreclosure, had been acquired by Mr. Kris Hansen in a public auction on November 6, 2014. 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 a payment of \$1,494.00 for the unpaid annual fee invoice for 2013 billed to 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, explaining the operational status of the Dairy from 2010 to 2014, 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.

To avoid further enforcement action on these violations by the San Diego Water Board, please submit the required annual fee to the State Water Board, and the Annual Operational Status Letter and the transfer of ownership notification to the San Diego Water Board, as indicated above, no later than **5:00 pm on August 31, 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:

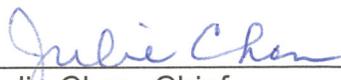
² Letter issued by San Diego Water Board staff on September 16, 2010, incorporated at part of this notice of violation as Attachment No. 1.

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 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.

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Julie Chan, Chief
Groundwater Protection Branch
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