



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## San Diego Regional Water Quality Control Board

July 7, 2016

Hand Delivered to Discharger on July 7, 2016  
Discharger Signature 

Mr. Robert Kellerhouse  
Galway Downs  
38801 Los Corralitos Road  
Temecula, CA 92592

In reply refer to / attn:  
818919:RMitchell

**Subject: Notice of Violation No. R9-2016-0131, Galway Downs, LLC, Galway Downs Composting Operation, Riverside County**

Mr. Kellerhouse:

Enclosed is Notice of Violation (NOV) No. R9-2016-0131 issued to Galway Downs, LLC, hereinafter the Discharger, for violations of Water Code sections 13260 and 13264, Waste Discharge Prohibitions in the *Water Quality Control Plan for the San Diego Basin* (Basin Plan),<sup>1</sup> and Order WQ 2015-0121-DWQ – *General Waste Discharge Requirements for Composting Operations* (General Order).<sup>2</sup> As described in the NOV, the violations may subject the Discharger 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.

To avoid further enforcement action by the San Diego Water Board on these violations, **the Dischargers must take immediate action to provide the San Diego Water Board with a complete NOI and technical report to enroll the Property in the General Order.** Under the authority of Water Code section 13267, the Discharger must provide the San Diego Water Board with a technical report including all of the information requested in Attachment D of the General Order and a time schedule for compliance with the requirements of the General Order. The complete NOI, technical report, and schedule must be received by the San Diego Water Board no later than **5:00 pm on October 4, 2016.**

Please submit all future responses to the San Diego Water Board by email.<sup>3</sup> Email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **818919:RMitchell**), and be sent via email to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). Information required by this NOV should be emailed to

<sup>1</sup> Water Quality Control Plan – San Diego Region, Chapter 4 – Implementation, page 16:  
[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>2</sup> [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2015/wqo2015\\_0121\\_dwq.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2015/wqo2015_0121_dwq.pdf)

<sup>3</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)

[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 our Mission Support Services Unit staff Ms. Cleo Munoz at 619-521-3384 or [cleo.munoz@waterboards.ca.gov](mailto:cleo.munoz@waterboards.ca.gov).

Questions concerning the NOV should be directed to Mr. Roger Mitchell at 619-521-5898 or [roger.mitchell@waterboards.ca.gov](mailto:roger.mitchell@waterboards.ca.gov).

Sincerely,



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

Enclosure: Notice of Violation No. R9-2016-0131

Tech Staff Info & Use	
Reg. Measure ID	406043; 404196
Place ID	818919
Party ID	553433; 553435
Violations ID	1007279; 1007280; 1007281; 1007282; 1007283; 1007284



# NOTICE OF VIOLATION

## No. R9-2016-0131

Mr. Robert Kellerhouse  
Galway Downs  
38801 Los Corralitos Road  
Temecula, CA 92592

**Violations of Water Code  
Sections 13260 and 13264,  
Provisions of the Water Quality  
Control Plan for the San Diego  
Basin, and General Order  
WQ 2015-0121-DWQ**

**July 7, 2016**

Galway Downs, LLC, hereinafter the Discharger, is 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 Discharger is in violation of Water Code sections 13260 and 13264, Waste Discharge Prohibitions specified in the *Water Quality Control Plan for the San Diego Basin* (Basin Plan), and Order WQ 2015-0121-DWQ – *General Waste Discharge Requirements for Composting Operations* (Compost General Order). The violations described below were identified by the San Diego Water Board on December 17, 2015 and April 8, 2016 during inspections of the Galway Downs property (Property),<sup>1</sup> where the Dischargers maintain an area<sup>2</sup> for the discharge of waste to land for the production of compost (see Figure 1 below).

### **A. Summary of Violations**

#### **1. Failure to Submit a Report of Waste Discharge or a Notice of Intent to Enroll in Order WQ 2015-0121-DWQ**

On April 28, 2016, San Diego Water Board staff verbally confirmed with the compost operation operator, Agriscape, Inc., that a complete Report of Waste Discharge (ROWD) or Notice of Intent (NOI) to enroll in the Compost General Order for the discharge of wastes to land at the Property had not been filed with the San Diego Water Board. State law requires the discharger do one or the other.

Section 13260(a) of the Water Code requires that any persons discharging waste or proposing to discharge waste within the San Diego region, that could affect the quality of the waters of the State, must submit an ROWD and an annual fee.<sup>3</sup> A

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

<sup>2</sup> Approximately 3 acres.

<sup>3</sup> Pursuant to Water Code section 13263, and in accordance with Cal. Code Regs. title 23, section 2200(a).



complete ROWD (Form 200)<sup>4</sup> must contain sufficient information for the San Diego Water Board to prescribed waste discharge requirements (WDRs).

The State Water Resources Control Board developed and adopted the General Order<sup>5</sup> on August 4, 2015. The General Order establishes statewide WDRs for composting operations to address water quality and beneficial use protection mandates specified in division 7 of the Water Code. New and existing composting operations meeting the eligibility criteria specified in the General Order, are required to seek coverage by submitting a complete NOI,<sup>6</sup> including the appropriate filing fee,<sup>7</sup> and a technical report including, but not limited to, information request in Attachment D of the General Order.

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

During the December 17 inspection, San Diego Water Board staff observed that the Discharger initiated a discharge of compostable wastes to land as shown in photographs 1 through 4.



Photograph 1: Active compost windrows



Photograph 2: Active compost windrows



Photograph 3: Waste pile.



Photograph 4: Waste pile.

<sup>4</sup> [http://www.waterboards.ca.gov/sandiego/publications\\_forms/forms/docs/form200m.pdf](http://www.waterboards.ca.gov/sandiego/publications_forms/forms/docs/form200m.pdf)

<sup>5</sup> [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2015/wqo2015\\_0121\\_dwg.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2015/wqo2015_0121_dwg.pdf)

<sup>6</sup> Attachment C of the General Order.

<sup>7</sup> In accordance with title 23, California Code of Regulations, section 2200.



Section 13264(a) of the Water Code requires that no person shall initiate any new discharge of waste prior to submitting an ROWD,<sup>8</sup> and satisfying the requirements of the California Environmental Quality Act (CEQA).

### 3. Failure to Comply with the Basin Plan, Waste Discharge Prohibitions

The discharge of compostable wastes to land noted in Violation 2 is also a violation of Basin Plan discharge prohibitions.

The Basin Plan<sup>9</sup> prohibits the following discharges:

- Waste Discharge Prohibition No. 1. The discharge of waste to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance, as defined in Water Code section 13050;
- Waste Discharge Prohibition No. 2. The discharge of waste to land, except as authorized by WDRs or the terms described in Water Code section 13264; and



Figure 1: Aerial photograph of the composting operation on the Galway Downs Property.

<sup>8</sup> In accordance with Water Code section 13260.

<sup>9</sup> Basin Plan, Chapter 4 – Implementation, page 16:

[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)



- Waste Discharge Prohibition No. 5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives.

Waters of the State include both surface water and groundwater. According to the Basin Plan map,<sup>10</sup> the Property is located in the Pechanga Hydrologic Area (902.50) of the Santa Margarita Hydrologic Unit.(902.00).<sup>11</sup> Beneficial uses specified for inland surface waters (i.e., Temecula Creek) include municipal and domestic supply, agricultural supply, and groundwater recharge. Groundwater beneficial uses include municipal and domestic, and agricultural supplies.

The discharge of compostable waste to land is eligible for enrollment in the Compost General Order. Therefore, to avoid further enforcement action by the San Diego Water Board on these violations, **the Discharger must take immediate action to provide the San Diego Water Board with a complete NOI and technical report to enroll the Property in the General Order.** In accordance with Water Code section 13267, the Discharger must furnish the San Diego Water Board with a technical report which includes all of the information requested in Attachment D of the General Order and a schedule for compliance with the requirements of the General Order. The complete NOI, technical report, and schedule must be received by the San Diego Water Board no later than **5:00 pm on October 4, 2016.**

## B. Summary of Potential Enforcement Options

The violations cited above may subject the Discharger to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement actions:

Enforcement Actions	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

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.

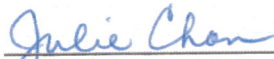
<sup>10</sup> [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/docs/sdrwqcb\\_basinplanmap.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/sdrwqcb_basinplanmap.pdf)

<sup>11</sup> Chapter 3 of the Basin Plan specifies that water quality objectives for groundwater in the Solana Beach hydrologic area are applicable easterly of the easterly boundary of Interstate Highway 5.



Please submit all responses to the San Diego Water Board by email.<sup>12</sup> The email submittals must include a signed cover/transmittal letter (with the facility name, facility contact information, and reference code: **818919:RMitchell**), and be sent via email 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 our Mission Support Services Unit staff Ms. Cleo Munoz 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 **818919: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.



Julie Chan, Chief  
Groundwater Protection Branch

JAC:jro:rm

Tech Staff Info & Use	
Regulatory Measure	406043; 404196
Place ID	818919
Party ID	553433; 553435
Violations ID	1007279; 1007280; 1007281; 1007282; 1007283; 1007284

<sup>12</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)

