ATTACHMENT D

9 July 2015 NOV for Failure to Respond to 13260 Directive

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

9 July 2015

ALEX V. & VERA A. KOBETS
562 BOYD DRIVE
KERMAN, CA 93630

Certified Mail Number
7015 0920 0001 5203 4171

NOTICE OF VIOLATION

FAILURE TO OBTAIN IRRIGATED LANDS REGULATORY COVERAGE UNDER CALIFORNIA WATER CODE SECTION 13260

FAILURE TO RESPOND MAY RESULT IN FINES OF UP TO $1,000 PER DAY

You are receiving this letter because, based on information available to the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or board), you own the following parcel(s) with irrigated cropland, which are subject to new regulations:

County: Fresno				
015-080-35S				

On 26 March 2015 the California Regional Water Quality Control Board, Central Valley Region's (Central Valley Water Board) Assistant Executive Officer issued you a directive to obtain irrigated lands regulatory coverage pursuant to California Water Code section 13260 (Directive Letter). The Directive Letter required you to either join a coalition group or enroll as an individual discharger under waste discharge requirements for all commercial irrigated agricultural lands that you may own or operate which discharge waste to waters of the State. As stated in the Directive Letter, discharge from irrigated lands may be considered a "waste" under the California Water Code. Irrigating agricultural lands such as yours may result in discharges of waste to land/groundwater or to surface water that could affect the quality of waters of the state. Board staff inspected the parcel or parcels listed in the table above and found commercial irrigated cropland. Accordingly, regulatory coverage is required for this land use.

Central Valley Water Board records indicate that (1) you received the Directive Letter by certified mail on 7 April 2015 and (2) you have not arranged regulatory coverage within the 15 calendar days as required. This letter serves as notice that you are in violation of the Directive Letter. For your information a copy of the original Directive Order has been enclosed with this Notice of Violation.

Pursuant to the Directive Letter, you were required to determine which option was appropriate for your situation and submit the appropriate documents to:

Central Valley Water Board
Attn: Patrick Barnes
Irrigated Lands Regulatory Program
1685 E Street
Fresno, CA 93706

Water Code section 13260 states, in relevant part:

> (a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:
>
> > (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.

You **must** take **one** of the following actions within **15 calendar days:**

41. Submit **(a)** a membership application to the Kings River Water Quality Coalition (Coalition), **(b)** a completed electronic Notice of Intent (eNOI; available here: https://geotracker.waterboards.ca.gov/region5enoi/) to the Central Valley Water Board to comply with the conditions of the General Order, **and (c)** a State Water Board administrative processing fee of $200 for the NOI. Upon submittal of a complete NOI, and after receiving confirmation from the Coalition that you are now a member, the Central Valley Water Board Executive Officer will then issue a Notice of Applicability (NOA), after which you will be considered covered under the General Order.

    If you have questions, please contact Patrick Barnes with the Central Valley Water Board at (559) 444-2417.

    You can obtain a Coalition membership application by contacting the Coalition at (559) 365-7958, or at www.kingsriverwqc.org.

    OR

42. Enroll as an Individual Discharger under the Waste Discharge Requirements for Dischargers from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group (Order R5-2013-0100 or Individual Order). If choosing this option you must submit a completed electronic Notice of Intent[21] (eNOI) with the first year's annual fee to the Central Valley Water Board. The fee schedule for the Individual Order can be found at: http://www.waterboards.ca.gov/resources/fees/docs/fy13_14_fee_schedule_ilrp.pdf

[21] The required information for submitting a Notice Intent to enroll under the Individual Order can be found in Attachment B section IV.B of the Individual Order (Order R5-2013-0100).

When regulated individually, you also must conduct your own monitoring and report directly to the Central Valley Water Board. Depending on the specific site conditions, you may be required to monitor runoff from your property, install monitoring wells, and submit technical reports regarding your actions to comply with the Individual Order. If you intend to select this option please contact please contact Patrick Barnes with the Central Valley Water Board at (559) 444-2417.

If you fail to take one of the actions described above, the Central Valley Water Board may impose penalties of up to $1,000 per day pursuant to Water Code section 13261. As of the date of this Notice of Violation, you are 78 days late in obtaining regulatory coverage per the Directive Letter. This gives a potential maximum penalty of $78,000.

Water Code section 13261 states, in relevant part:

(a) Any person failing to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b) (1) Civil liability may be administratively imposed by a regional board ... in an amount that may not exceed one thousand dollars ($1,000) for each day in which the violation occurs.

For general information about the Central Valley Water Board's Irrigated Lands Regulatory Program, please visit:

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml

If you have any further questions, please contact Patrick Barnes at (559) 444-2417 or via email at patrick.barnes@waterboards.ca.gov.

Para obtener más información en español por favor contáctenos al teléfono Patrick Barnes o vía email a: patrick.barnes@waterboards.ca.gov.

DAVID A. SHOLES
Senior Engineering Geologist
Irrigated Lands Regulatory Program

Enclosures: 26 March 2015 Directive Order
22 December 2014 Water Boards Press Release

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

26 March 2015

ALEX V & VERA A KOBETS
562 BOYD DRIVE
KERMAN, CA 93630

Certified Mail Number
7013 2250 0002 0662 4734

DIRECTIVE TO OBTAIN IRRIGATED LANDS REGULATORY COVERAGE

This Letter Contains Legal Directives That Must Be Followed
Please Read This Letter Carefully

Failure To Respond May Result In Fines

You are receiving this letter because, based on information available to the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or board), you own the following parcels with irrigated cropland, which are subject to new regulations:

Parcel Number(s):			
015-080-35S			

On 19 September 2013, the Central Valley Water Board approved the Waste Discharge Requirements General Order (Order R5-2013-0120 or General Order) for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group. **If you own irrigated commercial cropland within the Tulare Lake Basin Area that is not identified on the above table of parcel numbers, it will also require regulatory coverage through one of the options described below.** The General Order addresses the discharge of waste from irrigated lands to groundwater and surface water. Wastes discharged from irrigated lands include pesticides, fertilizers, pathogens, and sediment.

The Central Valley Water Board is requiring you to obtain regulatory coverage for your irrigated lands within **15 calendar days of receiving this letter**. To obtain regulatory coverage either:

1. Join the Kings River Water Quality Coalition (Coalition) by submitting (a) a membership application to the Coalition, (b) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of the General Order, and (c) a State Water Board administrative processing fee of $200 for the NOI.

The NOI is available online at:
http://www.waterboards.ca.gov/rwqcb5/water_issues/irrigated_lands/app_approval/index.shtml

Upon submittal of a complete NOI, and after receiving confirmation from the Coalition that you have been accepted as a member, the Central Valley Water Board Executive Officer will then issue a Notice of Applicability (NOA), after which you will be considered covered under the General Order.

If you require a hard copy NOI or have questions, please contact Central Valley Water Board staff at (559) 488-4396.

You can obtain a Coalition membership application by contacting the Coalition at (559) 365-7958, or at http://www.kingsriverwqc.org/.

Or

2. Enroll as an Individual Discharger under the Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not participating in a Third-Party (Order R5-2013-0100 or Individual Order). If choosing this option you must submit a completed NOI with the first year's annual fee to the Central Valley Water Board. The fee schedule for the Individual Order can be found at:
http://www.waterboards.ca.gov/resources/fees/docs/fy1415_fee_schedule.pdf

   When regulated individually, you also must conduct your own monitoring and report directly to the Central Valley Water Board. Depending on the specific site conditions, you may be required to monitor runoff from your property, install monitoring wells, and submit technical reports regarding your actions to comply with the Individual Order. If you intend to select this option please contact Central Valley Water Board staff at (559) 488-4396.

Please determine which form of regulatory coverage is best for you and submit the appropriate documents to:

Central Valley Water Board
Attn: David Sholes
Irrigated Lands Regulatory Program
1685 E. Street
Fresno, CA 93706

Grounds for Issuing the Directive Order

Discharge from irrigated lands may be considered a "waste" under the California Water Code. Irrigating agricultural lands such as yours may result in discharges of waste to land/groundwater or to surface water that could affect the quality of waters of the state.
Board staff recently inspected the parcel or parcels listed in the table above and found commercial irrigated cropland. Accordingly, regulatory coverage is required for this land use. You must choose between the regulatory options presented above.

Exemptions to the Program

If you no longer own or operate the parcel(s), you still need to respond to this Directive Letter. Please provide a written response explaining your exemption (with any supporting documents) to the aforementioned address. Please be aware that board staff may contact you to verify your exemption claim.

If you are a current coalition member and have received this notice, contact the coalition to add the above parcel(s) to your membership. You must also notify the Water Board of the parcel(s) you have enrolled, or you may be subject to fines. As stated above, if you no longer own or operate the parcel(s), you still need to respond to this Directive Letter.

Legal Authority

Water Code section 13260 states, in relevant part:

> (a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:
>
> > (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.

You must respond to this Directive Letter within **15 calendar days of receiving it**. Under California Water Code section 13261, failing to submit a Report of Waste Discharge when requested by the Board may result in the Central Valley Water Board assessing an administrative civil liability against you. Administrative civil liability can run as high as $1,000 per day for every day the report is late.

For general information about the Central Valley Water Board's Irrigated Lands Regulatory Program, please visit:
http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml

If you have any further questions about what is required of you, please contact Central Valley Water Board Staff at 488-4396 or via email at ilrpinfo@waterboards.ca.gov.

Para obtener más información en español (formularios u otra información), por favor contáctenos al telefono (559) 488-4396 o vía email a: ilrpinfo@waterboards.ca.gov.

Clay L. Rodgers

CLAY L. RODGERS
Assistant Executive Officer

Enclosure(s): Inspection Report(s)

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Irrigated Lands Regulatory Program
Enrollment Confirmation Inspection Report

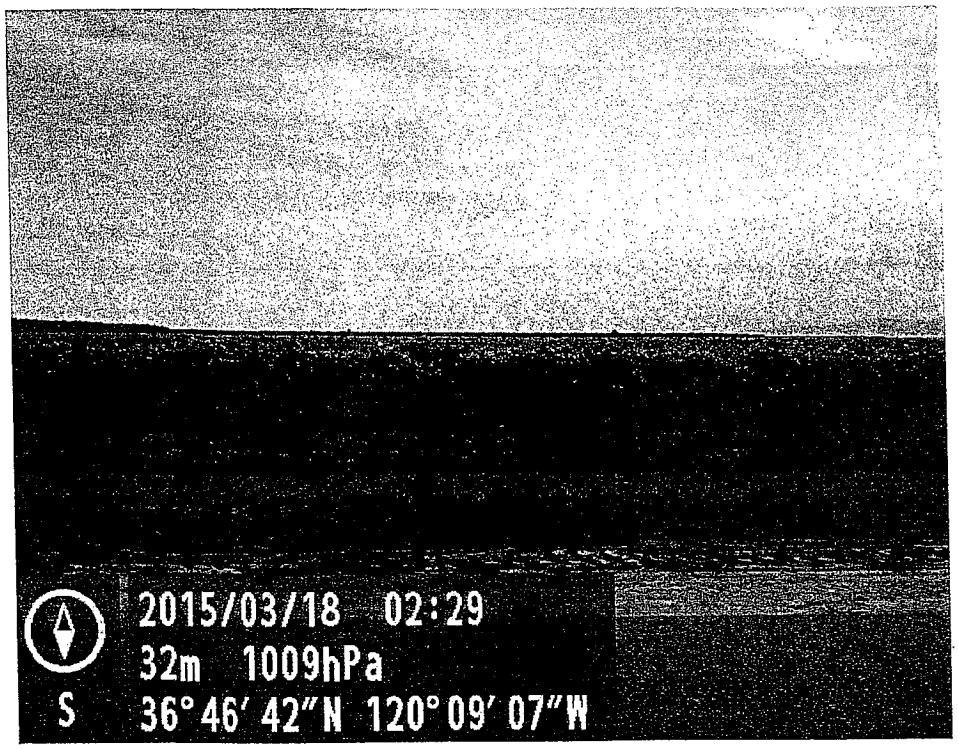
Ownership Information:

Owner(s):	**ALEX V & VERA A KOBETS**	Coalition:	**Kings River Watershed Coalition Authority**		
Parcel Number:	**015-080-35S**	Acres:	**39.1**	County:	**Fresno**

Inspection Findings:

Date Inspected:	**3/18/2015**
Inspected By:	**EEW/RKW**
Results:	**Commercially Irrigated Agriculture**
Crop type:	**Grapes**
Irrigation Method:	**Furrow**
Other/Notes:	

Inspection Photo:



Approved:	RKW	[illegible]

Water Boards

Enforcement News

Central Valley Regional Water Quality Control Board
www.waterboards.ca.gov/centralvalley/

Board Approves Fines for Discharging Irrigated Land Waste without a Permit

FOR IMMEDIATE RELEASE
Dec. 22, 2014

Contact: Andrew Altevogt
Phone: (916) 464-4656

The Central Valley Regional Water Quality Control Board has issued Administrative Civil Liability Orders against Merced and Madera county landowners for failure to acquire the required permits for the discharge of waste from irrigated cropland.

Larry and Shireen Slate of Merced County were fined $32,032, and the David and Linda Davis Trust of Madera County was fined $9,152.

The landowners were issued directives to obtain regulatory coverage for their irrigated lands, and failed to respond to several notices to do so. The croplands subject to the fines are located in the eastern San Joaquin River Watershed.

State water quality law requires an owner or operator of a facility who discharges waste to get a water quality permit (called waste discharge requirements). Because pesticides and fertilizers used on cropland can run off into streams, or seep into groundwater sources, these permits ensure waste discharges don't harm the Central Valley's groundwater aquifers and rivers.

In December 2012, the Central Valley Water Board issued waste discharge requirements that allowed farmers in the eastern San Joaquin River Watershed to join a coalition of growers called the East San Joaquin Water Quality Coalition. The coalition conducts monitoring and provides reports to the Central Valley Water Board on behalf of the growers. Growers who don't join the coalition incur much higher costs associated with conducting their own individual monitoring and reporting directly to the Central Valley Water Board. Landowners whose parcels do not have the required permit are subject to fines and may lose their opportunity to be regulated under the coalition-based permit.

"Our board provided growers with a very cost effective option for getting the regulatory coverage required by law by joining the coalition," said Andrew Altevogt, assistant executive officer for the Central Valley Water Board. "The vast majority of growers have complied. For

those who are trying to avoid these requirements, we have an aggressive program to identify their lands and, if necessary, issue fines to bring them into compliance. Through these fines, the board is clearly signaling that there is a steep price to pay for ignoring these basic regulatory requirements, and there is no economic advantage to delaying compliance."

For more information, please review the Slate Administrative Civil Liability Order here; and the Davis Trust Stipulated Order is available for review here.

Landowners of irrigated cropland can find out how to join a coalition group and get the required regulatory coverage by going to the Irrigated Lands Regulatory Program join a coalition webpage, or by calling the Irrigated Lands Regulatory Program at (916) 464-4611. More information about these fines can be found at the Irrigated Lands Regulatory Program Compliance and Outreach Activities page.

The State Water Boards are now on Twitter! *Follow us at: https://twitter.com/CaWaterBoards*

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ALEX V. & VERA A KOBETS
562 BOYD DRIVE
KERMAN, CA 93630

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery 7-10-15

RECEIVED
JUL 13 2015
RWQCB-CVR
FRESNO, CALIF.

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7015 0920 0001 5203 4171

PS Form 3811, July 2013 Domestic Return Receipt