



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## San Diego Regional Water Quality Control Board

September 22, 2015

**In reply refer to / attn:**  
**817827:RMitchell**

M.B. Organics, Inc. Galway  
920 West San Marcos Blvd., No. 4  
San Marcos, CA 92069

Maram Holdings, LLC  
c/o Denise Winslett  
12121 Whilshet Blvd. No. 1400  
Los Angeles, CA 90025

**Subject: Notice of Violation No. R9-2015-0139, M.B. Organics, Inc. Galway,  
Riverside County, San Diego Region**

M.B. Organics, Inc. Gallway and Maram Holdings, LLC:

Enclosed is Notice of Violation (NOV) No. R9-2015-0139 issued to M.B. Organics, Inc. Galway and Maram Holdings, LLC, for violations of Water Code, sections 13260 and 13264 *et seq.*, and waste discharge prohibitions in the *Water Quality Control Plan for the San Diego Basin*. As described in NOV No. R9-2015-0139, the violations are subject to further enforcement pursuant to the Water Code. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any further enforcement action authorized by law.

If the Report of Waste Discharge (ROWD) described in NOV No. R9-2015-0139 is not received by **5:00 pm on October 22, 2015**, the San Diego Water Board may pursue additional enforcement options.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please submit all responses to the San Diego Water Board by email.<sup>1</sup> The email submittals must include a signed cover or transmittal letter (with the facility name, facility contact information, and reference code: **817827:RMitchell**), and be sent via email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). Information required by this NOV or Order No. R9-2014-0041 - *Conditional Waivers of Waste Discharge Requirements for Low*

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<sup>1</sup> See public notification on electronic reporting on-line at:  
[http://www.waterboards.ca.gov/sandiego/docs/Electronic\\_Reporting\\_Sept2014.pdf](http://www.waterboards.ca.gov/sandiego/docs/Electronic_Reporting_Sept2014.pdf)

*Threat Discharges in the San Diego Region* should be emailed to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). Routine email correspondence, however, may be sent to individual San Diego Water Board staff members. 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](mailto:cleo.munoz@waterboards.ca.gov).

In the subject line of any response, please include the reference code **817827:RMitchell**. Please contact Mr. Roger Mitchell at 619-521-5898, or at [Roger.Mitchell@waterboards.ca.gov](mailto:Roger.Mitchell@waterboards.ca.gov) if you have any questions.

Sincerely,



Julie Chan, Chief  
Groundwater Protection Branch  
JAC:jro:mm

Enclosure: Notice of Violation No. R9-2015-0139

cc: (via email with enclosure) Greg Reyes, Riverside County Local Solid Waste Enforcement Supervisor [greyes@rivcocha.org](mailto:greyes@rivcocha.org)

(via email with enclosure) Leslie Graves, State Water Resources Control Board, Land Disposal Program Manager [lgraves@waterboards.ca.gov](mailto:lgraves@waterboards.ca.gov)

Tech Staff Info & Use	
Reg. Measure ID	402712
Place ID	817827
Party ID	552851; 552852
Violations ID	995483
Order No.	R9-2015-0139

# NOTICE OF VIOLATION

## No. R9-2015-0139

M.B. Organics, Inc. Galway  
920 West San Marcos Blvd., No. 4  
San Marcos, CA 92069

Maram Holdings, LLC  
c/o Denise Winslett  
12121 Whilshet Blvd. No. 1400  
Los Angeles, CA 90025

**Violations of Order  
No. R9-2015-0139**

**September 22, 2015**

M.B Organics, Inc. Galway and Maram Holdings, LLC (hereinafter the Dischargers), being jointly and severally liable, are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The Dischargers are in violation of the Porter Cologne Water Quality Control Act (Water Code), sections 13260 and 13264 et seq., and waste discharge prohibitions in the *Water Quality Control Plan for the San Diego Basin* (San Diego Basin Plan). The violations described and documented below were identified during a file review of records associated with, and an onsite inspection of, the M.B. Organics, Inc. - Temecula Composting Operation (hereinafter the Operation).<sup>1</sup>

### A. Summary of Violations

#### 1. Failure to Submit a Report of Waste Discharge

Water Code, section 13260(a) requires any persons, discharging waste or proposing to discharge waste in the San Diego region, that could affect the quality of the waters of the State, must submit a report of waste discharge (ROWD) and an annual fee.<sup>2</sup> A complete General Information Form for Waste Discharge Requirements (Form 200),<sup>3</sup> to contain sufficient information for the San Diego Water Board to prescribe waste discharge requirements (WDRs).

A records search performed by San Diego Water Board staff on July 29, 2015 revealed that a ROWD for the discharge of waste to land for the purposes of producing compost at the Operation was not filed with the San Diego Water Board.

#### 2. Initiating a New Discharge of Waste to Land

<sup>1</sup> Located at 38801 Los Corralitos Road, Temecula, CA 92592.

<sup>2</sup> Pursuant to Water Code section 13263 and in accordance with Cal. Code Regs, title 22, section 2200(a).

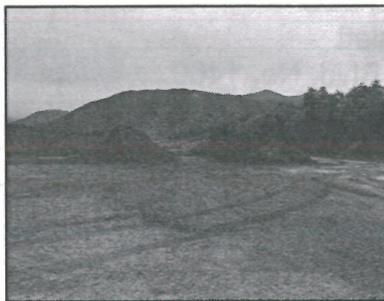
<sup>3</sup> [http://www.waterboards.ca.gov/rwqcb9/publications\\_forms/forms/docs/form200m.pdf](http://www.waterboards.ca.gov/rwqcb9/publications_forms/forms/docs/form200m.pdf)

Water Code, section 13264(a) specifies that no person shall initiate any new discharge of waste prior to submitting a ROWD in accordance with the Water Code<sup>4</sup> and satisfying the requirements of the California Environmental Quality Act (CEQA).

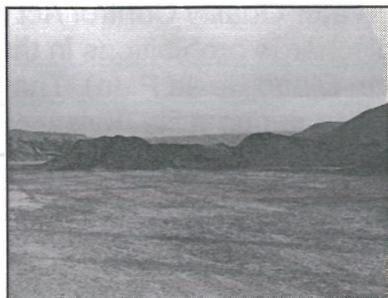
During an inspection of the Operation on August 20, 2015, San Diego Water Board staff observed wastes actively being discharged to land (see photographs 1 through 4 below).



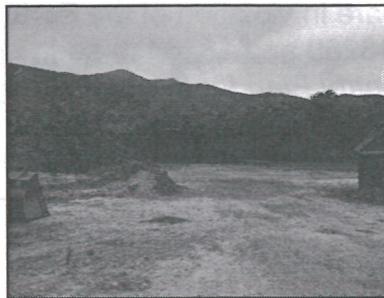
Photograph 1: Onsite equipment.



Photograph 2: Northeast facing view.



Photograph 3: North facing view.



Photograph 4: Southeast facing view.

Figure 1 illustrates the relative size and location of wastes discharged to land at the Operation.

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<sup>4</sup> Section 13260.



Figure 1 – Aerial view of the Operation.

### 3. Failure to Comply with San Diego Basin Plan, Waste Discharge Prohibition

Pursuant to Waste Discharge Prohibition No. 1 of the San Diego Basin Plan,<sup>5</sup> discharges of waste to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance,<sup>6</sup> are prohibited.

Based on the type and volume of wastes discharged at the Operation, there is a potential for conditions of pollution to occur, ultimately resulting in an impairment of water quality and beneficial uses of the waters of the State.

Water Code, section 13260 requires that the Dischargers file a ROWD with the San Diego Water Board for the discharges of waste to land at the Operation. The ROWD must contain, but may not be limited to a complete notice of intent (NOI)<sup>7</sup> to enroll in *Waiver No. 5 – Discharges of Waste to Land at Composting Facilities (Composting Facilities Waiver)*<sup>8</sup> and *Compost Facility Certification form*.<sup>9</sup> The Composting Facilities Waiver is one of several waivers in Order No. R9-2015-0041 – *Conditional Waiver of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region* (Order No. R9-2015-0041). If the ROWD is not received by **5:00 pm on October 22, 2015**, the San Diego Water Board may pursue additional enforcement options.

### B. Summary of Potential Enforcement Options

The violations cited above may subject the Dischargers to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a

<sup>5</sup> See Basin Plan Chapter 4, pages 16-17 at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/docs/update082812/Chpt\\_4\\_2012.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/update082812/Chpt_4_2012.pdf)

<sup>6</sup> As defined in Water Code, section 13050.

<sup>7</sup> [http://www.waterboards.ca.gov/rwqcb9/water\\_issues/programs/waivers/docs/f/NOI.pdf](http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/waivers/docs/f/NOI.pdf)

<sup>8</sup> [http://www.waterboards.ca.gov/rwqcb9/water\\_issues/programs/waivers/docs/w/WaiverNo5.pdf](http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/waivers/docs/w/WaiverNo5.pdf)

<sup>9</sup> [http://www.waterboards.ca.gov/rwqcb9/water\\_issues/programs/waivers/docs/f/CFC.pdf](http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/waivers/docs/f/CFC.pdf)

potential assessment of civil liability of up to \$5,000 per day of violation (Water Code, section 13268) and/or any of the following enforcement actions:

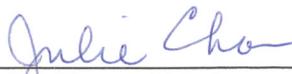
Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

Based on available dated aerial photographs, the discharge of waste to land was originally initiated on or before October 20, 2013. As such, the current maximum administrative civil liability assessment for these violations is estimated to be \$3,490,000.

In addition, the San Diego Water Board may consider referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referring the matter to the municipal or District Attorney for criminal prosecution.

Please submit all responses to the San Diego Water Board by email.<sup>10</sup> The email submittals must include a signed cover or transmittal letter (with the facility name, facility contact information, and reference code: **817827:RMitchell**), and be sent via email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). Information required by this NOV or Order No. R9-2014-0041 should be emailed to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). Routine email correspondence, however, may be sent to individual San Diego Water Board staff members. 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](mailto:cleo.munoz@waterboards.ca.gov).

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 Julie Chan, Chief  
 Groundwater Protection Branch  
 JAC:jro:mm

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