

San Diego Regional Water Quality Control Board

August 7, 2015

In reply refer to / attn:
220170:RMitchell

Mr. Kris Hansen
31620 Railroad Canyon Road
Canyon Lake, CA 92587

Certified Mail – Return Receipt Requested:
Article Numbers: 7011 0470 0002 8952 7731

Mr. Kris Hansen
c/o Mr. Kenneth G. Bernard, Esq
Bernard & Associates
3991 MacArthur Boulevard, Suite 400
Newport Beach, CA 92660

Certified Mail – Return Receipt Requested:
Article Numbers: 7011 0470 0002 8952 7748

**Subject: Notice of Non-Compliance with Orders No. R9-2007-0042 and
No. R9-2008-0130, Wesselink Dairy, Riverside County, San Diego
Region**

Mr. Hansen:

This letter serves to inform you that as the current owner of record of the property located at 32625 Holland Road, Winchester 92596 (hereinafter the Property), you are legally responsible for compliance with the requirements specified in:

1. Order No. R9-2007-0042 - *Waste Discharge Requirements for Winchester Wesselink LLC, Wesselink Dairy, Riverside County¹* and
2. General Order No. R9-2008-0130 – *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region.²*

Enclosed for your reference are copies of Order No. R9-2007-0042 and Order No. R9-2008-0130 issue by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), containing waste discharge requirements for the protection of water quality and beneficial uses from the discharge of dairy related wastes to land.³

On March 11, 2015, while inspecting the neighboring Stiefel Dairy, San Diego Water Board staff observed the absence of on-going dairy operations at the Property; which appeared to be abandoned and with residual dairy wastes remaining onsite. In an attempt to contact the on-file owner(s) of the Property, San Diego Water Board staff was informed that you purchased the Property at a public auction on November 6, 2014. As

¹ http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2007/2007_0042.pdf

² http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2008/r9_2008_0130.pdf

³ Formerly known as the Wesselink Dairy.

the owner of record, you are the "Discharger" and legally responsible for the management of the dairy related wastes, that must be addressed in accordance with the requirements of Orders No. R9-2007-0042 and No. R9-2008-0130. Failure to implement adequate waste management measures may result in the San Diego Water Board taking further enforcement action pursuant to the provisions of the Water Code. As the Discharger, you are liable for violations incurred from the date of purchase onward.

Records available to the San Diego Water Board indicate that you have failed to:

1. pay the annual fee to the State Water Resources Control Board (State Water Board) for 2014. Section 13260(d)(1)(A) of the Water Code requires the Discharger to submit an annual fee, in accordance with the fee schedule promulgated by the State Water Resources Control Board (State Water Board) in California Code of Regulations title 23, section 2200(c); and
2. provide the San Diego Water Board with an Annual Operational Status Letter. The San Diego Water Board issued a letter in September 2010 that identified the Wesselink Dairy as not being in operation. The letter further requested that the Winchester-Wesselink LLC provide annual updates on the operational status of the Wesselink Dairy or request rescission of Order No. R9-2007-0042. In the event that dairy operations at the Property are resumed, you must return to filing the Annual Facility Compliance Report in accordance with section C of the monitoring and reporting program for Order No. R9-2007-0042.

Based on the proceeding summary of violations, you must:

1. pay the amount of \$1,987.00 to the State Water Board for the balance of unpaid annual fee invoice for 2014, in accordance with section 13260(d)(1)(a) of the Water Code; and
2. provide the San Diego Water Board with an Annual Operational Status Letter, explaining the operational status of the dairy operations at the Property for 2014, and provide a written explanation for the failure to submit the requested Annual Operational Status Letter for 2014.

To avoid further enforcement action on these violations by the San Diego Water Board, please submit the required annual fee to the State Water Board, and the Annual Operational Status Letter to the San Diego Water Board, as indicated above, not later than **5:00 pm on September 30, 2015.**

Contact the San Diego Water Board staff to schedule a meeting. In an effort to promote understanding and compliance with Orders No. R9-2007-0042 and No. R9-2008-0130, San Diego Water Board staff request to meet with you, on the Property, not later than **October 31, 2015.** Please contact Mr. Roger Mitchell by phone at (619)521-5898, or by email at Roger.Mitchell@waterboards.ca.gov to schedule a specific inspection date and time.

Clean closure required prior to rescission of permit. Please be aware that in the event you request rescission of Order No. R9-2007-0042 and termination from Order No. R9-2008-0130, the Property must be restored to a clean conditions with wastes removed, there are no cattle remaining on the property and no other conditions or activities exist for which permit coverage is required.

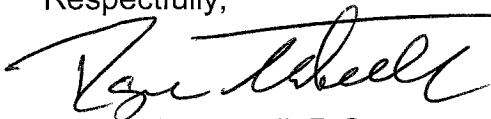
In making a determination of whether to proceed with further enforcement action(s), the San Diego Water Board will first consider any correspondence from you as the owner of the Property.

Please submit all future responses to the San Diego Water Board by email.⁴ Email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **220170:RMitchell**), and be sent via email to sandiego@waterboards.ca.gov. Information required by Order No. R9-2007-0042 or this letter should be mailed to sandiego@waterboards.ca.gov. Routine email correspondence, however, may be sent to individual San Diego Water Board staff members.

Documents that are 50 megabytes or larger should be transferred to a disk and mailed to the San Diego Water Board. For more extensive information provided in Reports of Waste Discharge (ROWDs) and/or large documents, the San Diego Water Board staff may request that specific individual items such as appendices to large/complex technical reports and/or large drawings, grading plans, or maps continue to be provided in paper format. If you have any specific questions about email submittal procedures please contact Ms. Cleo Munoz in our Mission Support Unit, at 619-521-3384 or cleo.munoz@waterboards.ca.gov.

In the subject line of any response, please include the reference code **220170:RMitchell**. Please contact Mr. Roger Mitchell at 619-521-5898, or at Roger.Mitchell@waterboards.ca.gov if you have any questions.

Respectfully,



Roger N. Mitchell, P.G.
Groundwater Protection Branch

RNM:jro:nm

- Enclosure: 1. Order No. R9-2007-0042 - *Waste Discharge Requirements for Winchester Wesselink LLC, Wesselink Dairy, Riverside County*
2. General Order No. R9-2008-0130 – *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region.*

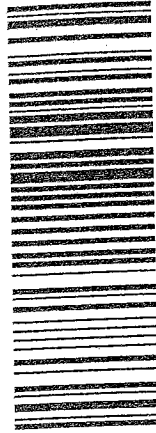
⁴ See public notification on electronic reporting on-line at:
http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf

Tech Staff Info & Use	
Reg. Measure ID	326937
Place ID	220170
Violations ID	988006, 988008
Party ID	552312, 552313
Order No.	R9-2007-0042

7011 0470 0002 8952 7731

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. HOLD AT DOTTED LINE.

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Sent To Mr. Kris Hansen
 Street, Apt. No., or PO Box No. 31620 Railroad Canyon Road
 City, State, ZIP+4 Canyon Lake, CA 92587
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Mr. Kris Hansen</u> <u>31620 Railroad Canyon Rd.</u> <u>Canyon Lake, CA. 92587</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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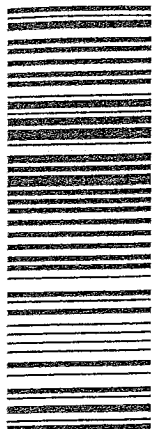


First-Class Mail
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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

California Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

7011 0470 0002 8952 7755



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 Mr. Kenneth G. Bernard, Esq.
 Street, Apt. No.;
 or PO Box No. 3991 MacArthur Blvd, Suite 400
 City, State, ZIP+4 New Port Beach, CA 92660

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mr. Kenneth G. Bernard, Esq. Bernard + Associates 3991 MacArthur Blvd, Suite 400 New Port Beach, CA 92660</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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 San Diego, CA 92108-2700