



## California Regional Water Quality Control Board, San Diego Region

June 19, 2013

**Certified Mail – Return Receipt Requested**  
Article Number: 7011 0470 0002 8961 8408

Mr. Martin Wildgoose  
AIM, Inc. Ranch  
P.O. Box 600  
Temecula, California 92593-0600  
(and via email: [martin@fyiainc.com](mailto:martin@fyiainc.com))

**In reply refer to: 795558:Melbourn**

### **Notice of Violation No. R9-2013-0114, Discharge of Waste Without Waste Discharge Requirements or Waiver; and Water Code Section 13267 Requirement to Submit Information**

Mr. Wildgoose:

This notice provides important information regarding discharges of wastewater and storm water from your agricultural operations. It identifies violations of the California Water Code and requires you to submit a report by July 19, 2013 containing information about how discharges from your operation could affect the quality of waters of the State.

As part of our efforts to protect water quality, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations (Conditional Waiver No. 4) on October 10, 2007 (Resolution No. R9-2007-0104), pursuant to Water Code section 13269. Conditional Waiver No. 4 requires all agricultural and nursery growing operations to submit a Notice of Intent (NOI) to enroll under Conditional Waiver No. 4, participate in either an individual or group monitoring program, and implement necessary Best Management Practices (BMPs) to minimize or eliminate the discharge of pollutants.

The deadline for enrollment was January 1, 2011. The deadline for submitting monitoring and reporting plans was January 1, 2012. For more information about Conditional Waiver No. 4, please visit the San Diego Water Board's website at:  
[http://www.waterboards.ca.gov/sandiego/board\\_decisions/waivers/](http://www.waterboards.ca.gov/sandiego/board_decisions/waivers/)

Operators who do not enroll under Conditional Waiver No. 4 must apply for individual waste discharge requirements (WDRs) by submitting a Report of Waste Discharge (ROWD) as required by Water Code section 13260(a)(1).

Your 35 acre avocado grove was previously covered as a member of the Upper Santa Margarita Irrigated Lands Group; however you failed to renew your membership on December 14, 2010.

San Diego Water Board staff telephoned you on May 16, 2013, to discuss bringing your facility back into compliance. This was followed up by an email from San Diego Water Board staff to you that provided additional informational resources to assist you in regaining compliance.

Reviews of our records confirm that you have not submitted an NOI to comply with Conditional Waiver No. 4, nor have you submitted a ROWD for individual WDRs. Therefore, your facility is not currently covered by Conditional Waiver No. 4 or WDRs. You are therefore in violation of Water Code section 13260(a)(1) and subject to further enforcement.

**1. You are hereby directed to immediately submit a Notice of Intent to comply with Conditional Waiver No. 4 or a Report of Waste Discharge for individual Waste Discharge Requirements.**

Water Code section 13261 provides that a person who fails to furnish a report required under Water Code section 13260 when so requested by the San Diego Water Board may be liable in an amount up to one thousand dollars (\$1,000) for each day in which the violation occurs. In addition, Water Code section 13350 states that any person who violates a waiver condition shall be liable civilly, and penalties may be imposed by the San Diego Water Board either on a daily or on a per gallon basis, with a potential liability of five thousand (\$5,000) for each day the violation occurs. These civil liabilities may be assessed by the San Diego Water Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

**2. Pursuant to Water Code section 13267(b)(1), you are required to provide a written response by July 19, 2013, that contains the following information:**

- a. A description of your operations (e.g., type of plants grown, approximate number and manner of propagation, names and amounts of pesticides applied, and names and amounts of fertilizer applied);
- b. a description of water quality training and dates that you and your staff have attended over the last three years;
- c. a facility map showing the location of BMPs;
- d. the location and amount of waste material generated and composted or reused on site or disposed of offsite;
- e. copies of any correspondence, inspections or documents you have received concerning water quality and your agricultural activities;
- f. any water quality sampling results over the last three years from your facility; and
- g. the following certification statement signed and certified by yourself or an official of AIM, Inc. Ranch:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The written response shall be submitted to the following address:

California Regional Water Quality Control Board  
San Diego Region  
Attn: 795558:Frank Melbourn  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

The San Diego Water Board needs the above information to assess the potential for water quality impacts from discharges of waste in runoff from your facility. Based on the nature and possible consequences of any discharge(s), the burden, including the cost of submitting this information bears a reasonable relationship to the need for the information and the benefits to be obtained.

Water Code section 13268 provides that any person failing to provide information requested by the San Diego Water Board pursuant to section 13267 may be subject to administrative civil liability of up to one thousand dollars (\$1,000) for each day in which the violation occurs.

The San Diego Water Board reserves the right to take any enforcement action authorized by law. This includes penalties for discharging without submitting an NOI or obtaining permit coverage in addition to failure to provide requested information. In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation; the level of cooperation; the time it takes to correct the identified violations; and the sufficiency of the corrections.

In the subject line of any response, please include the reference number and name. For questions or comments, please contact Frank Melbourn by telephone at (858) 467-2973, or by email at [fmelbourn@waterboards.ca.gov](mailto:fmelbourn@waterboards.ca.gov).

Respectfully,



JEREMY HAAS  
Environmental Program Manager  
Water Quality Restoration and Standards Branch

JCH:ftm

Cc (via email):

Martin Wildgoose, AIM, Inc. [martin@fyiaiminc.com](mailto:martin@fyiaiminc.com)

Kourtney Drake, USMILG, [kdrake@usmilg.org](mailto:kdrake@usmilg.org)

Roger Mitchell, San Diego Water Board, [rmitchell@waterboards.ca.gov](mailto:rmitchell@waterboards.ca.gov)

John Odermatt, San Diego Water Board, [jodermatt@waterboards.ca.gov](mailto:jodermatt@waterboards.ca.gov)

Julie Chan, San Diego Water Board, [jchan@waterboards.ca.gov](mailto:jchan@waterboards.ca.gov)

James Smith, San Diego Water Board, [jsmith@waterboards.ca.gov](mailto:jsmith@waterboards.ca.gov)

Tech Staff Info & Use	
Place ID	795558
Party ID	541016
Reg. Measure ID draft	391169
enrollee	391172
Reg. Measure ID NOV	