



Central Coast Regional Water Quality Control Board

March 17, 2023

SENT VIA ELECTRONIC AND CERTIFIED MAIL
Certified Mail No. 7020 1810 0002 0768 1810

John Dewey
Chief Executive Officer
Mustang Renewable Power Ventures, LLC
17 Corporate Plaza Drive, Suite 200
Newport Beach, CA 92660
john@deweygroup.com

Dear John Dewey,

ENFORCEMENT PROGRAM: TAJIGUAS COMPOST MANAGEMENT UNIT, SANTA BARBARA COUNTY – NOTICE OF VIOLATION

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. The purpose of this letter is to notify Mustang Renewable Power Ventures, LLC (Discharger) of alleged violations of state law at its Tajiguas Compost Management Unit (Facility) located at 14470 Calle Real in Goleta, require a written response describing the actions taken or planned to be taken to address violations and prevent future violations, and explain the potential civil administrative liability for non-compliance with state and federal laws, including unauthorized discharges of waste to waters of the state and waters of the United States.

Background

The Discharger is enrolled General Waste Discharge Requirements for Commercial Composting Operations Order 2020-0012-DWQ ([Compost General Order](#)). The Facility is also a postclosure land use at the Tajiguas Landfill, which is owned and operated by the County of Santa Barbara (County).

On June 11, 2021, the Central Coast Water Board issued the Discharger a notice of applicability ([NOA](#)) to enroll the Facility in the Compost General Order. The NOA included approval of the Discharger's Water and Wastewater Management Plan, which is included in the Facility's [technical report](#). The approved Water and Wastewater Management Plan details operational procedures to prevent wastewater from

JANE GRAY, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

discharging from the Facility. The Compost General Order defines wastewater as “leachate or any other liquid flowing from, or on the working surface” and leachate as “any liquid formed by the drainage of liquids from, or percolation/flow of liquids through any feedstock, additive, amendment, or compost (active, curing, or final product) pile” (Compost General Order Attachment A). Due to concerns about the discharge of wastewater from the Facility based on previous inspections on [December 5, 2022](#), and [January 25, 2023](#), and from conversations with the Discharger and County staff, Central Coast Water Board staff conducted a Facility [inspection on March 13, 2023](#).

Alleged Violations

Based on information provided by Mustang Renewable Power Ventures, LLC staff and County staff and information from site inspections the Discharger has violated the following conditions of the Compost General Order at the Facility:

1. The Discharger has not managed wastewater in accordance with the Facility’s approved Water and Wastewater Management Plan, which is a violation of Compost General Order Specification 6. These violations include not implementing the following procedures included in the approved Water and Wastewater Management Plan:
 - a. The Water and Wastewater Management Plan indicates that before bypassing runoff from the compost working surface as clean stormwater, operators would first fully cover the compost with waterproof tarpaulins, place wattles between compost rows, and sweep the isles between windrows. During recent runoff diversion, the compost windrows and piles were not fully covered, the aisles were not fully swept to remove compost/waste from the exposed working surface areas, and wattles were not placed between all windrows. Thus, working surface runoff from the March 10, 2023, storm contacted compost/waste, which discharged from the Facility as wastewater. Mustang Renewable Power Ventures, LLC staff and County staff indicated that this water was diverted during the March 10, 2023, storm to the north sedimentation basin, which ultimately discharged to Pila Creek.
 - b. The approved Water and Wastewater Management Plan indicates that wattles would be placed at the stormwater drainage inlets at all times. During the [March 13, 2023, inspection](#) there were no wattles surrounding the northern drainage inlet.
 - c. The approved Water and Wastewater Management Plan includes requirements to sample and test each time runoff is bypassed to the Landfill north sedimentation basin instead of being captured as wastewater within the onsite tanks. Based on conversations with Mustang Renewable Power Ventures, LLC staff and County staff, samples were not taken during previous diversion events where water was discharged to the Landfill north sedimentation basin as required by the approved Water and Wastewater Management Plan, such as diversion

during the January 9, 2023, storm event. Another diversion event, where samples were not collected, occurred during the December 27-29, 2021 storm event, which was documented in the [March 2022 Annual Report](#). Conversations with the Mustang Renewable Power Ventures, LLC staff and County staff indicate that there may be additional bypass/discharges after work hours because there are no sensors, flow meters, or other triggers to alert operators of an overflow or bypass.

2. The Discharger has discharged waste (wastewater) to surface water (Pila Creek) without authorization from an NPDES permit. This is a violation of Compost General Order Prohibition 6. The Industrial General Permit (IGP) is a stormwater permit and does not authorize the discharge of wastewater, which is defined above. IGP requirements and potential violations are not discussed in this letter.
3. The Discharger discharged feedstock and compost outside of the designated composting operation areas that are specified in the technical report. This is a violation of Compost General Order Prohibition 1 and Specification 4. This includes compost found under the conveyer system that connects the anaerobic digestion facility (ADF) to the compost Facility, as documented in the [March 13, 2023, inspection report](#). This includes compost found on the densitometer table working surface area, which according to the approved technical report, was designed to include a berm surrounding the working surface to prevent compost impacted wastewater from discharging from the Facility. The lack of berm installation was documented by the Discharger in a [February 8, 2023, report](#). Central Coast Water Board staff did not approve this report as an official technical report addendum and responded to the Discharger via email on February 8, 2023, indicating concerns about wastewater potentially discharging from this area. This correspondence as well as documentation of compost/waste on the densitometer table working surface, is included in the [March 13, 2023, inspection report](#).
4. The Discharger has not maintained Facility berms in good working condition and has not prevented erosion and damage to the berms, as documented in recent inspection reports. This is a violation of Compost General Order Specification 10 and Maintenance Requirement 1.
5. The Discharger has not maintained the drainage conveyance systems to convey wastewater in a manner that prevents conditions resulting in contamination, pollution, or nuisance. The piping and connections that makes up the drainage conveyance system continues to leak wastewater to areas outside of the Facility, as documented in recent inspection reports. This is a violation of Compost General Order Specification 11.
6. The Discharger has not implemented sufficient corrective actions to address previous noncompliance, such as making timely and successful repairs or replacements to the wastewater/stormwater pipes. This is a violation of Compost General Order Additional Requirement 2.

7. The Discharger has not adequately reported events of noncompliance or notified Central Coast Water Board of all Compost General Order violations, such as notification and reporting of wastewater discharges from the Facility, including the wastewater discharge resulting from the January 9, 2023, storm event. The Compost General Order includes reporting requirements including estimating the volume of wastewater when there is a discharge, which must be submitted in a report to Central Coast Water Board staff within 10 working days of noncompliance. This is a violation of Compost General Order Monitoring and Reporting section B.3 and Compost General Order Notification Requirement 4.
8. Facility feedstocks listed in the notice of intent and Technical Report are green material and anaerobic digestate. The Compost General Order requires that anaerobic digestate be derived from allowable Tier 2 feedstocks. Additionally, the Compost General Order defines anaerobic digestate as, “the solid portion of the material remaining after the anaerobic digestion of any combination of agricultural materials, biosolids, sewage sludge, food materials, green materials, manure, paper materials, or vegetative food materials. Dewatered digestate contains organic matter that may need to be further treated to stabilize it, usually through aerated composting.” The Compost General Order prohibits any feedstock, additive, or amendment other than those specifically described in the Compost General Order, unless approved by the Regional Water Board. Based on information provided by the Discharger via email on March 15, 2023, and presented in the [March 13, 2023, inspection report](#) including the March 15, 2023, email as attachment 1 and inspection photos, feedstock at the site contain significant amounts of inorganic contaminants including glass and plastics, which are not approved feedstocks, additives, or amendments, nor are these materials compostable. This is a violation of Compost General Order Prohibition 3 and 4 and Specification 7. The Discharger must comply with the Compost General Order and ensure that only approved feedstocks are stored and/or composted at the Facility. For a full list of approved Tier 1 and 2 feedstocks allowed in anaerobic digestate, please see Compost General Order Table 2.”

Immediate corrective actions must be taken to address the violations listed above and actions must be taken to ensure that future operations meet the conditions of the Compost General Order and the approved Water and Wastewater Management Plan.

Requirements for Written Response to Alleged Violations

The Discharger must address the alleged violations described above immediately and must **submit by April 3, 2023**, a written response describing the actions taken or planned to address the above alleged violations and prevent future violations. For violations that the Discharger has not addressed immediately, the response must include a time schedule for corrective actions to bring the compost Facility into compliance with the requirements of the Compost General Order.

Responses must be submitted electronically to: Jordan.haserot@waterboards.ca.gov.

This notice of violation is intended to facilitate a timely remedy to address the Discharger's alleged Compost General Order violations. Central Coast Water Board staff will determine the need to recommend further enforcement actions based upon the Discharger's responses and future compliance with the Compost General Order.

Potential Administrative Civil Liability

The Discharger is hereby on notice that California Water Code (Water Code) section 13350 provides that any person who intentionally or negligently violates any conditions issued or amended by the Regional Water Board or State Water Board, is subject to administrative civil liability of up to \$5,000 per day of violation or \$10 per gallon of waste discharged. Alternatively, the superior court may impose civil liability for each violation of up to \$15,000 per day or \$20 per gallon of waste discharged.

The Discharger does not have a permit to discharge pollutants to waters of the United States. Unpermitted discharges of pollutants to waters of the United States are violations of federal Clean Water Act (Clean Water Act) section 301. Clean Water Act section 301 violations are subject to liability under Water Code section 13385, which authorizes the Central Coast Water Board to impose administrative civil liability of up to \$10,000 per day of violation and \$10 per gallon discharged but not cleaned up over 1,000 gallons. Alternatively, a court may impose civil liability of up to \$25,000 for each day the violation occurs, and up to \$25 per gallon of waste discharged but not cleaned up over 1,000 gallons.

Furthermore, the Central Coast Water Board reserves the right to take any enforcement action authorized by law including, but not limited to, termination of the Compost General Order coverage (Compost General Order Additional Requirement 1) which may result from any noncompliance with Compost General Order requirements, and would require the Discharge to implement a closure plan to perform site restoration as outlined in the Facility's Technical Report.

If you have any questions, please feel free to contact Jordan Haserot by phone at (805) 542-4781 or email at jordan.haserot@waterboards.ca.gov, or Ryan Lodge at (805) 549-3506.

Sincerely,

for Thea S. Tryon
Assistant Executive Officer

cc:

John Kular, johnkularpe@gmail.com

Jeanette Gonzales-Knight, jgonzal@countyofsb.org

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Christina Wilder, cwilder@countyofsb.org

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GeoTracker ID: T10000017039

CIWQS Place ID: 874811



Central Coast Regional Water Quality Control Board

June 20, 2023

John Dewey
Chief Executive Officer
Mustang Renewable Power Ventures, LLC
17 Corporate Plaza Drive, Suite 200
Newport Beach, CA 92660
john@deweygroup.com

SENT VIA ELECTRONIC AND CERTIFIED MAIL
Certified Mail No. 7019-1640-0000-7909-3224

Scott McGolpin
Public Works Director
County of Santa Barbara Public Works
123 East Anapamu Street
Santa Barbara, CA 93101
mcgolpin@countyofsb.org

Certified Mail No. 7019-1640-0000-7909-3251

Dear John Dewey and Scott McGolpin,

ENFORCEMENT PROGRAM: TAJIGUAS COMPOST MANAGEMENT UNIT, SANTA BARBARA COUNTY – NOTICE OF VIOLATION

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. The purpose of this letter is to notify Mustang Renewable Power Ventures, LLC and the County of Santa Barbara (Collectively referred to as Dischargers) of alleged violations of state law at its Tajiguas Compost Management Unit (Facility) located at 14470 Calle Real in Goleta, and to explain the potential civil administrative liability for non-compliance with state and federal laws, including unauthorized discharges of waste to waters of the state and waters of the United States. Unlike the previous March 17, 2023, NOV, which listed just Mustang Renewable Power Ventures, LLC as a discharger/responsible party, this NOV also lists the County of Santa Barbara as a discharger/responsible party that is liable for Facility violations due to the County of Santa Barbara, Department of Public Works ownership of the Facility, per the [Notice of Intent](#) (NOI).

JANE GRAY, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

Background

The Dischargers are enrolled in General Waste Discharge Requirements for Commercial Composting Operations Order 2020-0012-DWQ ([Compost General Order](#)). The Facility is also a postclosure land use at the Tajiguas Landfill, which is owned and operated by the County of Santa Barbara (County).

On March 17, 2023, the Central Coast Water Board issued a notice of violation ([March 17, 2023, NOV](#)) to Mustang Renewable Power Ventures, LLC because of violations of the Compost General Order.

On May 8, 2023, the Central Coast Water Board issued an updated monitoring and reporting program ([MRP](#)) requiring the Dischargers conduct more frequent Facility inspections to inform immediate Facility repairs and corrective actions, provide additional details about Compost General Order compliance, provide Central Coast Water Board staff with more frequent and detailed Facility information about potential Compost General Order violations, and provide Facility specific requirements that more appropriately align with the site-specific operations.

On June 13, 2023, the Central Coast Water Board performed an inspection of the Facility. The [June 13, 2023, Inspection Report](#) noted that the violations outlined in the March 13, 2023, NOV had not been corrected. The continued Compost General Order violations include the following:

1. Water and wastewater have not been managed in accordance with the operational procedures within the approved Water and Wastewater Management Plan, which is required by Compost General Order Specification 6.
2. The unauthorized discharge of wastewater to surface water (Pila Creek), which violates Compost General Order Prohibition 6. During the June 13, 2023, inspection wastewater was seen leaving the Facility and entering two landfill stormwater drains that connect to landfill sediment basins. According to County staff, the basins discharged to Pila Creek on April 4.
3. The discharge of feedstock and compost outside of designated areas, including below the conveyor connecting the ADF to the CMU and the D-table area which still does not have a berm surrounding the working surface as was indicated within the Facility's technical report, which is a violation of Compost General Order Prohibition 1 and Specification 4.
4. Facility berms continue to be damaged, which violates Compost General Order Design, Construction, and Operation Requirements – All Tiers number 10 and Maintenance Requirement 1.
5. The Facility conveyance system pipes continue to be damaged and leak wastewater to areas outside of the Facility, which violates Compost General Order Design, Construction, and Operation Requirements – All Tiers number 11.

6. The Dischargers have not implemented sufficient corrective actions to address previous noncompliance, which violates General Order Additional Requirement 2.
7. The Dischargers have not adequately reported events of noncompliance or notified Central Coast Water Board of all Compost General Order violations, such as notification and reporting of the continued wastewater discharges from the Facility, which violates Compost General Order Monitoring and Reporting section B.3. and Compost General Order Notification Requirement 4.
8. Use of unapproved feedstocks due to the inclusion of significant physical contaminants, including plastics and glass, which is prohibited by Compost General Order Prohibition 3 and 4 and Specification 7.

Following the June 13, 2023, inspection, the Dischargers submitted an updated Water and Wastewater Management Plan, which is still under review and has not been approved.

Alleged Violations

As indicated in the [March 17, 2023, NOV](#), the drainage conveyance pipes were leaking wastewater outside of the Facility. The [March 20, 2023, response to the March 17, 2023, Notice of Violation](#) submitted on behalf of the Dischargers, indicated that the drainage conveyance pipes would be fixed after the rainy season. Per the Compost General Order, the "wet season" is defined as October 1 to April 30. As was noted in the [June 13, 2023, inspection report](#), the pipes have not been repaired and the pipes continue to discharge wastewater from the Facility, even after the end of the wet season.

MRP B.3. and B.4. require that the Dischargers notify the Central Coast Water Board within 48 hours of knowledge of Compost General Order violations or within 24 hours of becoming aware of noncompliance that endangers human health or the environment. As required by MRP B.4. the Dischargers must submit a report within 10 working days of an incident such as a wastewater discharge. No such report has been submitted for the discharge noted during the June 13, 2023, inspection. Per MRP B.4. the incident report is required to include the following information:

- a. The approximate date, time, and location of the noncompliance including a description of the ultimate destination of any unauthorized discharge and the flow path of such discharge to a receiving water body;
- b. A description of the noncompliance and its cause;
- c. Include photographs of the working surface, compost piles, pipe inlets, and other documentation documenting site conditions during the discharge event;
- d. The available tank capacity (gallons) during each of the three days prior to each diversion event;

- e. The flow rate, volume, and duration of any discharge involved in the noncompliance, and how that volume was determined (i.e., flow meter, sensor);
- f. The amount of precipitation (in inches) the day of any discharge and for each of the seven days preceding the discharge;
- g. A description (location, date and time collected, field measurements of pH, temperature, dissolved oxygen and electrical conductivity, sample identification, date submitted to laboratory, and analyses requested, including sampling for the constituents listed in **Error! Not a valid bookmark self-reference.**) of noncompliance discharge samples and/or surface water samples taken;
- h. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue;
- i. A time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such noncompliance; and
- j. The laboratory analyses of the noncompliance discharge sample and/or upstream and downstream surface water samples shall be submitted to the Regional Water Board office within **45 days** of the discharge.

During the June 13, 2023, inspection, Central Coast Water Board staff informed the Dischargers that a wastewater sample must be taken of the wastewater discharging from the Facility, that they must estimate the volume of discharge, and must immediately stop wastewater from discharging. On June 15, 2023, Rincon Consultants, Inc., on behalf of the Dischargers, verified via email that the Dischargers collected a wastewater sample from the leaking Facility runoff collection pipes on June 14, 2023. The Facility continues to be in violation of MRP B.4. until a complete incident report is submitted and the discharge ceases. The Dischargers must also correct impacts from the discharge, such as the removal of impacted soil and wastewater that flowed offsite.

Compost General Order Monitoring Requirements 1 and 2 require that Dischargers comply with the requirements within the site specific MRP. MRP B.1. requires the submittal of monthly monitoring and maintenance reports by the 15th of each month. On June 14, 2023, Rincon Consultants, Inc. submitted the [May 2023 Monthly Monitoring and Maintenance Report](#) for the Tajiguas Compost Management Unit. The report was found to be insufficient at meeting the MRP requirements including the following:

1. The report was not properly signed and did not include the proper statement of certification in accordance with Compost General Order Report Requirement 5.
2. The report did not provide a transmittal letter explaining the essential points including identifying violations as well as actions taken or planned to correct violations, as required by MRP B.1.a.

3. The report did not include a map showing location of observation stations or monitoring points as required by MRP B.1.b.
4. The report did not include all information in MRP section A.1.a. as required to be reported per MRP B.1.c. including a map showing where ponding on the working surface was observed, estimated size of affected area and flow rate of wastewater leaving the facility, a map of where wastewater had affected areas outside of the facility, and photographs of observed and corrected deficiencies.
5. The report did not include all information in MRP section A.1.b. as required to be reported per MRP B.1.d. including not reporting the available capacity within storage systems and capacity contained, estimated in gallons.
6. The report did not discuss the status of Compost General Order compliance and the status of correcting violations, as required by B.1.j.
7. The report did not include information for the percent of physical contaminants (e.g., glass, metal, plastic) by dry weight of received feedstock at the compost facility within the reporting month or what the primary physical contaminants were, as required by MRP B.1.k.

Immediate corrective actions must be taken to address the new and ongoing violations listed above and actions must be taken to ensure that future operations meet the conditions of the Compost General Order and associated MRP, as well as the approved Water and Wastewater Management Plan.

Potential Administrative Civil Liability

The Dischargers are hereby on notice that California Water Code (Water Code) section 13350 provides that any person who intentionally or negligently violates any conditions issued or amended by the Regional Water Board or State Water Board, is subject to administrative civil liability of up to \$5,000 per day of violation or \$10 per gallon of waste discharged. Alternatively, the superior court may impose civil liability for each violation of up to \$15,000 per day or \$20 per gallon of waste discharged.

The Dischargers do not have a permit to discharge pollutants to waters of the United States. Unpermitted discharges of pollutants to waters of the United States are violations of federal Clean Water Act (Clean Water Act) section 301. Clean Water Act section 301 violations are subject to liability under Water Code section 13385, which authorizes the Central Coast Water Board to impose administrative civil liability of up to \$10,000 per day of violation and \$10 per gallon discharged but not cleaned up over 1,000 gallons. Alternatively, a court may impose civil liability of up to \$25,000 for each day the violation occurs, and up to \$25 per gallon of waste discharged but not cleaned up over 1,000 gallons.

Furthermore, the Central Coast Water Board reserves the right to take any enforcement action authorized by law including, but not limited to, termination of the Compost

General Order coverage (Compost General Order Additional Requirement 1) which may result from any noncompliance with Compost General Order requirements, and would require the Dischargers to implement a closure plan to perform site restoration as outlined in the Facility's Technical Report.

If you have any questions, please feel free to contact Jordan Haserot by phone at (805) 542-4781 or email at jordan.haserot@waterboards.ca.gov, or Ryan Lodge at (805) 549-3506.

Sincerely,

for Thea S. Tryon
Assistant Executive Officer

cc:

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