



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

June 3, 2013

**Certified Mail – Return Receipt Requested**  
Article Numbers: 7011 0470 0002 8961 8620  
7011 0470 0002 8961 8682

Mr. Jim Pike  
P.O. Box 822  
Palos Verdes, CA 90274

**In reply refer to / attn:**  
**793882:RMitchell**

Prairie Avenue Gospel Center, Inc.  
C/O Dan Pike  
5965 Waterfront Place  
Long Beach, CA 90803

**Subject: Notice of Violation No. R9-2013-0089, Parcels Nos. 571280042<sup>1</sup> and 571280014, Reed Valley Road, Riverside County, San Diego Region**

Messrs. Pike:

Enclosed is Notice of Violation (NOV) No. R9-2013-0089 issued to Mr. Jim Pike and Prairie Avenue Gospel Center, Inc., for violation of Water Code sections 13260 and 13264 et seq., and provisions of the Water Quality Control Plan for the San Diego Basin (Basin Plan). As described in the NOV, the violations are subject to further enforcement pursuant to the Water Code. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law.

If the ROWD described in the NOV is not received by 5:00 pm on June 28, 2013, the San Diego Water Board will pursue additional enforcement options.

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 "793882:RMitchell." For questions or comments, please contact Mr. Roger Mitchell by phone at 858-467-2724, or by email at [RMitchell@waterboards.ca.gov](mailto:RMitchell@waterboards.ca.gov).

Sincerely,

Julie Chan, Chief  
Cleanup and Land Discharge Branch  
JAC: jro:mm

<sup>1</sup> 39801 Reed Valley Road, Aguanga CA. 92536

Enclosure: Notice of Violation No. R9-2013-0089

cc: Lionel Martinez, Senior Riverside County Code Enforcement Officer  
County of Riverside, Transportation and Land Management Agency, Code Enforcement  
French Valley Office, 37600 Sky Canyon Drive, Suite G, No. 507, Murrieta, CA 92563

(via email) Mr. Peter Holladay, Organic Ag Inc.  
[peter@organicspreading.com](mailto:peter@organicspreading.com)

(via email) Greg Reyes, Riverside Area Local Solid Waste Enforcement Supervisor  
[gjreyes@rivcocha.org](mailto:gjreyes@rivcocha.org)

(via email) Leslie Graves, State Water Resources Control Board, Land Disposal Program Manager  
[lgraves@waterboards.ca.gov](mailto:lgraves@waterboards.ca.gov)

Tech Staff Info & Use	
Reg. Measure ID	390119, 390120
Place ID	793882, 793885
Order No.	R9-2013-0089
Party ID	539862, 5639863, 569864
Inspection ID	12421445, 12421446
Violations ID	947439, 947440, 947441 947442, 947443, 947444

# NOTICE OF VIOLATION

## No. R9-2013-0089

Jim Pike  
P.O. Box 822  
Palos Verdes Estates, CA. 90274  
APN: 571-280-042<sup>1</sup>

and

Prairie Avenue Gospel Center, Inc.  
C/O Dan Pike  
5965 Waterfront Place  
Long Beach, CA 90803  
APN: 571-280-014<sup>2</sup>

**Violation of California Water Code,  
Sections 13260 and 13264 et seq., and  
Provisions of the Water Quality Control  
Plan for the San Diego Basin**

793882:RMitchell

June 3, 2013

Mr. Jim Pike and Prairie Avenue Gospel Center, Inc., being jointly and severally liable, are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Mr. Jim Pike and Prairie Avenue Gospel Center, Inc. are in violation of Water Code, sections 13260 and 13264 et seq., and the Water Quality Control Plan for the San Diego Basin (San Diego Basin Plan).

### A. Summary of Violations

#### 1. Failure to Submit a Report of Waste Discharge

**Pursuant to Water Code, section 13260(a):** Any persons, discharging waste or proposing to discharge waste within the San Diego region, that could affect the quality of the waters of the State, must submit a report of waste discharge (ROWD) and an annual fee.<sup>3</sup> A complete *General Information Form for Waste Discharge Requirements* (Form 200),<sup>4</sup> must contain sufficient information for the San Diego Water Board to prescribe waste discharge requirements (WDRs).

<sup>1</sup> 39801 Reed Valley Road, Aguanga CA. 92536

<sup>2</sup> No physical street address on record.

<sup>3</sup> Pursuant to section 13263 of the Water Code, and in accordance with Calif. Code Regs. title 23, section 2200(a).

<sup>4</sup> [http://www.waterboards.ca.gov/rwqcb9/publications\\_forms/forms/docs/form200m.pdf](http://www.waterboards.ca.gov/rwqcb9/publications_forms/forms/docs/form200m.pdf)

A records search performed by San Diego Water Board staff on April 26, 2013 revealed that ROWDs for the discharge of green waste on the properties designated by assessor's parcel numbers (APN) 571280042 and 571280014 (hereinafter Sites Nos. 1 and 2, respectively) have not been filed with the San Diego Water Board.

## 2. Initiating a New Discharge of Waste to Land

**Pursuant to Water Code, section 13264(a):** No person shall initiate any new discharge of waste prior to submitting a ROWD (in accordance with Water Code section 13260), and satisfying the requirements of the California Environmental Quality Act (CEQA).

During the April 29, 2013 inspection of Sites Nos. 1 and 2, San Diego Water Board staff observed wastes actively being discharged to land (see photographs 1 and 2 below) at Site No. 1, and visual evidence supporting complainant allegations that wastes have been discharged at Site Nos. 1 and 2 since August 2011 (see photographs 3 through 6 below).



Photograph 1 –Waste discharged at Site No. 1



Photograph 2 – Spreading waste at Site No. 1



Photograph 3 –Waste discharged at Site No. 2



Photograph 4 – Waste discharged at Site No. 2



Photograph 5<sup>5</sup> – Waste haulers at Site No. 2



Photograph 6<sup>5</sup> – Waste discharged at Site No. 2

Figure 1 and photograph 7, and figure 2 and photograph 8 (provided below) illustrate the relative size and estimated coverage of wastes discharged to land at Sites Nos. 1 and 2, respectively.



Figure 1 – Aerial view of Site No. 1 (~152 acres).

<sup>5</sup> Photographs provided by Reed Valley complainants.



Photograph 7 – South facing view of Site No. 1.

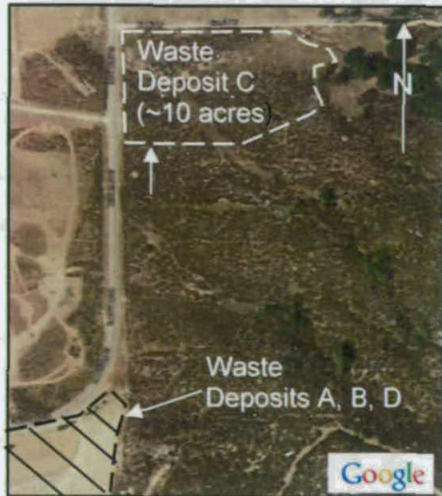


Figure 2 – Aerial view of Site No. 2.



Photograph 8 – South-east facing view of Site No. 2

Wastes deposited at Sites Nos.1 and 2 consist primarily of green waste materials (i.e., landscaping wastes) and lesser quantities of glass, plastics, metals, and construction debris (see photographs 9 through 12 below). San Diego Water Board staff estimates the average thickness of the waste discharged at Site Nos. 1 and 2 is 2 feet, and covers an approximate area of 162 acres (Site No. 1, ~152 acres; Site No. 2, ~10 acres). Based on these values, the approximate total volume of waste discharged is 432,720 cubic yards.



Photograph 9 – Various debris collected by the complainants from Site No. 1



Photograph 10 – Green waste materials and various plastics (circled)



Photograph 11 – Green waste materials and concrete (circled) other debris



Photograph 12 – Green waste materials and various plastics (circled)

### 3. Failure to Comply with San Diego Basin Plan, Waste Discharge Prohibition

#### **Pursuant to Waste Discharge Prohibition No. 1 of the San Diego Basin Plan:**

Discharges of waste to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance, as defined in Water Code section 13050, is prohibited.

Based on the type and volume of wastes discharged at Sites Nos. 1 and 2, there is a potential for conditions of pollution to occur, ultimately resulting in an impairment of the quality and beneficial uses of the waters of the State. Additionally, during the April 29, 2013 inspection the San Diego Water Board staff observed noticeable offensive odors, consistent with municipal solid waste decomposition associated with Site No. 1. The observed odors constitute a nuisance<sup>6</sup> in violation of Waste Discharge Prohibitions in the San Diego Basin Plan.

<sup>6</sup> Pursuant to Water Code, section 13050(m),

The Water Code section 13260 requires that you file a ROWD<sup>7</sup> with the San Diego Water Board. The ROWD must contain, but may not be limited, to: a complete Form 200;<sup>8</sup> the application fee<sup>9</sup> in the amount of \$1,583.46 payable to the "State Water Resources Control Board;" and a detailed workplan for compliance with the provisions of the Basin Plan. If the ROWD is not received by 5:00 pm on June 28, 2013, the San Diego Water Board will pursue additional enforcement options.

## B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of up to \$5,000 per day of violation (Water Code section 13350) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

Based on information provided by the complainants, the discharge of waste to land was originally initiated in August of 2011. As such, the current maximum administrative civil liability assessment for these violations is estimated to be \$3,240,000.

In addition, the San Diego Water Board may consider referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the reference code "793882:RMitchell". Questions pertaining to this Notice of Violation should be directed to Mr. Roger Mitchell at 858-467-2724 or [RMitchell@waterboards.ca.gov](mailto:RMitchell@waterboards.ca.gov).



Julie Chan, Chief  
Cleanup and Land Discharge Branch

JAC:jro:rnm

Enclosure: Unpermitted Waste Discharge Location Map

<sup>7</sup> As required by Water Code, sections 13260 and 13264.

<sup>8</sup> [http://www.waterboards.ca.gov/publications\\_forms/forms/docs/form200.pdf](http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf)

<sup>9</sup> Application and annual permit fees are pursuant to California Code of Regulations, Title 23, section 2200.



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Enclosure 1  
Unpermitted Waste Discharges Location Map  
Reed Valley Road Aguanga CA

