

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:

**Ralph Te Velde
Tee Vee Farm
14744 Archibald Avenue
Chino, CA 91710**

**COMPLAINT NO. R8-2003-0044
FOR
ADMINISTRATIVE CIVIL LIABILITY**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Ralph Te Velde, operator of Tee Vee Farm, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region, (hereinafter Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code (Water Code).
2. A hearing concerning this complaint will be held before the Regional Board within 90 days of the date of issuance of this complaint, unless Ralph Te Velde waives his right to a hearing. Waiver procedures are specified on page 2 of the complaint. If the hearing in this matter is not waived, it will be held during the Regional Board's next regular meeting on July 1, 2003 at the City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda, CA. The meeting begins at 9:00 a.m. Ralph Te Velde, or his representative, will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. If the July 1, 2003, hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Ralph Te Velde is alleged to have violated Discharge Specification A.3. of the General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities) in the Santa Ana Region, NPDES No. CAG018001 (Order No. 99-11).
5. The complaint is based on the following facts:
 - A. Ralph Te Velde has been operating a dairy at 14744 Archibald Avenue under waste discharge requirements (WDRs) adopted by the Regional Board since 1980. On September 9, 1999, the Regional Board adopted Order No. 99-11. On September 9, 1999, Ralph Te Velde was authorized to discharge wastes in accordance with Order No. 99-11.
 - B. On December 17, 2002, Regional Board staff observed manured runoff (runoff commingled with manure) being discharged from a corral in the southern portion of the facility. The manured runoff was being discharged into a roadway drainage ditch, adjacent to Merrill Avenue, that discharges into the Cucamonga Channel, a major tributary of the Santa Ana River (a water of the United States).

6. Pursuant to Water Code Section 13385(a)(2), those who violate any waste discharge requirement are liable civilly. As provided by Water Code Section 13385(c), the Regional Board can administratively assess a civil liability in an amount not to exceed \$10,000 for each day in which the violation occurs, and \$10 for each gallon discharged that exceeds 1,000 gallons.
7. The maximum liability that the Regional Board could assess administratively for the December 17, 2002 discharge, in accordance with Water Code Section 13385(c), is \$10,000 for the one day of discharge and \$10 for each gallon in excess of 1,000 gallons that was discharged. However, the volume of the discharge is unknown since it is unknown when the discharge began and the rate of discharge during the time that the discharge was occurring. Since the volume of the discharge is unknown, it is not possible to determine the liability for the volume discharged in excess of 1,000 gallons.
8. Water Code Section 13385(e) specifies factors that the Regional Board shall consider in establishing the amount of civil liability. At a minimum, liability shall be assessed at a level that recovers the economic benefits derived from the act(s) that constitute the violation. An economic analysis was performed to determine what benefit there was for failing to provide adequate containment. Staff's analysis indicates that the economic benefit derived from failure to take appropriate actions to prevent the discharge is less than \$1,300. Based on consideration of those factors and economic benefit, it is proposed that an administrative civil liability be imposed on Ralph Te Velde in the amount of \$10,000.

WAIVER OF HEARING

You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver and return it with a check made payable to the State Water Resources Control Board in the amount of the civil liability proposed in paragraph 8 above. Send the check and waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact Gerard J. Thibeault at (909) 782-3284, Stephen D. Mayville at (909) 782-4922, or contact the Regional Board's staff counsel, Jorge Leon at (916) 341-5180.

6/9/03
Date


Gerard J. Thibeault
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:)	
)	
Ralph Te Velde)	COMPLAINT NO. R8-2003-0044
Tee Vee Farm)	FOR
14744 Archibald Avenue)	ADMINISTRATIVE CIVIL LIABILITY
<u>Chino, CA 91710</u>)	

WAIVER OF HEARING

Ralph Te Velde, operator of Tee Vee Farm, agrees to waive his right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to violations alleged in Complaint No. R8-2003-0044. Ralph Te Velde has enclosed a check or money order made payable to the State Water Resources Control Board in the amount of \$10,000 in settlement of Complaint No. R8-2003-0044. Ralph Te Velde understands that he is giving up his right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and amount of, the civil liability.

Date

Ralph Te Velde



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

June 9, 2003

Ralph Te Velde
Tee Vee Farm
14744 Archibald Avenue
Chino, CA 91710

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2003-0044

Dear Mr. Te Velde:

Enclosed is Complaint No. R8-2003-0044 assessing administrative civil liability for violations of your General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities), Order No. 99-11 (NPDES No. CAG018001), for your dairy located at 14744 Archibald Avenue, Chino. A public hearing on this matter has been scheduled for July 1, 2003, at 9:00 a.m., at the City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda, California. An agenda and a staff report will be provided to you not less than 10 days prior to the meeting.

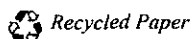
If you choose to waive your right to a hearing, please complete the enclosed waiver form and submit it to this office prior to the hearing along with a check for the proposed amount of civil liability (\$10,000). The check should be made payable to the State Water Resources Control Board.

If you do not wish to waive your right to a hearing, you should contact this office to schedule a pre-hearing meeting. At that time, you may submit information that may not have been previously available to Regional Board staff regarding this matter. The information should address the following items:

1. Nature, circumstances, extent and gravity of the violation;
2. Your ability to pay the proposed assessment;
3. Any prior history of violation;
4. Your degree of culpability;
5. Economic benefit, or savings, resulting from the violation; and
6. Other matters that justice may require.

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California Environmental Protection Agency



If you have any questions, or wish to schedule a pre-hearing meeting, please call Stephen D. Mayville, Chief of the Dairy Section, at (909) 782-4992, or Michael Perez at (909) 782-4306.

Sincerely,



Gerard J. Thibeault
Executive Officer

Enclosures: Administrative Civil Liability Complaint No. R8-2003-0044
Waiver of Hearing

cc: (w/enclosures)
Regional Board
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality – John Menke
U.S. Environmental Protection Agency, Region IX, Permits Issuance Section –
Eugene Bromley (W-5-1)
U.S. Environmental Protection Agency, Region IX, Clean Water Act Compliance
Office – Kathy Moore
Milk Producers Council - Bob Feenstra
Western United Dairyman - John Borges
Lawyers for Clean Water
Orange County Coast Keeper
NRDC