



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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Edmund G. Brown Jr.  
Governor

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<http://www.waterboards.ca.gov/sandiego>

May 18, 2011

In reply refer to:  
245625:oosibodu

Mr. David Pick  
9454 Wilshire Blvd # 206  
Beverly Hills, CA 90212

Dear Mr. Pick:

**SUBJECT: NOTICE OF VIOLATION NO. R9-2011-0044  
OAKVALE PARK**

Enclosed is Notice of Violation (NOV) No. R9-2011-0044 for Oakvale Park. The NOV was issued for violations of Order No. 88-64, *Waste Discharge Requirements for Oakvale Park, San Diego County*. Order No. 88-64 (copy enclosed) prescribes requirements for the treatment and disposal of domestic wastewater at Oakvale Park via a septic tank/leach field system.

Violations listed in the enclosed NOV are related to the discharge of effluent to the ground surface at the facility leach field, which was noted during an inspection conducted by Mr. Fisayo Osibodu of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) on April 21, 2011 (copy of inspection report is enclosed); and for failure to submit an annual report to the San Diego Water Board as required by Order No. 88-64.

Please take steps to implement the follow-up actions necessary to ensure that the violations noted do not occur in the future. These violations subject you to possible further enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative assessment of civil liability in amounts of up to \$5,000 per day per violation;<sup>1</sup> referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

In addition, the San Diego Water Board provides the following comments regarding Order No. 88-64:

Order No. 88-64 contains a monitoring and reporting program which establishes requirements for sampling, reporting, and recording on an annual basis. An annual

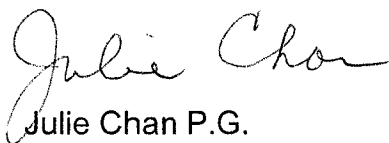
<sup>1</sup> Under authority of California Water Code section 13350.

monitoring report is required to be completed and submitted to the San Diego Water Board by **January 30 each year**. Please submit the annual monitoring report **as soon as possible** to the San Diego Water Board. You are currently out of compliance with Order No. 88-64, and will continue to accrue days of violation until the San Diego Water Board receives the annual monitoring report.

The annual monitoring report must include all the information required by Sections B-E of Monitoring and Reporting Program No. 88-64. Please note that Sections B and C of Monitoring and Reporting Program No. 88-64 also requires you to submit analytical results of water supply and groundwater samples collected with the annual monitoring report.

In the subject line of any response, please include the requested "in reply refer to" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mr. Fisayo Osibodu at (858)-637-5594 or at [oosibodu@waterboards.ca.gov](mailto:oosibodu@waterboards.ca.gov).

Sincerely,



Julie Chan P.G.  
Chief, Cleanup and Land Discharge Branch

JC:bdk:oo

Enclosure:    1. Notice of Violation No. R9-2011-0044  
                  2. Order No. 88-64, *Waste Discharge Requirements for Oakvale Park, San Diego County*  
                  3. Inspection Report

cc w/encl:    Neil Searing, Environmental Health Specialist II,  
                  County of San Diego Department of Environmental Health  
                  151 E. Carmel Street, San Marcos, CA 92078

IN THE MATTER OF

Mr. David Pick  
9454 Wilshire Blvd # 206  
Beverly Hills, CA 90212

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NOTICE OF VIOLATION  
NO. R9-2011-0044

In reply refer to:  
245625:oosibodu

May 18, 2011

**Waste Discharge Requirements: Order No. 88-64  
Facility: Oakvale Park, San Diego County**

**YOU ARE HEREBY NOTIFIED THAT:**

Mr. David Pick has violated Order No. 88-64, *Waste Discharge Requirements for Oakvale Park, San Diego County*. These violations subject you to possible further enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative assessment of civil liability in amounts of up to \$5,000 per day per violation;<sup>2</sup> referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

**Summary of Violations**

**1. Discharge of Effluent to the Ground Surface**

Effluent was observed on the ground surface of the lower leach field during an inspection conducted by Mr. Fisayo Osibodu of the San Diego Water Board on April 21, 2011. The inspection was conducted to investigate a complaint received regarding surfacing of effluent on the lower leach field. Discharge of effluent to the ground surface is in violation of the following sections of Order No. 88-64:

- a. **Prohibition A.2:** The disposal of wastewater in a manner that would result in ponding or surfacing of wastewater on lands beyond the disposal area, as described in the findings of the Order, is prohibited.
- b. **Provision C.1:** Neither the treatment nor discharge of waste shall create a condition of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

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<sup>2</sup> Under authority of California Water Code section 13350.

- c. **Provision C.5:** The discharger shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order.

## 2. Failure to Report the Discharge of Effluent to the Ground Surface

Oakvale Park failed to report the discharge of effluent to the ground surface on the lower facility leach field to the San Diego Water Board. This is a violation of Section D.5 (Reporting Requirements) of Order No. 88-64 which states the following:

The discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. The written submission shall also be provided within 5 days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to be corrected; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances must be reported to the Executive Officer within 24 hours.

## 3. Failure to Submit Annual Reports

You failed to submit the 2010 annual monitoring report. Failure to submit an annual monitoring report is a violation of Section D.4 (Reporting Requirements) of Order No. 88-64 which specifies that the discharger shall comply with Monitoring and Reporting Program No. 88-64 and shall submit monitoring results at intervals specified in Monitoring and Reporting Program No. 88-64. Section F (Report Schedule) of Monitoring and Reporting Program No. 88-64 requires you to submit an annual monitoring report by January 30 each year.

Mr. David Pick  
Notice of Violation No. R9-2011-0044  
Oakvale Park

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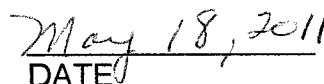
May 18, 2011

Questions pertaining to the issuance of this Notice of Violation are to be directed to Mr. Fisayo Osibodu at (858)-637-5594 or via e-mail at [osibodu@waterboards.ca.gov](mailto:osibodu@waterboards.ca.gov). Written correspondence should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
Attn: Cleanup and Land Discharge Branch Chief



Julie Chan, P.G.  
Chief, Cleanup and Land Discharge Branch

  
DATE