

Responses to Public Comments Timely Received

Tentative Cease and Desist Order No. R9-2023-0129

Responses prepared by San Diego Water Board Prosecution Team

October 9, 2023

Abbreviations Used

Basin Plan	Water Quality Control Plan for the San Diego Basin
BAT/BCT	Best Available Technology Economically Achievable / Best Conventional Pollutant Control Technology
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
CAFO	Concentrated Animal Feeding Operation
CalRecycle	California Department of Resources Recycling and Recovery
CCR	California Code of Regulations
Compost General Order	Order No. WQ 2020-0012-DWQ, General Waste Discharge Requirements for Commercial Composting Operations
CFR Title 40	U.S. Code of Federal Regulations; Protection of the Environment
DDW	State Water Resources Control Board – Department of Drinking Water
Discharger(s)	Demler Brothers LLC, Kevin Demler, Alex Demler ¹
Facility	Pine Hill Egg Ranch, 25818 State Route 78, Ramona, San Diego County
IGP	Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities
MCL	Maximum Contaminant Level
NOI	Notice of Intent
NMP	Nutrient Management Plan
OWTS	Onsite wastewater treatment system
Project Team	Demler Brothers' Technical Consulting Team
Prosecution Team	San Diego Water Board's Prosecution Team

¹ In response to comments received, the Prosecution Team removed Kevin Demler and Alex Demler from a revised Tentative CDO that will be provided to the San Diego Water Board prior to the hearing on this matter. "Discharger" as used throughout this document will refer to Demler Brothers LLC. Please see response to Comment No. 32. Should the San Diego Water Board adopt the CDO, the Prosecution Team recommends issuance solely to Demler Brothers LLC, although the Prosecution Team reserves its right to include appropriate individuals in future enforcement actions.

Abbreviations Used

Pullet Farm	Demler Brothers' Pullet Farm, 24555 Old Julian Highway, Ramona, San Diego County
ROWD	Report of Waste Discharge
San Diego Water Board	California Regional Water Quality Control Board, San Diego Region
Tentative CDO	Tentative Cease and Desist Order No. R9-2023-0129
WDRs	Waste Discharge Requirements

List of Commenters:

B. Abeel, G. Appleby, K. Appleby, N. Avey, J. Baine, P. Baine, K. Bright, J. Bryant, D. Burrow, K. Burrow, D. Cavan, A. Ciulla, L. Ciulla, M. Condon, C. Czarnocki, R. De Los Reyes, M. DeBaun, A. Demler, D. Duplan, D. Duplan, L. Farmer, C. Galyean, E. Hakes, S. Heyser, I. Ketenjian, S. Ketenjian, K. Kirk, S. Kirk, B. Klein, R. Klein, A. Lopez, R. Lopez, J. Lundmark, B. Martin, C. Martin, C. Martin, G. Martin, R. Martin, T. Martin, Marvelin, R. Mattern (on behalf of Rancho Santa Teresa Mutual Water Company), R. Matuszek, P. McDonough (on behalf of San Diego Coastkeeper), A. Nicola, G. Nowrick, R. Peterka, C. Phillips, S. Prather, R. Quasebarth, J. Rance, V. Rance, Z. Rance, J. Rehm, N. Riegler, I. Schultz, J. Shultz, N. Schultz, S. Schultz, B. Shimek, S. Shimek, R. Stepp-Bolling, K. Sturgeon, N. Sturgeon, G. Taylor, S. Taylor, K. Weseloh, M. Weseloh, S. Wright, G. Wright.

Comment No.	Comment Summary	Submitted by:	San Diego Water Board Prosecution Team Response
1	Support for Tentative Cease and Desist Order No. R9-2023-0129 (Tentative CDO).	B. Abeel, G. Appleby, K. Appleby, N. Avey, J. Baine, P. Baine, K. Bright, D. Burrow, A. Ciulla, L. Ciulla, M. Condon, C. Czarnocki, R. De Los Reyes, M. DeBaun, D. Duplan, D. Duplan, L. Farmer, C. Galyean, E. Hakes, S. Heyser, I. Ketenjian, S. Ketenjian, K. Kirk, S. Kirk, R. Klein, A. Lopez, R. Lopez, J. Lundmark, B. Martin, C. Martin, G. Martin, R. Martin, T. Martin, Marvelin, R. Mattern, P. McDonough, A. Nicola, G. Nowrick, R. Peterka, C. Phillips, S. Prather, R. Quasebarth, V. Rance, Z. Rance, J. Rehm, I. Schultz, J. Shultz, N. Schultz, S. Schultz, B. Shimek, R. Stepp-Bolling, K. Sturgeon, N. Sturgeon, G. Taylor, S. Taylor, K. Weseloh, M. Weseloh, S. Wright, G. Wright	Comments noted.
2	Opposition to a cease and desist order on Facility operations; neighbor complaints have routinely been corrected; water quality	N. Riegler	The San Diego Water Board's Tentative CDO does not require the Discharger to cease and desist egg production operations. The Tentative CDO requires the Discharger to cease and desist discharging and threatening to discharge

	<p>problems in creek are not caused by Facility; complainants would like San Diego County agriculture to disappear; concern for chickens if Tentative CDO is adopted.</p>		<p>waste in a manner causing, or threatening to cause, exceedances of water quality objectives and the impairment of beneficial uses. The San Diego Water Board established water quality objectives that are protective of surface water and groundwater quality, and support beneficial uses, such as clean and safe drinking water, and healthy habitats. Discharging waste in a manner causing or threatening to cause exceedances of water quality objectives is not allowed under the California Water Code and other regulatory authorities.</p> <p>San Diego Water Board staff collected water quality samples from Santa Teresa Valley Creek on March 6, 2023, approximately 0.75 miles downstream of the Facility. There are no other industrial sources between the Facility and the sampling location, indicating that constituent loading is from the Facility. Laboratory analysis of the samples measured concentration levels for several constituents, including total nitrogen, ammonia, total coliforms, and E. Coli, that exceed water quality objectives. The San Diego Water Board's Prosecution Team (Prosecution Team) is concerned that the data indicates the Facility is discharging waste in a manner causing exceedances of water quality objectives, and therefore issuance of a cease and desist order is appropriate.</p> <p>The Prosecution Team is not aware that any corrective action efforts by the Discharger have</p>
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			<p>been effective in addressing neighbor complaints. The San Diego Water Board's records document that unauthorized discharges of waste from the Facility have occurred for years.</p> <p>The Prosecution Team has not received complaints or comments suggesting a desire for agricultural operations in San Diego County to dissolve.</p> <p>The Tentative CDO requires the Discharger to stop the unauthorized discharges of waste at the Facility and Pullet Farm and requires the Discharger to submit information to the San Diego Water Board for the development of waste discharge requirements (WDRs) that will regulate the activities at the facilities that threaten water quality. The Tentative CDO requirements do not pertain to the Discharger's egg production operations. Therefore, the Prosecution Team does not anticipate that the adoption of the Tentative CDO will cause any harm to the chickens at the Facility or Pullet Farm.</p>
3	General concern for Discharger's ongoing poor waste management practices resulting in poor water quality, air quality, flies, and putrid smells.	B. Abeel, G. Appleby, K. Appleby, J. Baine, P. Baine, K. Bright, D. Burow, D. Cavan, A. Ciulla, L. Ciulla, M. Condon, C. Czarnocki, C. Galyean, E. Hakes, S. Heyser, I. Ketenjian, S. Ketenjian, A. Lopez, J. Lundmark, C. Martin, G. Martin,	<p>The Prosecution Team agrees that the Discharger failed to properly manage waste at the Facility and Pullet Farm for several years. Prosecution Team evidence supports the position that the Discharger's poor waste management practices resulted in the reoccurring illicit discharge of stormwater combined with egg wash process wastewater,</p>

		<p>R. Martin, P. McDonough, G. Nowrick, C. Phillips, S. Prather, R. Quasebarth, Z. Rance, N. Schultz, B. Shimek, S. Shimek, K. Sturgeon, N. Sturgeon, K. Weseloh, M. Weseloh, G. Wright</p>	<p>compost leachate, and other wastes associated with the concentrated animal feeding operation (CAFO) (collectively, wastewater) to both land and surface waters. The Prosecution Team's enforcement documents allege the Discharger allowed solid waste and wastewater to flow into Santa Teresa Valley Creek, resulting in elevated levels of ammonia, nitrogen, bacterial indicators, and other pollutants during storm events in early 2023. The Prosecution Team's enforcements documents also allege the Discharger allowed waste and wastewater to percolate into the ground surface and impact or threaten to impact groundwater quality and beneficial uses. The Discharger's actions to allow the unauthorized discharges of waste at the Facility and Pullet Farm unlawfully violate the California Water Code, Title 40, Code of Federal Regulations (CFR), and the Water Quality Control Plan for the San Diego Basin (Basin Plan).</p> <p>The Tentative CDO requires the Discharger to cease and desist discharging and threatening to discharge waste in a manner causing or threatening to cause exceedances of water quality objectives and the impairment of beneficial uses. The Tentative CDO requires the Discharger to stop unauthorized discharges of waste at the Facility and Pullet Farm, until 1) the Discharger provides the San Diego Water Board with all necessary information to support the development of WDRs or the enrollment in</p>
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			<p>statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized discharges of waste at the Facility and Pullet Farm. The San Diego Water Board's program staff are prepared to develop WDRs for the Discharger's onsite wastewater treatment systems (OWTS), composting operation, and other waste disposals activities (e.g., animal carcass incineration). The Prosecution Team anticipates these WDRs will be protective of both surface water and groundwater and will include ongoing monitoring and reporting. Routine water quality monitoring will support the Discharger's ability to demonstrate to the San Diego Water Board that the selected control and treatment systems are effective and protective of surface water and groundwater quality and beneficial uses.</p> <p>The Tentative CDO also requires the Discharger to develop a nutrient management plan (NMP) for the San Diego Water Board review and consideration. The Prosecution Team anticipates the Discharger's NMP will propose the implementation of several best management practice (BMP) categories related</p>
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			<p>to proper handling of manure, carcasses, and other wastes.</p> <p>The Prosecution Team anticipates that the Discharger's full and continued compliance with its' Orders and plans will prevent or minimize unauthorized discharges of waste and improve local surface water and groundwater quality.</p> <p>The San Diego Water Board does not regulate air quality or vector issues. However, the Prosecution Team anticipates that the Discharger's full and continued compliance with its' Orders and plans will reduce potential nuisance conditions and may improve local air quality.</p>
4	<p>Enforcement is overdue; regulation has been lacking, and grave concern for Discharger's disregard for environment and well-being of community.</p>	<p>G. Appleby, K. Appleby, K. Bright, A. Ciulla, L. Ciulla, M. Condon, R. De Los Reyes, C. Galyean, E. Hakes, S. Heyser, A. Lopez, R. Lopez, J. Lundmark, R. Matuszek, P. McDonough, G. Nowrick, C. Phillips, S. Prather, Z. Rance, N. Schultz, B. Shimek, S. Shimek, K. Sturgeon, K. Weseloh, G. Wright</p>	<p>San Diego Water Board program staff inspected the Facility in January 2020, after receiving public complaints about the environmental conditions at neighboring properties. During the inspection, program staff observed the Discharger engaging in several activities subject to regulation by the San Diego Water Board. Program staff instructed the Discharger to submit a report of waste discharge (ROWD; permit application) for the development of WDRs for its egg washing operation and submit a notice of intent (NOI) for enrollment in the statewide Industrial General Stormwater Permit (IGP) for its stormwater discharges. The Discharger did not seek regulatory coverage for any of the observed</p>

			<p>activities, despite program staff attempts to assist with document submissions.</p> <p>Program staff directed the Discharger in February 2022, to submit a ROWD by March 25, 2022, or face penalties of up to \$1,000 per day. The Discharger submitted a ROWD on June 16, 2022, 84 days after the March 25, 2022, due date. Program staff learned in August 2022, that the Discharger is also composting chicken carcasses at the Facility, which also requires WDRs issued by the San Diego Water Board.</p> <p>The Discharger to date has not submitted a revised and expanded ROWD that includes all the information needed for program staff to develop WDRs. Additionally, the Prosecution Team has evidence that the Discharger continues to allow the unauthorized discharges of waste and is not adequately implementing BMPs at the Facility and Pullet Farm. The Prosecution Team drafted the Tentative CDO due to the Discharger's lack of progress to submit a revised and expanded ROWD and continued unauthorized discharges. The Tentative CDO requires the Discharger to cease and desist discharging and threatening to discharge waste in a manner causing, or threatening to cause, exceedances of water quality objectives and impairment of beneficial uses.</p>
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			<p>The Prosecution Team agrees that the Discharger has not acted responsibly towards the environment or community. The Prosecution Team is prepared to issue additional enforcement orders, such as imposition of an administrative civil liability, should the Discharger fail to comply with the directives of the Tentative CDO.</p>
5	<p>Rancho Santa Teresa Mutual Water Company invested in an expensive water treatment system possibly due to Facility discharges; concern that well water is still not safe to drink.</p>	N. Schultz	<p>San Diego Water Board program staff will collect data and operational information from the Discharger as part of the application process for WDRs. Program staff will use the collected data and information to assess the potential impacts to groundwater quality from unauthorized discharges of waste at the Facility and Pullet Farm. Program staff recognize that protecting groundwater quality is imperative as the community relies on groundwater for drinking water, cooking, cleaning, and other domestic needs.</p> <p>Program staff plan to develop WDRs for the San Diego Water Board's consideration for the Facility and Pullet Farm. Program staff anticipate these WDRs will include requirements to control, manage, and/or prohibit the discharge of various constituents of concern (e.g., nitrate, indicator bacteria, etc.) associated with the waste discharge activities at the Facility and Pullet Farm. These requirements are intended to protect both surface water and groundwater quality and beneficial uses. The San Diego Water Board</p>

			<p>will provide the public with the opportunity to review and comment on the proposed WDRs as part of the Board's standard hearing process.</p> <p>The State Water Board's Division of Drinking Water (DDW) regulates the Rancho Santa Teresa Mutual Water Company to ensure the water treated and distributed to the community is safe for human consumption. San Diego Water Board program staff will coordinate with DDW, as needed, to ensure WDRs support DDW efforts to ensure drinking water supplies are reliable and safe.</p>
6	<p>Concern that pollution in the air and water used for drinking, cooking, and bathing has caused or will cause health issues for the community.</p>	<p>J. Baine, C. Czarnocki, K. Weseloh, C. Galyean, E. Hakes, S. Prather</p>	<p>The San Diego Water Board does not regulate air quality. However, the Prosecution Team anticipates that the installation of waste management systems, along with proper management of wastes (e.g., manure, chicken carcasses, egg wash water, etc.), as required by WDRs issued by the San Diego Water Board, will reduce potential nuisance conditions and improve local air quality.</p> <p>Please see the response to Comment No. 5 regarding the development of WDRs for the protection of groundwater and DDW's efforts to ensure water provided by the Rancho Santa Teresa Mutual Water Company is safe for consumption.</p> <p>The state of California does not regulate the quality of drinking water from private domestic</p>

			<p>wells. The San Diego Water Board encourages private domestic well owners to regularly test their well's water quality, using an accredited water quality laboratory to identify any constituents of concern or constituent concentrations that may pose an adverse health risk.</p>
7	<p>The Facility has been releasing toxic waste into the waterways; concern for impacts on drinking water supply.</p>	<p>G. Appleby, J. Baine, E. Hakes, S. Heyser, G. Nowrick, C. Galyean, D. Burow, S. Prather</p>	<p>Please see the responses to Comment Nos. 5 and 6.</p>
8	<p>Concern that a white powdery substance is a waste by-product that becomes airborne and then settles during rain events and could wash off and reach surface and groundwaters. The CDO should address these types of waste.</p>	<p>R. Matuszek</p>	<p>The Tentative CDO requires the Discharger to cease and desist from discharging or threatening to discharge waste in a manner causing or threatening to cause exceedances of water quality objectives and the impairment of beneficial uses. The Tentative CDO requires the Discharger to stop unauthorized discharges of waste at the Facility and Pullet Farm, until 1) the Discharger provides the San Diego Water board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized</p>

			<p>discharges of waste at the Facility and Pullet Farm. The Tentative CDO is inclusive of all wastes that may impact surface water or groundwater quality and beneficial uses.</p> <p>The Tentative CDO requires the Discharger to develop and implement a site-specific NMP for the San Diego Water Board review and consideration. The Prosecution Team anticipates the Discharger's NMP will propose the implementation of several BMP categories related to proper handling of manure, carcasses, and other wastes associated with CAFO activities. The Prosecution also anticipates the NMP will describe minimum management measures the Discharger will implement to prevent and minimize unauthorized discharges of waste. The San Diego Water Board's program staff will use the information provided in the Discharger's NMP to assist in development of WDRs for the Facility and Pullet Farm that are protective of surface water and groundwater quality and beneficial uses. Once issued, program staff will enforce minimum requirements of WDRs through report review and inspections.</p> <p>The San Diego Water Board does not regulate air quality or vector issues. However, the Prosecution Team anticipates that the Discharger's full and continued compliance with its' Orders and approved plans will reduce</p>
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			potential nuisance conditions and may improve local air quality.
9	<p>A planned manure processing plant may expel ammonia and particulates into the air which could drift downwind and affect neighboring properties. The CDO should address expected chemicals that may be discharged from this type of facility.</p>	R. Matuszek	<p>The Tentative CDO requires the Discharger to cease and desist from discharging or threatening to discharge waste in a manner causing or threatening to cause exceedances of water quality objectives and the impairment of beneficial uses. The Tentative CDO requires, in part, that the Discharger stop unauthorized discharges of waste at the Facility and Pullet Farm, until the Discharger provides the San Diego Water Board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders. The Protection Team anticipates the Discharger's ROWD will propose the installation and maintenance of proper control and treatment systems to prohibit unauthorized discharges of waste at the Facility and Pullet Farm. The Tentative CDO does not address potential future Facility expansion of the Facility or Pullet Farm.</p> <p>San Diego Water Board program staff plan to develop WDRs for the Facility and Pullet Farm for the San Diego Water Board's consideration. Program staff anticipate these WDRs will include requirements to control, manage, and/or prohibit the discharge of various</p>

			<p>constituents of concern (e.g., ammonia) associated with the waste discharge activities at the Facility and Pullet Farm. These requirements are intended to protect both surface water and groundwater quality and beneficial uses. The San Diego Water Board will provide the public with an opportunity to review and comment on the proposed WDRs as part of the Board's standard hearing process.</p> <p>The San Diego Water Board may amend the WDRs to address additional waste discharges if the Discharger expands operations at the Facility or Pullet Farm. The San Diego Water Board will provide the public with an opportunity to review and comment on any amendment to the Discharger's WDRs, as part of the Board's standard hearing process.</p>
10	Residences near the Facility submitted several complaints to the San Diego County Health Department in 1991 regarding manure dumping, flies, and smells. Rainwater was allowed to contact manure and wash downstream.	R. Peterka	<p>Comment noted. The Facility is enrolled in the statewide IGP, which prohibits stormwater runoff from contacting waste (e.g., manure). San Diego Water Board program staff will assess compliance with the IGP through report review and inspections.</p>
11	The Facility drilled multiple water wells which may have caused the Rancho Teresa Water Company to need to	R. Peterka	Please see the response to Comment No. 5.

	treat for high nitrate concentrations.		
12	Since moving into the neighborhood, family symptoms include unusual headaches, nausea and general illness; smell is unbearable and continues to worsen.	J. Lundmark, P. Baine, E. Hakes, S. Heyser, C. Galyean	<p>Please see the response to Comment Nos. 3, 5 and 6.</p> <p>The San Diego Water Board does not regulate air quality or health related issues. However, the Prosecution Team anticipates that the installation of waste management systems, along with proper management of wastes (e.g., manure, chicken carcasses, egg wash water, etc.), as required by WDRs issued by the San Diego Water Board will reduce potential nuisance conditions and improve local air quality.</p>
13	Visual sighting of dead chickens on the highway; badly injured chicken requires nursing; groundwater is diminishing, requiring new drilling to 1,410 ft. at a cost of roughly \$90,000.	J. Bryant	Comments noted. The San Diego Water Board does not regulate animal welfare. Grievances regarding financial matters should be addressed directly to the Discharger.
14	Scavenger birds are carrying chicken parts and eggs to nearby residences; San Diego County Vector Control has been unresponsive or ineffective with regards to complaints.	G. Appleby, G. Wright, D. Burow	<p>Please see the response to Comment No. 3.</p> <p>The San Diego Water Board does not regulate vector issues. However, the Prosecution Team anticipates that the installation of waste management systems, along with proper management of waste (e.g., manure, chicken carcasses, egg wash water, etc.), as required by WDRs issued by the San Diego Water</p>

			<p>Board, will reduce potential nuisance and vector conditions.</p> <p>The San Diego Water Board Prosecution Team worked with several San Diego County departments, including Vector Control, to gather evidence needed for development of the Tentative CDO.</p>
15	Observations of large white plumes of manure and feathers for hundreds of feet and drifting into neighboring communities.	B. Abeel; C. Martin, G. Martin, N. Sturgeon; S. Heyser, G. Wright	<p>Please see the response to Comment Nos. 3 and 8.</p> <p>The San Diego Water Board does not regulate air quality or health related issues. However, the Prosecution Team anticipates that the installation of waste management systems, along with proper management of wastes (e.g., manure, chicken carcasses, egg wash water, etc.), as required by WDRs issued by the San Diego Water Board will reduce potential nuisance conditions and improve local air quality.</p>
16	Observations of pullet feet in coyote feces.	N. Sturgeon	Observation noted.
17	Observations of piles of manure waste adjacent to waterway.	B. Abeel	Observation noted. The Facility is enrolled in the statewide IGP, which prohibits stormwater runoff from contacting wastes (e.g., manure) and implementation of a buffer zone around waterways. San Diego Water Board program staff will assess compliance with the IGP through report review and inspections.

18	Observations of chicken feathers on neighboring properties; speculation that carcasses are not composting properly.	S. Heyser, G. Nowrick	San Diego Water Board program staff observed during inspections at the Facility and Pullet Farm, that the Discharger is not properly managing the waste activities associated with the composting operations, which includes the handling of carcasses. The Prosecution Team anticipates that forthcoming WDRs for the Facility and Pullet Farm will include requirements for BMP implementation, waste and water quality monitoring, and routine reporting. San Diego Water Board program staff will assess compliance with the WDRs through report review and inspections.
19	Lawsuits involving chicken and egg processing facilities in California, Texas, Oklahoma, and Delaware resulted in financial awards to neighbors to settle claims related to health issues, and penalties.	S. Heyser	Comment noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
20	Concern that drinking water supply wells owned by Rancho Santa Teresa Mutual Water Company are downgradient from Facility retention basins, and contaminated wastewater is allowed to infiltrate and contaminate the groundwater aquifer – one well had to be abandoned due to high	R. Mattern, G. Nowrick	The Prosecution Team is likewise concerned that unauthorized discharges of waste from the Facility and Pullet Farm have impacted or threaten to impact groundwater quality and beneficial uses. For this reason, the Prosecution Team is recommending the San Diego Water Board adopt the Tentative CDO. The Tentative CDO requires the Discharger to cease and desist from discharging or threatening to discharge waste in a manner causing or threatening to cause, exceedances

	<p>nitrate concentrations; concern that the Discharger is unwilling or unable to comply with rules for carcass composting; concern that wells drilled at the Facility are not fitted with backflow preventors, allowing contaminated wastewater to enter the groundwater aquifer; the Facility may qualify as a small non-transient water company based on the number of employees—if so, the Facility would be required to monitor and report its groundwater quality data.</p>		<p>of water quality objectives and the impairment of beneficial uses. The Tentative CDO requires the Discharger to stop unauthorized discharges of waste at the Facility and Pullet Farm, until 1) the Discharger provides the San Diego Water board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized discharges of waste at the Facility and Pullet Farm.</p> <p>San Diego Water Board program staff observed during inspections at the Facility and Pullet Farm, that the Discharger is not properly managing the waste activities associated with the composting operations, which includes the handling of carcasses. The Prosecution Team anticipates that WDRs for the Facility and Pullet Farm will include requirements for BMP implementation, waste and water quality monitoring, and routine reporting. San Diego Water Board program staff will assess compliance with the WDRs through report review and inspections.</p> <p>San Diego Water Board program staff will collect data and operational information from</p>
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			<p>the Discharger as part of the application process for WDRs. Program staff will use the collected data and information to assess the potential impacts to groundwater quality from unauthorized discharges of waste at the Facility and Pullet Farm. Program staff recognize that protecting groundwater quality is imperative as the community relies on groundwater for drinking water, cooking, cleaning, and other domestic needs. Program staff may develop and issue an investigative order to the Discharger to require technical and monitoring reports to obtain additional information about the operations at the Facility and Pullet Farm.</p> <p>The Prosecution Team informed DDW that the Facility could potentially qualify as a small drinking water system due to the number of employees in response to this comment.</p>
21	<p>Concern regarding various pathways the Facility could be contaminating groundwater that is used as drinking supply for downgradient community; concern that Facility discharges are causing elevated concentrations of nitrate; concern that Facility discharges of elevated bicarbonate are indirectly exacerbating a naturally occurring uranium issue in</p>	K. Burrow	<p>Please see the response to Comment No. 20 regarding issuance of WDRs and an investigative order, if needed.</p> <p>San Diego Water Board program staff plan to develop WDRs for the San Diego Water Board's consideration, for the Facility and Pullet Farm. Program staff anticipate these WDRs will include requirements to control, manage, and/or prohibit the discharge of various constituents of concern (e.g., ammonia, nitrate) associated with the waste discharge activities at the Facility and Pullet Farm. These requirements are intended to protect both</p>

	the groundwater; concern regarding the lack of available effluent and groundwater data to fully assess the impacts of the Facility's waste discharges.		surface water and groundwater quality and beneficial uses. The San Diego Water Board will provide the public with an opportunity to review and comment on the proposed WDRs as part of the Board's standard hearing process.
22	Observations of commercial material spreader operating in the wetland area of the Facility.	D. Cavan	Observation noted. The Facility is enrolled in the statewide IGP, which requires implementation of a buffer zone around waterways. Program staff will assess compliance with the IGP through report review and inspections.
23	Observations of weed killer application along shared fence line at the Facility; concern of toxic chemicals/pesticides leaching into groundwater.	C. Phillips	The Discharger is allowed to apply pesticides according to the manufacturer's label, under the statewide IGP. San Diego Water Board program staff may review the Discharger's stormwater pollution prevention plan to ensure that prudent application of pesticides is included as a BMP.
24	The Facility has grown unchecked for 30 years, the wealth and business of one family [Demler] should not outweigh the community's health or other businesses, such as local campgrounds and wineries.	G. Wright	The Prosecution Team agrees that the success of the Discharger's business should not outweigh the well-being of the community, and that the Discharger has historically operated with an unfair economic advantage by not complying with various regulatory programs. The Prosecution Team is recommending the San Diego Water Board adopt the Tentative CDO. The Tentative CDO requires the Discharger to cease and desist from discharging or threatening to discharge waste in a manner causing or threatening to cause,

			<p>exceedances of water quality objectives and the impairment of beneficial uses. The Tentative CDO requires the Discharger to stop unauthorized discharges of waste at the Facility and Pullet Farm, until 1) the Discharger provides the San Diego Water board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized discharges of waste at the Facility and Pullet Farm.</p> <p>San Diego Water Board program staff will evaluate compliance with the requirements of the many regulatory programs for which the Facility and Pullet Farm require oversight through report review and inspections. If necessary, program staff may initiate enforcement actions against the Discharger for noncompliance, such as notices of violation and imposition of an administrative civil liability.</p>
25	Other businesses in the Ramona valley are held to high business practices set by the State, such as the Wright Construction	L. Farmer, S. Wright, S. Prather	Please see the response to Comment No. 24.

	Company, RV parks, wineries, outdoor event specialists; the Facility is operating under unfair conditions.		
26	Observations of Santa Teresa Valley Creek over several years: foul smelling brown water with white foam, especially after rains and lingers for weeks.	M. DeBaun	Observation noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
27	Private well water testing from 2019 showed elevated nitrate and other constituents; Commentor volunteers to participate in additional well water testing.	D. Burrow	Comment noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
28	Commentor will initiate a class action lawsuit against the ranch with anyone willing to collaborate and owning a well downstream of the Facility; the level of contamination to the drinking water supply is borderline criminal.	S. Prather	Comment noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
29	Observations of dead chickens, poop, and eggs being buried; basin holding smelly, black water	P. Baine	Observation noted. The Prosecution Team has included the information provided by the

	overflowed during rain event and into creek several years ago; concern pollution reached groundwater aquifer.		commentor into the administrative record for the Tentative CDO.
30	The Demler Brothers have engaged a team of multi-discipline technical professionals to assist in planning and implementation of the Tentative CDO directives. The Demler Brothers plan to build water quality protection processes into their operations.	A. Demler	Comment noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
31	The purpose of the proposed short-term strategies is to: a) significantly reduce and/or eliminate unauthorized discharges, b) take immediate action to implement improved BMPs to protect water quality, and 3) best prepare the Facility and Pullet Farm to effectively, and cost-efficiently obtain regulatory coverage and implement long-term infrastructure improvements for waste discharges at the Demler Brothers facilities. Proposed long-term strategies are intended to: a)	A. Demler	Comments noted. The Prosecution Team recognizes that the Discharger has made progress with ROWD development and infrastructure strategies to protect water quality and beneficial uses in the long term. Although the Prosecution Team agrees that the interim measures described in the Discharger's September 1, 2023 comment letter are improved over past practices, the Prosecution Team has remaining concerns regarding the effectiveness of the interim strategies in meeting the goals of the Tentative CDO, as explained further in the responses to Comments 35 and 40.

	<p>implement sustainable infrastructure improvements to end unauthorized discharges, b) obtain compliance with applicable regulatory programs, and 3) support sustainable business operations in alignment with local, regional, and statewide goals for environmental protection, food production compliance, and food supply chain resiliency.</p>		
32	<p>Kevin Demler and Alex Demler are inappropriately named as “Dischargers” subject to the Tentative CDO requirements. In accordance with California Corporations Code section 17158(a), managers or officers of a limited liability company are not personally liable for the obligations of the limited liability company.</p>	A. Demler	<p>The Prosecution Team agrees with the commentor’s recommendation and will modify the Tentative CDO to remove naming Kevin Demler and Alex Demler as Dischargers. However, <i>re. Original Sixteen to One Mine, Inc.</i> (Order WQO 2003-006) contemplates the responsible corporate officer or other legal doctrine used to hold individuals responsible despite a facility being structured to seek limited liability in enforcement actions but considers it premature at the permitting stage.</p> <p>The Facility and Pullet Farm are the entities applying for permit coverage, not the individuals, and the Prosecution Team will acknowledge the matter’s posture by modifying the Tentative CDO. However, consistent with findings in the Tentative CDO and the Prosecution Team’s interactions with the Demlers, the Demlers’ actions taken or not</p>

			taken after the Tentative CDO is adopted by the San Diego Water Board (if it is adopted) could subject them to individual liability for penalties or remedial actions.
33	The necessary timeframe for ROWD development, treatment processes, and BMPs exceeds the time schedules described by the Tentative CDO. Additionally, the Demler Brothers must propose the finalized improvement designs to financial institutions to secure financing.	A. Demler	<p>Since March 2020 the Prosecution Team frequently notified the Discharger of the need to improve wastewater treatment and disposal and the Facility. The Discharger failed to submit an ROWD that proposes a treatment system design that complies with Basin Plan water quality objectives and is protective of designated beneficial uses. Nevertheless, the Prosecution Team agrees to amend the due date of the ROWD to May 2024, and maintains that the requirement of the Tentative CDO to temporarily stop all waste discharges at the Facility and Pullet Farm in the interim, is a sufficient and appropriate deterrent from any further delays.</p> <p>As an aside, the reference to “financing” is not a proper basis for delay. The Tentative CDO dates are appropriate given the anticipated information that needs to be gathered and developed into a ROWD. The Prosecution Team is granting additional time for this particular request. However, the current schedule also fails to account for the Discharger’s lack of action since purchasing the operations, expanding and creating new waste streams, and more informal directives by the San Diego Water Board. Operating without appropriate permit coverage has allowed the</p>

			<p>Discharger to enjoy significant economic benefit to the detriment of the environment, surrounding neighbors, and similarly situated dischargers. The Tentative CDO requires cessation of discharges while permit coverage is obtained. If the Discharger needs to obtain financial assistance to implement environmental protections, it may do so while operations are on hold. If they continue to discharge without permit coverage, they will be faced with Water Code penalties for discharging without a permit and, once the Tentative CDO is issued, for violation of a Board order.</p>
34	<p>The Demler Brothers intend to install an OWTS that will treat egg wash process wastewater to appropriate levels for compliance with forthcoming WDRs. Design criteria and treatment system selection will be based on the results of recent water quality testing. Installation following planning and design could take up to a year or more.</p>	A. Demler	<p>Comment noted. The Prosecution Team included this information provided by the commentor into the administrative record for the Tentative CDO. The Prosecution Team is also encouraged that the Discharger is taking the necessary steps to reach long-term compliance with forthcoming WDRs for egg wash process wastewater.</p>
35	<p>The Demler Project Team (Project Team) evaluated the feasibility of wastewater disposal at a fully permitted site, as required by the Tentative CDO. The Project</p>	A. Demler	<p>The Discharger's interim strategy as described in their September 1, 2023 comment letter does not include sufficient detail for the Prosecution Team to determine that it is functionally equivalent to a cease and desist of the discharge and threat to water quality.</p>

	<p>Team learned that the only disposal option is a City of San Diego disposal station located 46 miles away from the Facility. This option would cost approximately \$1,000 per day and generate greenhouse gas emissions. The Project Team therefore proposes the following temporary measures for egg wash wastewater disposal pending WDRs: 1. Use of a new 18,000 gallon solids separation tank and pH adjustment system; and 2. Use of an existing 2,000 gallon holding tank followed by discharge to an existing leach field. The Project Team estimates the eleven-day residence time will allow for solids removal, biological oxygen demand (BOD) reduction of up to 30 percent, and biological treatment processes to occur prior to subsurface release. The Demler Brothers will implement daily visual inspection of the leach field</p>		<p>Specifically, the Prosecution Team does not have enough detailed information to fully assess if the proposed interim measures will result in discharges that will not cause or contribute to exceedances of Basin Plan water quality objectives. While the interim measures will likely reduce BOD and total suspended solids, these measures do not provide any reduction of the concentrated nitrogen present in the egg wash process wastewater. Additionally, high levels of nitrate exceeding the California Code of Regulations (CCR), title 22, Maximum Contaminant Level (MCL) have been detected in several groundwater wells in the area.</p> <p>The Discharger has been aware of the need for improved wastewater treatment and disposal since March 2020, and have failed to submit a ROWD to the San Diego Water Board proposing a design that will comply with the Basin Plan and be protective of water quality and beneficial uses. Therefore, the Prosecution Team does not support the continued discharge of egg wash process wastewater to land at the Facility with unknown groundwater impacts and declines to amend the Tentative CDO to allow the discharge.</p>
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	and a groundwater sampling plan.		
36	The Demler Brothers intend to install a compost pad, with a stormwater runoff and leachate management system consistent with requirements of a Tier 2 compost facility as defined in the Compost General Order and feedback from San Diego Water Board staff. The installation of the infrastructure is anticipated to require 12 months to complete.	A. Demler	Comment noted. The Prosecution Team included this information provided by the commentor into the administrative record for the Tentative CDO. The Prosecution Team is encouraged that the Discharger is taking the necessary steps to reach long-term compliance with forthcoming WDRs for onsite composting.
37	The Demler Brothers intend to discontinue composting broken and rejected eggs beginning in December 2023, in favor of selling them to a third-party for conversion to pet feed.	A. Demler	Comment noted. The Prosecution Team included this information provided by the commentor into the administrative record for the Tentative CDO.
38	The Demler Brothers intend to implement improved housekeeping BMPs for manure and feathers, including installation of curbed asphalt pads to allow for sweeping according to a	A. Demler	Comment noted. The Prosecution Team included this information provided by the commentor into the administrative record for the Tentative CDO.

	minimum frequency, and prior to storms.		
39	<p>The Demler Brothers discontinued composting at the Pullet Farm and have nearly completed transferring existing compost to the Facility. Temporary operational changes to transfer daily mortalities from the Pullet Farm to the Facility are in place. The Demler Brothers are planning to purchase an onsite incinerator for the Pullet Farm that will obviate the need for onsite composting. Directive B.1.a-c. is no longer necessary.</p>	A. Demler	<p>The Prosecution Team does not recommend removing the requirement to submit a ROWD for pullet waste management at the Pullet Farm. The Discharger's September 1, 2023, letter does not provide details relating to the storage and management of pullet carcasses before they are transferred to the Facility, or how carcasses will be managed on a daily basis before incineration. The Discharger's letter did not include information regarding the management of chicken manure produced at the Pullet Farm that has previously been managed by composting. Additionally, the Discharger's letter did not include details relating to storage and management of the incineration ash. Program staff need this information to determine if WDRs are needed for these activities. The Prosecution Team does not recommend removing Directives B.1. a-c. from the Tentative CDO but agrees to extend the due date to May 2024, consistent with the due date for the Facility ROWD.</p>
40	<p>The Project Team investigated the feasibility of carcass disposal at a fully permitted waste disposal facility, as required by the Tentative CDO. The closest rendering facility is located over 100 miles away, making</p>	A. Demler	<p>The Discharger's interim strategy as described in their September 1, 2023 comment letter does not include sufficient measures for the Prosecution Team to determine that it is functionally equivalent to a cease and desist of the discharge and threat to water quality. The interim measures include implementation of a berm to divert stormwater run-on and a Rain</p>

	<p>compliance with prohibitions for onsite storage not to exceed seven days, per CCR, cost prohibitive. The Project Team contacted three CalRecycle-permitted organic waste disposal facilities but none of them agreed to accept this type of waste.</p> <p>Given the infeasibility of offsite disposal, the Demler Brothers plan to develop a Rain Event Action Plan for the compost piles that includes covering with visqueen, construction of a berm to prevent run-on, and an operation change to reduce flock thinning by 75 percent. The Demler Brothers have also discontinued land application of compost until the San Diego Water Board authorizes this activity with forthcoming WDRs.</p>		<p>Event Action Plan to include use of visqueen (plastic covering) prior to rain events. Although these measures will likely result in a substantial reduction in the volume of stormwater that may contact waste, the Prosecution Team has remaining concerns regarding leachate generated from decaying carcasses and wastewater pathways to groundwater.</p> <p>The Discharger argues that the only offsite disposal option is disposal at a rendering facility located over 100 miles away, and that this option is cost prohibitive due to CCR prohibition of onsite storage not to exceed seven days.</p> <p>This purported financial obstacle does not indicate that the proposed alternatives are protective of the environment. The Tentative CDO directives require appropriate permit coverage, given the activities at the Facility and Pullet Farm. The methods of compliance for offsite disposal can be evaluated by program staff, but are not a defense to obtaining permit coverage, or foreclosing an accepted method of compliance. Therefore, the Prosecution Team does not support the continued discharge of compost containing decaying carcasses to land at the Facility with unknown groundwater impacts and does not recommend amending the Tentative CDO to allow the discharge.</p>
41	The Demler Brothers are in the process of completing a notice of intent (NOI) and supporting documents for the	A. Demler	Comment noted. As of October 9, 2023, the State Water Resources Control Board has not received an NOI for the Pullet Farm.

	Pullet Farm and anticipates submittal in September 2023.		
42	The Demler Brothers are working towards compliance with the IGP at the Facility, such as sampling for the required constituents and implementation of housekeeping BMPs to meet the Best Available Technology Economically Achievable (BAT) / Best Conventional Pollutant Control Technology (BCT) standard.	A. Demler	Comment noted. The Prosecution Team included this information provided by the commentor into the administrative record for the Tentative CDO.
43	The Demler Brothers request removal of the “Avian Heliobacter marker” from the list of constituents required to be measured in the Tentative CDO. The general industry practice does not include this analysis and several local laboratories do not have the capacity to analyze this constituent.	A. Demler	The Prosecution Team agrees with the commentor’s recommendation and will modify the Tentative CDO to remove the requirement to analyze for this constituent from the Tentative CDO.
44	Preparation of the ROWD involves many steps including characterization of the waste stream(s), details regarding treatment train unit	A. Demler	The Prosecution Team recognizes that ROWD development involves many components that require analysis across multiple disciplines. The Discharger states that the first step for ROWD development, which is analyzing the egg

	<p>processes, details regarding disposal options, etc. Given that samples of wastewater were analyzed in August 2023, the Demler Brothers request the ROWD be due in May 2024 and implementation of the final design is anticipated to occur around October 2024.</p>		<p>process wastewater for various constituents, took place in August 2023 and the results of that analysis are pending. The Prosecution Team recognizes that the Discharger has taken steps to achieve compliance but notes that program staff indicated the need for ROWD submittal in January 2020. The administrative record includes evidence that program staff communicated this message to the Discharger many times over three years before the Prosecution Team began drafting the Tentative CDO. Nevertheless, the Prosecution Team agrees to amend the due date of the ROWD to May 2024, and believes that the requirement to cease and desist all waste discharges in the interim is sufficient deterrent from any further delays.</p>
45	<p>The Demler Brothers have taken preliminary steps towards development of the NMP. The Demler Brothers find that the potential land application for egg wash process wastewater, animal waste compost, and other waste management processes at both facilities necessitate detailed nutrient budget management planning calculations, application processes and impact assessments, and</p>	A. Demler	<p>Please see the response to Comment No. 44. The Prosecution Team recognizes that NMP development includes many tasks, including procurement of the appropriate industry professionals. Therefore, the Prosecution Team agrees to amend the due date of the NMP to May 2024, and believes that the requirement to cease and desist all waste discharges in the interim is sufficient deterrent from any further delays.</p>

	development of sophisticated monitoring and assessment techniques. Statewide guidance recommends dischargers seek assistance from a professional soil scientist, agronomist, or crop advisor. Lead times for such professionals can be extensive, and the Demler Brothers request that the NMP deadline be extended to May 2024.		
46	The Demler Brothers request that language be added to the Tentative CDO that clarifies that compliance with CDO obligations will result in compliance with related permit requirements within the timeframes established in the CDO. The CDO requirements should be expressly identified as being the manner in which the Demler Brothers will comply with applicable water quality requirements, and the CDO should be directly linked to and integrated with the related permit obligations.	A. Demler	The Prosecution Team declines to make the requested change. The Tentative CDO does not “start the clock” for discretionary penalties based on past discharges at the Facility and Pullet Farm. The Tentative CDO instead is the current step in an increasingly progressive enforcement timeline to compel the Discharger to obtain proper regulatory coverage to protect water quality and beneficial uses. The Tentative CDO requires the Discharger to stop unauthorized discharges of waste at the Facility and Pullet Farm, until 1) the Discharger provides the San Diego Water Board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger

			<p>fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized discharges of waste at the Facility and Pullet Farm. If the Tentative CDO is adopted by the San Diego Water Board, the Board's action does not foreclose any possible future enforcement for unpermitted discharges or impacts caused by those discharges.</p> <p>In response to the Tentative CDO requirements, the Discharger proposed short- and long-term improvements. The short-term improvements may not be a sufficient substitute for compliance with WDRs. The San Diego Water Board's adoption of the Tentative CDO may modify the deadlines for submittal of previously required reports, but it will not set a modified baseline, and instead the discharges need to meet existing water quality standards, including prohibitions of the Basin Plan, or be in violation of the Water Code.</p>
47	The Demler Brothers request that the requirement to immediately dispose of egg wash process wastewater to a permitted facility be changed to allow the onsite disposal method described in Comment No. 35 by October 15, 2023.	A. Demler	The Prosecution Team does not agree that the proposed interim solution described in Comment No. 35 is functionally equivalent to a cease and desist of the discharge and threat to water quality, therefore the Prosecution Team declines to change the requirement.

48	The Demler Brothers request that the requirement to immediately submit a ROWD be changed to a due date of May 2024.	A. Demler	Please see the response to Comment No. 44. The Prosecution Team agrees to modify the due date as requested.
49	The Demler Brothers request that the requirement to immediately dispose of egg process solid and semi-solid waste, chicken carcasses, and chicken manure at a permitted facility be changed to allow the onsite disposal methods described in Comment No. 40, including enhanced BMPs by October 2023.	A. Demler	The Prosecution Team does not agree that the proposed interim solution for carcass composting described in Comment No. 40 is functionally equivalent to a cease and desist of the discharge and threat to water quality, therefore the Prosecution Team declines to change the requirement.
50	The Demler Brothers request that the requirement to immediately implement stormwater BMPs to meet the BAT/BCT standard be clarified that required BMPs be nonstructural.	A. Demler	The requirement to meet the BAT/BCT standard is effective on the date the Discharger's IGP enrollment is processed by the State Water Resources Control Board. Dischargers are required to hold an active permit prior to discharging stormwater and authorized non-stormwater from its operations. The Discharger is enrolled in the IGP and is therefore expected to apply stormwater BMPs necessary to achieve the BAT/BCT standard through an iterative approach. The Prosecution Team does not recommend modifications to this requirement through the Tentative CDO.

51	The Demler Brothers request that the requirement to submit a complete NMP within 30-days from Tentative CDO adoption be changed to a due date of May 2024.	A. Demler	Please see the response to Comment No. 45. The Prosecution Team agrees to modify the due date as requested.
52	The Demler Brothers request that the requirement to submit a complete Facility and Pullet Farm schedule within 30-days from Tentative CDO adoption be changed to a due date of within 60-days from Tentative CDO adoption.	A. Demler	The Prosecution Team agrees to modify the due date as requested.
53	The size and scale of the Discharger's operations, and the corresponding threat to water quality underscores the need for the Tentative CDO. The Discharger has failed to manage their wastes, the implemented BMPs are woefully inadequate, and the Discharger has not timely sought the various discharge permits needed despite being told repeatedly by the San Diego Water Board program staff.	P. McDonough	The Prosecution Team agrees the unauthorized discharges of waste from the Facility and Pullet Farm must be discontinued. For this reason, the Tentative CDO proposes that the Discharger cease and desist the unauthorized discharges of waste discharges until 1) the Discharger provides the San Diego Water board with all necessary information to support the development of WDRs or the enrollment in statewide General Orders; 2) the San Diego Water Board issues WDRs to the Discharger or enrolls the Discharger in any applicable statewide General Order; and 3) the Discharger fully implements the requirements issued by the San Diego Water Board and properly constructs, operates, and maintains the control and treatment systems to prohibit unauthorized

			discharges of waste at the Facility and Pullet Farm.
54	San Diego Coastkeeper requests the Board strongly consider the litany of violations enumerated in the Tentative CDO. The Discharger's violations are not an isolated incident, but rather systemic and ongoing; the Discharger must not be allowed to continue operating while they poison the community's groundwater.	P. McDonough	Please see the response to Comment No. 53.
55	In addition to polluting ground and surface waters, the Discharger is causing nuisance by routinely spreading compost that includes chicken manure and carcasses on its pastures without a permit.	P. McDonough	Comment noted. The Prosecution Team has included the information provided by the commentor into the administrative record for the Tentative CDO.
56	The San Diego Water Board should strongly consider issuing civil penalties for the Discharger's many historical and ongoing violations. The Discharger has exhibited willful disregard for multiple laws, regulations, and regulatory authority; these	P. McDonough	The Prosecution Team has elected to issue the Tentative CDO at this time, which is expected to immediately stop unauthorized discharges of waste from the Facility and Pullet Farm, which will protect surface water and groundwater quality and beneficial uses. The San Diego Water Board's regulation of the Facility and Pullet Farm are a high priority. Through routine inspections and report review, program staff will

	are precisely the type of violations that warrant civil penalties.		<p>evaluate compliance and recommend additional enforcement if needed.</p> <p>The Prosecution Team reserves the right to issue penalties for all past violations, and violations of the terms of the Tentative CDO, should it be adopted by the San Diego Water Board.</p>
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