

Central Coast Regional Water Quality Control Board
Prosecution Team Evidence
in the matter of
Cease and Desist Order R3-2016-0015
Exhibit 19

Central Coast Regional Water Quality Control Board

July 10, 2015

Todd Mourer
General Manager
Centrally Grown, Inc.
toddm@centrallygrown.com

**VIA CERTIFIED MAIL 7008 1140 0003 4708 8919
AND ELECTRONIC MAIL**

Maleika Lacey
Corporate Director
Centrally Grown, Inc.
maleikal@centrallygrown.com

Dear Mr. Mourer:

NOTICE OF VIOLATION AND REQUIREMENT FOR INFORMATION FOR CENTRALLY GROWN RESTAURANT ONSITE WASTEWATER TREATMENT SYSTEM, WDR 97-10-DWQ, SAN LUIS OBISPO COUNTY, WDID 3 401212496

The Central Coast Regional Water Quality Control Board (Water Board) regulates discharges of wastewater from Centrally Grown via State Water Resources Control Board General Waste Discharge Requirements Order No. 97-10-DWQ (General Order)¹. Water Board staff alleges that Centrally Grown has violated waste discharge requirements contained in the General Order as detailed below. **Please read this letter carefully, as it requires you to take immediate action.**

Water Board staff conducted an unannounced inspection at Centrally Grown on June 29, 2015, met with Terri Harrington, and was informed that the Centrally Grown market opened for business on January 29, 2015, and the restaurant portion of the business opened on June 10, 2015. During the inspection Water Board staff observed ponded effluent at the north end of the disposal field and children playing on the disposal field in the area of the ponded effluent. This situation constitutes violations of Requirement B.5.a and Provision D.1.s of the General Order.

Requirement B.5.a states:

“The subsurface wastewater disposal system(s) shall be maintained so that at no time will sewage surface at any location.”

¹ You may access the General Order by selecting the “97-10-DWQ” link in the table at the State Water Board’s website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/wqo97.shtml

Provision D.1.s states:

“Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facility(s).”

Also during the inspection, when inquiring as to who was responsible for the wastewater system and maintaining records for same, Water Board staff was informed that the general manager is responsible, that he was currently traveling, and that no one else at the facility had either knowledge about the wastewater system, nor access to any records regarding the wastewater system including a copy of the permit. This situation is a violation of Provision D.1.b of the General Order.

Provision D.1.b states:

“The discharger shall ensure that all site operating personnel are familiar with the contents of this general WDR and shall maintain a copy of this general WDR at the site.”

You must immediately ensure that the public is not exposed to effluent from your wastewater system, as this is a serious threat to public health. In addition, you must submit a report to the Water Board **by July 31, 2015**, that corrects the violations noted in this letter, including:

1. Verification that you have implemented action to prevent the public from being exposed to the effluent from your wastewater system and details about how you will continue to prevent exposure.
2. A plan to remedy the surfacing effluent situation, including a timeline for implementing the plan as soon as possible; and
3. Details about how you will ensure compliance with Provision D.1.b. and make sure you maintain adequate oversight of your wastewater system at all times.

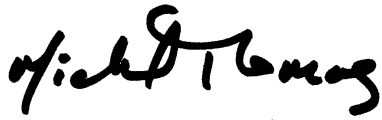
The Water Board is requiring this information to ensure your compliance with the General Order. You are required to submit this information because you are the party responsible for conducting operations at the facility that caused a discharge of waste in violation of the General Order.

Finally, you are strongly urged to review the Revised Monitoring and Reporting Program (MRP) (enclosed) requirements for Centrally Grown, in particular the monthly monitoring that is required for the first six months after plant startup. It is your responsibility to ensure that all specified monitoring is accomplished and reports submitted as detailed in the MRP. Failure to comply with the MRP will result in further violations of your permit and may subject Centrally Grown to formal enforcement action(s) by the Water Board. Please note that quarterly self-monitoring reports are due by the 15th of the month following each calendar quarter, and an annual report is due by January 15th of each year. Your next quarterly report is due no later than October 15, 2015, and should report data representative of monitoring conducted from July through September.

Water Board staff will consider your responses to this notice of violation in any recommendation for further enforcement action. The Water Board reserves its right to take any enforcement action authorized by law.

If you have any questions regarding this notice of violation, please contact Jon Rokke at (805) 549-3892 or by email at jon.rokke@waterboards.ca.gov, or Chris Adair at (805) 549-3761 or by email at chris.adair@waterboards.ca.gov.

Sincerely,



Digitally signed by Michael
Thomas

Date: 2015.07.10 14:02:55 -07'00'

Michael Thomas
Assistant Executive Officer

Enclosure: Monitoring and Reporting Program No. 97-10-DWQ Revised for Centrally Grown, Inc. January 22, 2013

Cc: Stephen Hicks
SLO County Planning and Building
shicks@co.slo.ca.us

Laurie Salo
SLO County Environmental Health Services
lsalo@co.slo.ca.us

Shannon Jessica
Wallace Group
ShannonP@wallacegroup.us

ECM: CW-788896
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**STATE WATER RESOURCES CONTROL BOARD
MONITORING AND REPORTING PROGRAM NO. 97-10-DWQ**

FOR

**GENERAL WASTE DISCHARGE REQUIREMENTS (WDRs)
FOR SMALL DOMESTIC WASTE SYSTEMS**

**Revised for Centrally Grown, Inc.
January 22, 2013**

This Monitoring and Reporting Program establishes the minimum monitoring requirements for this discharge, and is necessary to evaluate compliance with the General Waste Discharge Requirements, and to document the proper operation and maintenance of the facility. The Discharger shall conduct any additional monitoring that may be necessary for the proper operation and maintenance of the wastewater collection, treatment, and disposal system, as may be described in the system's design or in the applicable Operations and Maintenance Plan.

Subsurface Tank Monitoring

Subsurface tanks shall be inspected and pumped as described below. An inspection is not required during the year a septic tank is pumped.

Parameter	Units	Type of Measurement	Minimum Inspection Frequency
Sludge depth and scum thickness in each compartment of each septic tank	Inches	Staff Gauge	Quarterly
Distance between bottom of scum layer and bottom of outlet device	Inches	Staff Gauge	Quarterly
Distance between top of sludge layer and bottom of outlet device	Inches	Staff Gauge	Quarterly

Septic tanks shall be pumped when any one of the following conditions exist or may occur before the next inspection:

- a. The combined thickness of sludge and scum exceeds one-third of the tank depth of the first compartment; or,
- b. The scum layer is within four inches of the bottom of the outlet device; or,
- c. The sludge layer is within eight inches of the outlet device.

In lieu of septic tank measuring, the septic tank may be pumped annually.

Wastewater Treatment System Monitoring

Influent Monitoring

Parameter	Units	Type of Sample	Sampling Frequency
Total Suspended Solids (TSS)	mg/L	Grab	Monthly ¹
Biological Oxygen Demand (BOD)	mg/L	Grab	Monthly ¹
Ammonia as Nitrogen	mg/L	Grab	Monthly ¹
Nitrate as Nitrogen	mg/L	Grab	Monthly ¹
Total Kjeldahl Nitrogen	mg/L	Grab	Monthly ¹
Total Nitrogen	mg/L	Grab	Monthly ¹
pH	--	Grab	Monthly ¹
Oil and Grease	mg/L	Grab	Monthly ¹

Effluent Monitoring

Parameter	Units	Type of Sample	Sampling Frequency
Flowrate to drip dispersal system	gpd	Metered	Daily
Total Suspended Solids (TSS)	mg/L	Grab	Monthly ¹
Biological Oxygen Demand (CBOD) ²	mg/L	Grab	Monthly ¹
Ammonia (as Nitrogen)	mg/L	Grab	Monthly ¹
Nitrate (as Nitrogen)	mg/L	Grab	Monthly ¹
Total Kjeldahl Nitrogen (as Nitrogen)	mg/L	Grab	Monthly ¹
Total Nitrogen	mg/L	Grab	Monthly ¹
pH	mg/L	Grab	Monthly ¹
Oil and Grease	mg/L	Grab	Monthly ¹

1 – Monthly sampling shall occur for the first six-months after new treatment plant start-up. Sampling frequency shall reduce to **annual** once the treatment plant demonstrates consistent achievement of the Orenco Advantex AX100 Design Criteria for Target Effluent BOD of 30 mg/L, Target Effluent TSS of 30mg/L, and Total Ammonia reduction of 50 to 60% at the end of the six-month screening period.

2 - The effluent BOD samples should be treated with a nitrification inhibitor (TCMP) prior to performing the tests and the test results should be reported as CBOD to denote that an inhibitor was used.

Effluent sampling shall be conducted concurrently with influent monitoring. The total average daily flow shall be calculated on a monthly basis. Time of collection of grab samples shall be recorded.

Disposal Area Monitoring

The Discharger shall inspect disposal areas at least monthly for surfacing effluent, saturated surface areas, and odors. Evidence of any condition of this nature shall be reported to the Executive Officer within 24 hours of being discovered, promptly investigated, and remedied. A record shall be kept of the dates and nature of observations and remedies or alternation of leachfields and drip irrigation systems. Submit these records with semi-annual monitoring reports.

Reporting

The Discharger shall submit monitoring reports under an appropriate monitoring report transmittal form, as designated by the Executive Officer.

Quarterly monitoring reports shall be submitted as follows:

Monitoring Period	Report Due Date
1 st Quarterly period (January – March)	April 15 th
2 nd Quarterly period (April – June)	July 15 th
3 rd Quarterly period (July – September)	October 15 th
4 th Quarterly period (October – December)	January 15 th

The Discharger shall submit an **annual report** to the appropriate Regional Board by January 15th of each year. The Discharger may submit annual reports under the same monitoring transmittal form as the 4th quarterly report (please indicate both reports on the cover form). The report shall contain written and electronic versions of both tabular and graphical summaries of the monitoring data obtained during the previous calendar year. In addition, the Discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the general WDRs.

The Discharger shall determine and report removal efficiencies (%) for Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids.

In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with WDRs.

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurement(s);
- b. The individual(s) who performed the sampling or measurement(s);
- c. The date(s) analysis were performed;
- d. The individual(s) who performed the analysis;
- e. The analytical techniques or method used; and
- f. The results of such analysis.

If the discharger monitors any pollutant at the locations designated herein more frequently than is required by this Order, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.

Some RWQCBs are implementing electronic submittal of monitoring reports. If this is of interest to you, please contact the appropriate RWQCB for more information.

All reports submitted in response to these general WDRs shall comply with the signatory requirements of Standard Provision B.2.

The discharger shall implement the above monitoring program on the first day of the month following the effective date of coverage under these general WDRs, unless otherwise noted by the Executive Officer.



cn=Harvey C. Packard,
o=Central Coast Regional
Water Quality Control Board,
ou,
email=hpackard@waterboard
s.ca.gov, c=US
2013.01.22 14:57:40 -08'00'

for Kenneth A. Harris Jr.
Interim Executive Officer

Rokke, Jon@Waterboards

From: danieller@centrallygrown.com
Sent: Friday, July 31, 2015 4:57 PM
To: Rokke, Jon@Waterboards
Cc: Todd Mourer
Subject: Centrally Grown NOV

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jon Rokke,

In reading over the Notice of Violation, the Water Board is looking for a report that corrects 3 items. Those 3 items are as follows:

1. **Verification that you have implemented action to prevent the public from being exposed to the effluent from your wastewater system and details about you will continue to prevent exposure.** From what I can tell, this is in regards to ponded effluent at the north end of the disposal field and children playing in the area of the ponded effluent. One of the steps that can be used to prevent this is signage stating that "the water being used to irrigate that area is reclaimed water". Fencing off the area would be another step that could be used to fulfill this requirement of the Water Board.
2. **A plan to remedy the surfacing effluent situation, including a timeline for implementing the plan as soon as possible.** The plan to remedy the surfacing effluent is that Clay's Septic & Jetting, Inc. will be arriving onsite on Wednesday, August 5th to continue working on reviving the leach field and will be attempting to remove the grease by jetting the lines. The jetting, if successful, should allow the effluent to properly disperse into the ground as designed. Also, Clay's Septic & Jetting, Inc. will be working on recuperating the overall health of the system and bringing it back into operational mode. This may take several months as there are many moving parts to the system. At this point, the control panel should be hooked up to a dedicated phone line allowing Orenco and Clay's Septic & Jetting, Inc. to be able to monitor the system remotely and be notified if the system is not performing as necessary. The audible alarms should also be reconnected so that local notification of an issue with the system can happen.
3. **Details about how you will ensure compliance with Provision D.1.b. and make sure you maintain adequate oversight of your wastewater system at all times.** Provision D.1.b. states "The discharger shall ensure that all site operating personnel are familiar with the contents of this general WDR and shall maintain a copy of this general WDR at the site." Now that the requirements are known by both Centrally Grown and Clay's Septic & Jetting, Inc., complying with Provision D.1.b. should not be an issue as Centrally Grown will have a copy of the WDR at the site along with trained personnel onsite who are familiar with the WDR and Clay's Septic & Jetting, Inc. has a copy of the WDR and is familiar with both the WDR and the system governed by that WDR.

If you have any questions, feel free to contact us.

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Danielle Ribeira



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