California Regional Water Quality Control Board
Santa Ana Region

Linda S. Adams
Acting Secretary for Environmental Protection

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www.waterboards.ca.gov/santaana

Edmund G. Brown, Jr.
Governor

February 4, 2011

Certified Mail

Return Receipt Requested

Mr. Gerben Hettinga
GH Dairy #1
Ex. 6 Personal Privacy (PP)

NOTICE OF VIOLATION - DISCHARGE OF DAIRY WASTEWATER AND MANURE STORMWATER FROM GH DAIRY #1, LOCATED AT Ex. 6 Personal Privacy (PP) ONTARIO

Mr. Hettinga:

On December 22, 2010, Regional Board staff observed ponded process wastewater (consisting of barn washwater and runoff from corrals) discharging from the referenced dairy facility that you are identified as the operator of. The discharge was from the wastewater containment pond adjacent to Merrill Avenue. Numerous rodent holes were observed in the berm structure allowing the process wastewater to be discharged into the Merrill Avenue drainage swale. Runoff from Merrill Avenue at the location of the discharge conveys runoff south and ultimately discharges into the Santa Ana River, a water of the United States.

In accordance with the General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities) NPDES No. CAG018001 (Order No. R8-2007-0001) (hereinafter General Permit), discharge of process wastewater and/or storm water from manured areas to property not owned or controlled by the discharger is prohibited. In addition, whenever precipitation causes an overflow of manure, litter or process wastewater from your facility, pollutants may be discharged from the facility, provided; all provisions of an Engineered Waste Management Plan are fully implemented; the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the direct precipitation and runoff from a 25 year, 24 hour rainfall event; and the production area is operated in accordance with the Code of Federal Regulations, Title 40, Section 412.37(a) and (b).

Based on staff's observation of the rodent holes observed in the berm of the wastewater containment pond, the discharge of process wastewater, as observed on December 22, 2010, was a violation of the General Permit. This violation subjects you to the imposition of administrative civil liability penalties in accordance with the California

Water Code, Section 13385 in an amount not to exceed $10,000 per day for each day the violation occurs, plus not to exceed $10 per gallon multiplied by the number of gallons of process wastewater discharged after the first 1,000 gallons.

In light of the demonstrated inadequacy of the containment berm adjacent to Merrill Avenue, and in accordance with Section VII.C.3.a of the General Permit, you are requested to immediately make repairs to reinforce or reconstruct the berm in order to insure no future discharge of wastewater. The issuance of this Notice of Violation will not preclude future enforcement action.

If you have any questions, please contact me at (951) 782-4992 (by e-mail to: smayville@waterboards.ca.gov), or you may contact Ed Kashak at (951) 782-3292, or ekashak@waterboards.ca.gov

Sincerely,

Stephen D. Mayville, RCE
Chief, Enforcement and Dairy Units

cc: Jim Griffin, Western United Dairymen, Bakersfield
Robert Vanden Heuvel, Milk Producers Council
Pat Boldt, Milk Producers Council
Orange County Coastkeeper
Lawyers for Clean Water
David Beckman, Natural Resources Defense Council
Min-Le Cheng, West Valley Mosquito & Vector Control District
Northwest Mosquito & Vector Control District
Jamey Watt, USEPA
Ken Greenberg, USEPA

EGK:dairies/ekashak/dairy_ltrs/nov/gh_dairy_1

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Ex. 6 Personal Privacy (PP)

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