

ITEM:	34
SUBJECT:	Heritage Ranch LLC, Mickey Basra, Madera County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Heritage Ranch LLC (“Heritage Ranch”) owns approximately 301 acres of agricultural land in Madera County, identified as Assessor’s Parcel Number 023-120-002.</p> <p>On 21 June 2013, the Assistant Executive Officer of the Central Valley Water Board issued a Water Code section 13260 Directive Letter (“Directive”) to Heritage Ranch. The Directive required Heritage Ranch to obtain regulatory coverage for their irrigated agricultural parcel within 15 calendar days of receipt of the Directive (13 July 2013). Heritage Ranch could comply by joining the East San Joaquin Water Quality Coalition (“Coalition”), or by submitting a Report of Waste Discharge (RoWD). The certified mail receipt for the Directive was signed as received by Heritage Ranch on 28 June 2013.</p> <p>On 26 June 2013, staff conducted a field inspection of Madera County parcel 023-120-002, and found evidence of commercially irrigated agriculture based on the crop grown and size of the operations. Aerial imagery also indicates that the land use of the parcels owned by Heritage Ranch is commercial irrigated agriculture.</p> <p>Because Heritage Ranch failed to respond by the deadline specified in the Directive, a Notice of Violation (NOV) was sent to Heritage Ranch on 13 November 2013. The NOV required Heritage Ranch to obtain regulatory coverage by 4 December 2013. Again, Heritage Ranch did not obtain regulatory coverage and did not contact the Water Board.</p> <p>In July 2014, the Advisory Team to the Board issued a memorandum regarding proposed settlements for cases involving failure to respond to an Irrigated Lands Program Directive (cases similar to Heritage Ranch). The Prosecution Team finds that the issues raised in the Advisory Team memorandum apply also to the Heritage Ranch enforcement case. These issues were considered by the Prosecution Team when preparing the Heritage Ranch ACL Complaint.</p>
ISSUES:	<p>The Prosecution Team understands that the Board strives to ensure that penalties, not only conform to the Enforcement Policy, but are also fair, provide sufficient deterrent, and are generally consistent with those applied in similar cases.</p> <p>With respect to deterrence, the Prosecution Team recognizes that there may be a relationship between factors that incentivize growers without regulatory coverage to come into compliance. For example, both high penalty amounts and the timeliness with which enforcement actions are brought contribute to the deterrent effect of an enforcement program.</p> <p>The Prosecution Team believes that the adoption of the proposed fine will send a strong signal to similarly situated non-compliant growers to come into compliance.</p>
ACLO RECOMMENDATION:	The Prosecution Team recommends that the Board adopt the proposed Administrative Civil Liability Order assessing a \$51,480 Administrative Civil Liability.

Mgmt. Review SYM  
Legal Review NSK

17 April 2015 Meeting  
Central Valley Regional Water Quality Control Board meeting  
1685 E Street, Fresno, CA 93706