

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ADDENDUM NO. 1
TO
CLEANUP AND ABATEMENT ORDER NO. R9-2013-0122**

AN ADDENDUM ADDING RESPONSIBLE PARTIES

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. Except as contradicted or superseded by the findings and directives set forth in this Addendum No. 1 to Cleanup and Abatement Order No. R9-2013-0122 (CAO), all of the previous findings and directives of the CAO remain in full force and effect.
2. The CAO prescribes requirements to cleanup and abate the unauthorized discharge of waste resulting from waste spreading activities at Riverside County Assessor's Parcel Nos. 571-280-042 and 571-280-014. Addendum No. 1 adds three responsible parties to the CAO.
3. Changes made to the CAO through Addendum No. 1 are based upon the investigation of the San Diego Water Board and information in the San Diego Water Board administrative record including written comments submitted by interested parties and persons during the public comment period for tentative Addendum No. 1 to the CAO.
4. Finding Nos. 1 and 2 are to be replaced as follows:
 - 1.a. James V. Pike (hereinafter Mr. Pike), owns approximately 155 acres of land (Riverside County Assessor's Parcel No. 571-280-042) located at 39801 Reed Valley Road, Aguanga, California 92536 (Place ID 793882), hereinafter Pike property) in the Reed Valley Hydrologic Subarea (HSA) (902.63). See Attachment 1, Property Locations.
 - 1.b. Prairie Avenue Gospel Center, Inc. (hereinafter PAGC) owns approximately 39 acres of land (Riverside County Assessor's Parcel No. 571-280-014, Place ID 793885, hereinafter PAGC property) adjacent to and north of the Pike property. The PAGC property is located at the southeast corner of Reed Valley Road and Runsin Road, Aguanga, California 92536 in the Reed Valley HAS (902.63). The Pike property and the PAGC property are collectively referred to as the "properties." Daniel S. Pike is the President of PAGC and brother of James V. Pike.

- 1.c. Burrtec Waste Industries, Inc. (hereinafter Burrtec) collects grass, leaves, branches, dirt and other green plant material from curbside residential yard waste collection services, and independent landscapers and gardeners (sometimes referred to as “green waste,” although the collected materials were contaminated by municipal waste). As it pertains to this CAO, Burrtec trucks delivered and deposited green waste to various locations on the properties.
- 1.d. As it pertains to this CAO, Ecology Auto Parts, Inc. (hereinafter Ecology) trucks delivered and deposited green waste to various locations on the properties.
- 1.e. Burrtec contracted with Organic Ag, Inc. (hereinafter Organic Ag) to supply green waste to Organic Ag. Ecology contracted with Organic Ag to supply green waste to Organic Ag. Mr. Pike contracted with Organic Ag for the delivery and spreading of green waste on the properties. Organic Ag spread the green waste piles deposited by Burrtec and Ecology on the properties.
2. The entities identified in Finding 1 are collectively referred to as the Dischargers. Each entity is responsible under Water Code Section 13304 for their roles in depositing and/or spreading the materials described in Findings 6 and 7 below, in violation of Water Code Section 13260 and deposited and/or spread where it is or probably will be discharged into the waters of the state in violation of Water Code Section 13304. The San Diego Water Board reserves the right to amend R9-2013-0122 if additional responsible parties, through action or contract, become known. In addition, the San Diego Water Board does not take a position regarding any contractual right to indemnity against any other named entity. All responsible parties must comply with the provisions of this Order and the Water Code.
5. Finding No. 6 is amended as follows: Discharge of Waste to Land: This information is based upon the April 29, 2013, and June 14, 2013, San Diego Water Board inspections of the properties, and based upon complaints received by the San Diego Water Board concerning activities at the properties. On or about August 2011, waste consisting mostly of plant clippings (i.e. landscaping waste) and to a lesser extent municipal solid waste (glass, plastics, metals, and construction debris) was spread on the properties by Organic Ag, Inc. Additional waste spreading by Organic Ag, Inc., was observed by the San Diego Water Board staff during an April 29, 2013, inspection of the properties. Approximately 45275 acres of the Pike property and 10 acres of the PAGC property were covered with an estimated two foot thick layer of waste. Based upon these values, 522,720274,267 cubic yards of waste were discharged to land at the properties.
6. Finding No. 8 is amended as follows: On June 3, 2013, the San Diego Water Board issued Notice of Violation (NOV) No. R9-2013-0089 to Mr. Pike and PAGC (hereinafter Dischargers). See Attachment 2, NOV. The NOV alleged that the

deposit of green waste and green waste spreading activities violated Water Code section 13260³ because ~~the Dischargers~~ Mr. Pike and PAGC failed to file a report of waste discharge (ROWD) with the San Diego Water Board and receive Waste Discharge Requirements prior to the deposit of green waste and spreading of green waste at the properties; and furthermore violated Basin Plan Waste Discharge Prohibition No. 1 because ~~the Dischargers~~ Mr. Pike and PAGC are causing, or are threatening to cause a condition of pollution,⁴ contamination or nuisance.⁵ The NOV required the submittal of a ROWD (a complete Form 200 and application fee) by June 28, 2013, from ~~the Dischargers~~ Mr. Pike and PAGC. On August 27, 2013, the San Diego Water Board received the application fee and an incomplete Form 200 from Mr. Pike for his property. Mr. Pike's Form 200 failed to include information characterizing the discharge. The San Diego Water Board has not received a ROWD from PAGC.

7. Finding No. 16 is amended as follows: In accordance with Water Code section 13267(b) these findings provide ~~Mr. Pike and PAGC~~ the Dischargers with a written explanation of the need for remedial action and reports, and they identify the evidence that supports the requirements to implement cleanup and abatement activities and submit reports.
8. Directive No. 1 is amended as follows: ~~By September 19, 2013~~ No later than fourteen days after the adoption of Addendum No. 1 to CAO R9-2013-0122, the Dischargers, individually or collectively, shall prepare and submit to the San Diego Water Board a Restoration Plan for the cleanup and abatement of waste discharges to the properties. The Restoration Plan shall be subject to the Executive Officer's approval (or his delegate's approval) and must detail the following activities and their timing:
 - a. Removal of waste from surface waters of the state, and restoration to pre-discharge conditions.
 - b. Installation of BMPs to minimize further discharges of waste to surface waters of the state; and
 - c. Removal, relocation, or amendment of waste discharged to land to ensure proper agronomic application rates protective to ground waters of the state.
 - d. Monitoring and waste characterization, including methodologies and sampling locations.
 - e. A schedule detailing the sequence of restoration activities and time frame for completing each activity.
9. Directive No. 4 is amended as follows: ~~Beginning October 7, 2013~~ Forty-five days after initiation of restoration activities, or a date approved by the Executive Officer

or his delegate, and monthly thereafter until all restoration activities are complete, the Dischargers, individually or collectively, shall submit technical reports that provide information to substantiate the restoration activities completed to date and to ultimately substantiate that all elements of the Restoration Plan have been fulfilled. Corrective actions shall be proposed and included in these technical reports when restoration activities fail to satisfy any interim or final success criteria.

10. Directive No. 5 is amended as follows: All restoration activities must be completed no later than December 4, 2013 ninety days after adoption of Addendum No. 1 to CAO R9-2013-0122, unless approved otherwise by the Executive Officer or his delegate.

Ordered by:



DAVID W. GIBSON
Executive Officer