

ATTACHMENT B

California Water Code section 13260 Directive



Central Valley Regional Water Quality Control Board

7 November 2014

Bill Egleston
10274 Bell Dr
Atwater, CA 95301-

Certified Mail Number
7014 2120 0001 3977 7995

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

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or board), has received information that the following parcels you own no longer have regulatory coverage via enrollment in the East San Joaquin Water Quality Coalition (Coalition).

Table with 3 columns and 5 rows. Row 1: County: Merced. Row 2: 056-040-049. Rows 3-5: Empty.

On 7 December 2012, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or board), approved the Waste Discharge Requirements General Order (Order R5-2012-0116-R2 or General Order) for Growers within the Eastern San Joaquin River Watershed. Order R5-2012-0116-R2 addresses the discharge, or potential discharge, of constituents such as pesticides, fertilizers, pathogens, and sediment from irrigated lands to both surface water and groundwater. All commercial irrigated lands within the Eastern San Joaquin River Watershed are now required to have regulatory coverage through one of the options described below.

The Central Valley Water Board is requiring you to obtain regulatory coverage for your irrigated lands, or claim an exemption (see Exemptions to the Program below) within 15 calendar days of receiving this letter. To obtain regulatory coverage either:

- 1. Join/renew membership in the East San Joaquin Water Quality Coalition (Coalition) by Submitting (a) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of the General Order, (b) a State Water Board

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

administrative processing fee of \$200 for the NOI, **and** (c) a membership application to the Coalition.

The NOI is available online at <https://geotracker.waterboards.ca.gov/region5enoi/>

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 require a hard copy NOI or have questions, please contact Terry Bechtel with the Central Valley Water Board at 916-464-4720.

You can obtain a Coalition membership application by contacting Jennifer with the Coalition at (209) 846-6112, or at www.esicoalition.org.

Or

2. 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 Notice of Intent¹ (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/fy13_14_fee_schedule_ilrp.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 please contact Terry Bechtel with the Central Valley Water Board at (916) 464-4720 or via email at terry.becht@waterboards.ca.gov.

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

**Central Valley Water Board
Attn: Terry Bechtel
Irrigated Lands Regulatory Program
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670**

Exemptions to the Program

If you no longer own or operate the parcel(s), no longer are commercial or irrigate, or are covered under the Central Valley Water Board General Order R5-2013-0122 for Waste Discharge Requirements for Existing Milk Cow Dairies, you are not required to have regulatory

¹ 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).

coverage under the Irrigated Lands Regulatory Program, **but you still need to respond to this Directive** to file an exemption claim. You can file an exemption claim by contacting Terry Bechtel with the Central Valley Water Board at (916) 464-4720 or via email at terry.bechtel@waterboards.ca.gov.

If you are a current coalition member and have received this notice, contact the coalition to add/update the above parcels to your membership. You must also notify the Water Board of the parcels 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.

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. Accordingly, regulatory coverage is required for this land use. You must choose between the regulatory options presented above.

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 13260, failing to respond 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 Terry Bechtel at 916-464-4720 or via email at terry.bechtel@waterboards.ca.gov.

Para obtener más información en español (formularios u otra información), por favor contáctenos al teléfono (916) 464-4611 o vía email a: Irrlands@waterboards.ca.gov.

[Original signed by]

ANDREW ALTEVOGT
Assistant Executive Officer

SENDER: COMPLETE THIS SECTION

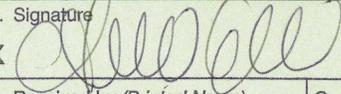
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

TR

1. Article Addressed to:

Bill Egleston
10274 Bell Dr
Atwater, CA 95301

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
X  Agent
 Addressee
- B. Received by (Printed Name) **Amanda Egleston** C. Date of Delivery **11/8/14**
- 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)

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PS Form 3811, July 2013

Domestic Return Receipt