

EXECUTIVE OFFICER SUMMARY REPORT
February 10, 2016

- ITEMS: 7
- SUBJECT: Waste Discharge Requirements Revocation: A Tentative Order Revoking Order No. R9-2007-0042, *Waste Discharge Requirements for Winchester Wesselink Dairy, Riverside County*.¹ (Tentative Order No. R9-2016-0001) (Roger Mitchell)
- PURPOSE: To consider adopting Tentative Order No. R9-2016-0001 (Supporting Document No. 1)
- RECOMMENDATION: Staff recommends adoption of the Tentative Order.
- KEY ISSUES:
1. Winchester-Wesselink LLC has failed to comply with the Water Code, section 13260, and the requirements specified in Order No. R9-2007-0042 (WDR Order) for the Wesselink Dairy (Dairy).
 2. The property on which the Dairy was located (hereinafter the Property) was sold at public auction on November 6, 2014 to HM Holland Development LLC.
 3. The Tentative Order will revoke waste discharge requirements issued to the Winchester-Wesselink LLC, for the dairy operations and confined animal facility.
 4. The revocation of the WDR Order by this Tentative Order does not preclude enforcement of any past violations that occurred while the WDR Order was in effect.
- PRACTICAL VISION: The Tentative Order demonstrates the San Diego Water Board's values of communication and transparency by documenting current conditions at the Property, and ensuring that the Board's orders accurately reflect those conditions.

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

DISCUSSION:

The Tentative Order revokes the WDR Order for the Dairy for failure to comply with Water Code 13260 and with certain requirements of the WDR Order. The revocation is further justified because the property was sold at public auction to a new owner. The new owner notified the San Diego Water Board that dairy operations had ceased, and that no dairy operations will be conducted at the Property. Staff confirmed the cessation of dairy operations during a site inspection on September 2, 2015.

The Property, located south of Winchester, California (Supporting Document No. 5), was purchased at public auction by HM Holland Development LLC on November 6, 2014 (Supporting Document No. 2). San Diego Water Board staff became aware of the ownership change on July 21, 2015. At the time the Property was purchased at auction, Winchester-Wesselink LLC was in violation of its WDR Order for the dairy for failing to: 1) submit the annual fee of \$1,494.00 for fiscal year 2013; 2) submit an Annual Operational Status Letter for the reporting periods between 2010 and 2014; and 3) provide advance notification to the Board of the proposed transfer of the Property. Failure to pay the annual fee is also a violation of Water Code section 13260. Consequently, the San Diego Water Board issued a notice of violation to Winchester-Wesselink LLC on July 31, 2015.²

On September 2, 2015, San Diego Water Board staff, in cooperation with the new owner, HM Holland Development LLC, inspected the Property and verified the cessation of dairy and confined animal operations. Following the inspection, HM Holland Development LLC provided written notification (Supporting Document No. 4) to the San Diego Water Board on September 22, 2015, confirming that dairy operations had ceased and would not be conducted at the Property.

The State Water Resources Control Board (State Water Board) confirmed on September 25, 2015 that Winchester-Wesselink LLC had neither submitted a bankruptcy or General Assignment notice to the State Water Board, nor filed a notice with the State court system. Therefore, Winchester-Wesselink LLC owes the State Water Board \$1,494.00 for the unpaid annual fee for 2013.

² Notice of Violation No. R9-2015-0055.

The San Diego Water Board may revoke the WDR Order for violation of any terms or conditions of the WDR Order.³ The revocation of the WDR Order by this Tentative Order does not preclude enforcement of any past violations that occurred while the WDR Order was in effect.

No written comments on the Tentative Order were received from the Winchester-Wesselink LLC, HM Holland Development LLC, or the public.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Tentative Order No. R9-2016-0001.
2. Recorded Trustee's Deed.
3. Notice of Violation No. R9-2015-0055
4. HM Holland Development LLC Notification Letter
5. Location Map
6. Notification Letters for Public Hearing and Comment Period.

SIGNIFICANT CHANGES: Revocation of Order No. R9-2007-0042.

COMPLIANCE RECORD: Winchester-Wesselink LLC has failed to pay the annual fee for 2013.

PUBLIC NOTICE: Notification of this action was sent to known interested parties by mail on December 8, 2015 (Supporting Document No. 6). The Tentative Order was also posted on the San Diego Water Board website on December 8, 2015. These actions satisfy the public notification requirements of Water Code, division 7, section 13167.5 for a 30-day notice.

³ Pursuant to Section E.5 of Order No. R9-2007-0042.