

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER NO. R9-2016-0001

AN ORDER REVOKING ORDER NO. R9-2007-0042

The California Regional Water Quality Control Board, San Diego Region, (hereinafter San Diego Water Board), finds that:

1. The San Diego Water Board adopted Order No. R9-2007-0042, *Waste Discharge Requirements for Winchester Wesselink LLC, Wesselink Dairy, Riverside County* (Order No. R9-2007-0042) on June 13, 2007. Order No. R9-2007-0042 established requirements for a dairy and confined animal facility known as the Wesselink Dairy located at 32625 Holland Road,¹ Winchester, California 92596 (hereinafter the Property).
2. HM Holland Development LLC purchased the Property at public auction on November 6, 2014.
3. The San Diego Water Board became aware of the ownership change when Burkhalter Kessler Clement & George LLP² informed the Board, on July 21, 2015, that the Property was acquired at public auction by HM Holland Development LLC.
4. The San Diego Water Board issued Notice of Violation (NOV) No. R9-2015-0055 to the Winchester-Wesselink LLC on July 31, 2015 for violations of Water Code section 13260, and Order No. R9-2007-0042. As described in NOV No. R9-2015-0055 the Winchester-Wesselink LLC failed to:
 - a. submit the annual fee for fiscal year 2013;
 - b. submit an Annual Operational Status Letter for the reporting periods between 2010 and 2014, as requested by the Board; and
 - c. provide advanced notification to the Board of the proposed transfer/auction of the Property.
5. San Diego Water Board issued a Notice of Non-Compliance to the HM Holland Development LLC on August 7, 2015. This notice informed HM Holland Development LLC of its responsibility for compliance with the

¹Order No. R9-2007-0042 erroneously reported the address of the Wesselink Dairy as 32605 Holland Road.

² Burkhalter Kessler Clement & George LLP represents individual members of the former Winchester-Wesselink, LLC.

requirements specified in Order No. R9–2007–0042. Furthermore the notice described that Holland Development LLC failed to:

- a. submit the annual fee for fiscal year 2014; and
 - b. submit the 2014 Annual Operations Status Letter.
6. San Diego Water Board staff inspected the Property and verified the cessation of dairy and confined animal facility operations on September 2, 2015.
 7. HM Holland Development LLC provided written notification to the San Diego Water Board on September 22, 2015, confirming that dairy operations had ceased, and that no dairy operations will be conducted at the Property.
 8. San Diego Water Board staff conferred with State Water Resources Control Board (State Water Board) staff on September 25, 2015 to confirm that neither a bankruptcy nor General Assignment notices had been received by the State Water Board or filed with the state court system by Winchester-Wesselink LLC. Therefore, Winchester-Wesselink LLC owes the State Water Board \$1,494.00 for the 2013 annual fee.
 9. In accordance with Order No. R9–2007–0042, section E.5, the San Diego Water Board can revoke the Order for the violations of the terms and conditions of the Order listed in Finding 4. The revocation of Order No. R9-2007-0042 does not stay any condition of Order No. R9–2007–0042.
 10. This action is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, chapter 3, section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

IT IS HEREBY ORDERED that Order No. R9–2007–0042 is revoked.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 10, 2016.

TENTATIVE

Davis W. Gibson, Executive Officer