
North Coast Regional Water Quality Control Board

March 3, 2016

Mario Avelar
Avelar Brothers Dairy
647 Nissen Rd
Ferndale, CA 95536

Dear Mr. Avelar:

Subject: Notice of Violation for Failure to Submit a 2015 Annual Report and Groundwater Monitoring Data as Required by the North Coast Regional Water Quality Control Board, Conditional Waiver of Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003, WDID# 1B12070DHUM

This letter serves to notify you that as of March 1, 2016, we have not received a 2015 Annual Report for Avelar Brothers Dairy. The Monitoring and Reporting Plan section II of the Conditional Waiver of Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003 (Waiver), requires, pursuant to Water Code section 13267, that dairies enrolled for coverage under the Waiver submit:

1. Annual Reports to the Regional Water Board by November 30 of each year;
2. Groundwater quality monitoring data; and
3. Photos of best management practices implemented onsite to ensure water quality protection.

On October 21, 2015, the California Dairy Quality Assurance Program (CDQAP) held a workshop in Ferndale to help dairy operators fill out the 2015 Annual Report. Several reminders of the workshop were distributed to dairies in advance of the meeting.

On January 6, 2016, the Regional Water Board sent you an email providing a reminder of the requirement to submit an Annual Report and groundwater monitoring data. A blank Annual Report was attached to the email. Staff also telephoned and left you a message on the same day as the email. Staff also sent an email to Melissa Lema, your Western United Dairymen representative.

Pursuant to Water Code section 13268, subdivision (a), any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b) of section 13268. Pursuant to Water Code section 13268, subdivision (b), paragraph (1), civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation or subdivision (a) in

an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

The Monitoring and Reporting Program for the Waiver, pages 4 and 5, state that: Representative wells located at the dairy, including domestic and agricultural supply wells, shall be sampled four (4) times total, approximately six (6) months apart. A sample must be collected in: (1) Fall 2012, (2) Spring 2013, (3) Fall 2013, and (4) Spring 2014. One (1) sample from each well shall be tested for Nitrate and Fecal Coliform Bacteria. Below is a table of the groundwater results for Avelar Brothers Dairy.

| Well Sampled | Date Sampled | Fecal coliform (MPN/ 100 ml) | Nitrate as Nitrogen(mg/L) |
|---------------------------|--------------|------------------------------|---------------------------|
| Domestic Well 1305043-01A | 05/02/2013 | <1.1 | ND |

The US EPA Maximum Contaminant Level of Nitrate as Nitrogen is 10 mg/L.

MPN/100 mL = most probable number per 100 milliliters.

ND is not detected at the reporting limit (lower than 0.10 mg/L Nitrate as Nitrogen)

Sampling must be conducted until the above Waiver requirements are met. Fecal coliform and nitrate from three more sampling dates are required to be submitted.

Please complete the enclosed Annual Report form and submit to us along with your photos of best management practices and outstanding groundwater well monitoring data by **April 8, 2016**. Submittal of the above required information should remedy this Notice of Violation.

If you have any questions regarding this matter, please contact:

Cherie Blatt at (707) 576-2755 or Cherie.Blatt@waterboards.ca.gov or her supervisor James Burke at (707) 576-2289 or James.Burke@waterboards.ca.gov.

Sincerely,

Fred Blatt
Division Chief
Nonpoint Source & Surface Water Protection Division

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Enclosure: Annual Report Form for Dairy Waiver

Certified - Return Receipt

cc: Avelar Brothers Dairy avelarbrothersdairy@frontiernet.net
Melissa Lema, Western United Dairymen wud.mlema@yahoo.com