
Central Valley Regional Water Quality Control Board

16 June 2014

William R Sinks et al.
10873 Ave 18 1/2
Chowchilla, CA 93610

CERTIFIED MAIL No.
7012 0470 0000 9903 5562

***PROSECUTION TEAM EVIDENCE AND POLICY STATEMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2014-5028, WILLIAM R.
SINKS, ET AL.***

The Prosecution Team has prepared an evidence list, witness list, and policy statement for Administrative Civil Liability Complaint R5-2014-5028, William R. Sinks, et al (see enclosed). As a reminder, a hearing will be scheduled for this Administrative Civil Liability Complaint for the 7/8 August Board meeting in Rancho Cordova.

If you have questions, please contact the undersigned at (916) 464-4642, or via email at Brett.Stevens@waterboards.ca.gov.

[Original signed by]

BRETT STEVENS, Chief
Compliance and Outreach Unit
Irrigated Lands Regulatory Program

Enclosures
Policy Statement
Witness List
Evidence List

cc: Pamela Creedon, Central Valley Water Board, Rancho Cordova (via email)
Alex Mayer, Office of Chief Counsel, SWRCB, Sacramento (via email)
Kenneth Landau, Central Valley Water Board, Rancho Cordova (via email)
Naomi Kaplowitz, Office of Enforcement, SWRCB, Sacramento (via email)
Andrew Tauriainen, Office of Enforcement, SWRCB, Sacramento (via email)

Prosecution Team Witness List

William R. Sinks et al.

Administrative Civil Liability Complaint R5-2014-0528

7/8 August 2014 Board Meeting

- a. Andrew Altevogt (5 minutes)
Assistant Executive Officer, Central Valley Water Board
Testimony regarding enforcement process and methodology

- b. Wes Ouimette (10 minutes)
Engineering Geologist, Central Valley Water Board
Testimony regarding background information about the facility, inspection of the facility, and landowner outreach and enforcement

- c. Lisa Wilson (if needed)
Environmental Scientist
Testimony regarding background information about the facility, and landowner outreach and enforcement

- d. Brett Stevens (5 minutes)
Senior Environmental Scientist, Central Valley Water Board
Testimony regarding irrigated lands outreach and enforcement, inspections, enforcement options and details of proposed order

- e. Joe Karkoski (5 minutes)
Program Manager, Irrigated Lands Regulatory Program, Central Valley Water Board
Testimony regarding irrigated lands outreach and enforcement, inspections, enforcement options and details of proposed order

- f. Gerald Horner (if needed)
Economist, State Water Resources Control Board
Testimony regarding calculation of economic benefit

- g. Parry Klassen (5 minutes)
Executive Director, East San Joaquin Water Quality Coalition
Testimony regarding the Coalition's fee structure and membership enrollment

The Prosecution Team reserves the right to call Rebuttal Witnesses to address legal argument or testimony by the Discharger.

Prosecution Team Evidence List

WILLIAM R. SINKS ET AL.

Administrative Civil Liability Complaint R5-2014-0528

7/8 August 2014 Board Meeting

The Prosecution Team's evidence consists of materials already attached or included in the Administrative Civil Liability Complaint (ACLC) No. R5-2014-0528, presented as Items 1 through 5 below. These documents are available at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders under Stanislaus County. Additional evidence is provided as Items 6 through 13, and as described below.

Item	Title of Document	Location
1	Inspection Report	ACLC Attachment A
2	July 2013 Water Code 13260 Directive	ACLC Attachment B
3	August 2013 Notice of Violation	ACLC Attachment C
4	February 2014 Pre-ACL Letter	ACLC Attachment D
5	Calculation of Penalty per SWRCB Enforcement Policy	ACLC Attachment E
6	Supplemental Economic Benefit Calculations	Attached
7	February 2013 Notice of New Water Quality Regulations	Attached
8	April 2013 Final Notice of New Water Quality Regulations	Attached
9	East San Joaquin Water Quality Coalition New Member Application	Attached
10	East San Joaquin Water Quality Coalition Enrollment Trends & Estimated Final Enrollment	Attached
11	USPS Certified Mail Receipt for ACLC Mailing	Attached
12	Notice of Board Meeting Information Item on ILRP Outreach & Enforcement	Attached
13	USPS Certified Mail Receipt for Information Item Mailing	Attached

Willian R. Sinks et. al.

Compliance Action	One-Time Nondepreciable Expenditure		Annual Cost		Date of			Benefit of Non-Compliance
	Amount	Date	Amount	Date	Non-Compliance	Compliance	Penalty Payment	
Delayed payment of East San Joaquin Water Quality Coalition 2013 first year membership acreage fee.	\$1,436	8/19/2013	\$0	1/1/2014	8/19/2013	8/7/2014	8/7/2014	\$57
Delayed payment of East San Joaquin Water Quality Coalition 2014 first year acreage fee.	\$2,014	2/28/2014	\$0	1/1/2014	2/28/2014	8/7/2014	8/7/2014	\$34
Totals	\$3,450		\$0					\$91

Source: USEPA BEN Model: Version 5.3.0

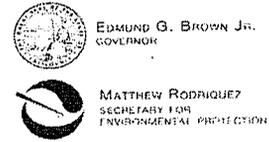
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For-Profit (other than C-Corporation)

1-time nondepreciable expenditure delayed (not avoided)

Cost Index for Inflation: GDP Gross Domestic Product

Discount/Compound Rate: 6.0%



Central Valley Regional Water Quality Control Board

20 February 2013

Sinks, William R et al.
10873 Ave 18 1/2
Chowchilla CA 93610

New Water Quality Regulations Require You to Act Now

Nuevas Regulaciones de Calidad de Agua Requieren que usted Responde Inmediamente

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

You are receiving this letter because based on information available to us, you own the following parcels with irrigated cropland subject to the new regulations.

Table with 4 columns and 5 rows. Row 1: County: Madera. Row 2: 023-110-004. 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 or General Order) for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group. All commercial irrigated lands within the Eastern San Joaquin River Watershed are now required to get 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.

Based on information available to us, you own one or more parcels with irrigated cropland within the Eastern San Joaquin River Watershed. The parcel number(s) for your property that prompted this letter are included above as a reference. Pursuant to California Water Code section 13260, you must obtain regulatory coverage for that irrigated cropland. Failure to obtain the regulatory coverage outlined above may result in penalties of up to \$1,000 per day pursuant to Water Code section 13261.

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What Do Landowners or their Tenant Farmers Need to Do?

If you are the owner of commercial irrigated lands and you are **NOT** currently a member of the East San Joaquin Water Quality Coalition (Coalition), you have three options.

1. **Join the Coalition by 13 May 2013.** The Central Valley Water Board worked closely with agricultural and other interests to develop a cost effective program for complying with the State's water quality law. Under the General Order, the landowner, or your tenant, may enroll your irrigated agricultural parcel(s) directly with the Coalition (see next page). To take advantage of this option, you must enroll your parcel(s) with the Coalition by **13 May 2013**. After that date, landowners must apply to the Central Valley Water Board to join a Coalition. Additional fees will apply to applications after 15 May 2013 and the board has the discretion to reject the application and regulate the landowner directly.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers.** The Central Valley Water Board is currently considering the adoption of general Waste Discharge Requirements for landowners who chose not to join a Coalition group (anticipated adoption is in May 2013). Board staff anticipates that costs and requirements will be similar to Option 3. However, the process for getting regulatory coverage will be simplified with the submission of a Notice of Intent, rather than a report of waste discharge.
3. **Obtain an Individual Permit¹.** You can apply to have your own individual Waste Discharge Requirements (a permit). Depending on the specific site conditions, growers with their own individual WDRs are often required to monitor runoff from their property, install monitoring wells, and submit technical reports regarding their actions to comply with their Waste Discharge Requirements. Costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$750 + \$5/acre); cost to prepare a report of waste discharge; and monitoring and reporting costs.

You do NOT need regulatory coverage under this Order if:

- Your commercial irrigated lands are covered by the General Order for Existing Milk Cow Dairies (R5-2007-0035) or NPDES Dairy General Permit CAG015001 (Dairy General Orders). Please notify board staff of your parcels that have Dairy General Order coverage so you do not receive further inquiries from the board regarding regulatory coverage of those parcels (see next page).
- **If your agricultural-zoned property is not used for commercial irrigated agriculture**, please notify board staff so you do not receive further inquiries from the board regarding regulatory coverage under this Order.

¹The form for completing the Application (referred to as a Form 200 - Report of Waste Discharge) can be found online at: <http://www.waterboards.ca.gov/publications/forms/forms/docs/form200.pdf>. You may be requested by the Executive Officer to submit additional information to supplement the data provided in Form 200.

Who Do I Contact to Join the Coalition or Get More Information?

Contact the Coalition - To join the East San Joaquin Water Quality Coalition, or to get more information about this new requirement, call (209) 846-6112 and ask to speak with Wayne Zipser or Candy Hill or go to www.esjcoalition.org. **These contacts are with the Coalition, not the Central Valley Water Board.** Also, check the website for dates on informational meetings for new Members and those thinking of joining the Coalition scheduled for March 2013.

Contact the Central Valley Water Board - To learn more about the Irrigated Lands Regulatory Program, you can visit our website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/. If you have questions regarding the Irrigated Lands Regulatory Program, you can call our phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.



PAMELA C. CREEDON
Executive Officer



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

18 April 2013

Sinks, William R et al.
10873 Ave 18 1/2
Chowchilla CA 93610

Final Notice New Water Quality Regulations Require You to Act Now

Nuevas Regulaciones de Calidad de Agua Requieren que usted Responde Inmediatamente

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

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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

You do NOT need regulatory coverage under this Order if:

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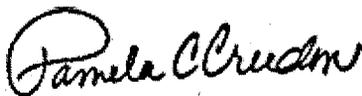
Who Do I Contact to Join the Coalition or Get More Information?

Attend an East San Joaquin Water Quality Coalition New Member Signup Clinic – There will be three of these clinics held on the following dates, and at these locations:

- **Tuesday, April 23rd, 2013:** Madera County Farm Bureau, 1102 Pine Street, Madera; 1-hour presentations at 10 AM and 1:30 PM; Coalition staff available 9 AM to 4 PM
- **Wednesday, April 24th, 2013:** Merced County Farm Bureau, 646 So. Hwy 59, Merced; 1-hour presentations at 10 AM and 1:30 PM; Coalition staff available 9 AM to 4 PM
- **Thursday, April 25th, 2013:** Stanislaus County Farm Bureau, 1201 L Street, Modesto; 1-hour presentations at 10 AM and 1:30 PM; Coalition staff available 9 AM to 4 PM

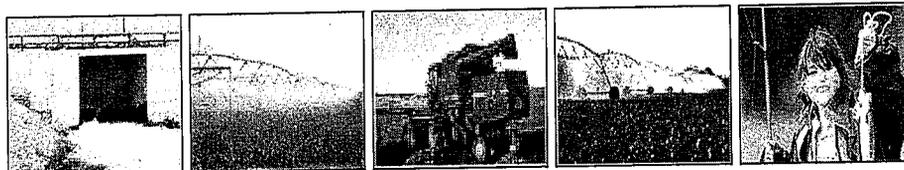
Contact the Coalition - To join the East San Joaquin Water Quality Coalition, or to get more information about this new requirement, call (209) 846-6112 and ask to speak with Wayne Zipser or Candy Hill or go to www.esjcoalition.org. **These contacts are with the Coalition, not the Central Valley Water Board.**

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PAMELA C. CREEDON
Executive Officer

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Coalition Membership Holiday Ended May 13, 2013

Home

Farm
Evaluation

Pay 2014
Member Dues

Information &
Background

General Order

Join
Coalition

Best
Management
Practices

Watershed
Management
Plans

Members Only

News & Events

Monitoring
Results

Contact Us

The 120-day membership holiday to join the ESJWQC ended on May 13, 2013.

According to the new **Waste Discharge Requirements** that went into effect on December 7, 2012, any landowner or operator who wants to join ESJWQC must now follow THESE STEPS:

EXISTING MEMBERS

- Add new parcels by contacting us at contactesj@esjcoalition.org

NEW MEMBERS

- 1) Submit an application to the Regional Water Board requesting to join the ESJWQC. A \$50 application fee must accompany the application. If the applicant received a Directive to Obtain Regulatory Coverage (13260 Order) or a Technical Report request from the Regional Water Board (13267 Order), the application fee is \$200. See site for specific instructions.

- 2) Fill out an application to join the ESJWQC.

Membership dues after May 13, 2013 are as follows:

\$9 per acre one-time initiation contribution (as per vote by Board of Directors, March 4, 2013)
\$3.75 per acre annual dues

=\$12.75 per acre total
+\$50 per membership

- 3) Regional Water Board notifies ESJWQC that you have submitted an application and paid the Regional Water Board application fee.
- 4) ESJWQC sends applicant a Notice of Confirmation that their membership is in good standing. Member is then in compliance with the Irrigated Lands Regulatory Program.

All ESJWQC members will be notified in coming months about new reporting requirements. For status of the program and coalitions activities, read the 2013 issues of ESJ Update.

Coalition New Member Signup clinics were held in April 2013. Below are presentations given at the meetings.

- [ESJWQC Slide Show](#)
- [Regional Water Board Slide Show](#)
- [ESJWQC Background brochure](#)

Read a [summary](#) of ESJWQC member requirements that will be phased in throughout 2013.

All Coalition members will be required to complete a "Farm Evaluation" report in late 2013. A report template, developed by ESJWQC, other Central Valley coalitions and commodity groups, is currently being reviewed by the Regional Water Board. Once a template for the Farm Evaluation is approved by the Regional Water Board (expected in June and July), members will be contacted and asked to complete the report (either on our website or on paper).

News Reports on Coalition.

- [Modesto Bee - January 16, 2013](#)
- [Merced Sun Star - April 9, 2013](#)
- [Merced Sun Star - April 15, 2013](#)
- [Merced Sun Star - May 1, 2013](#)



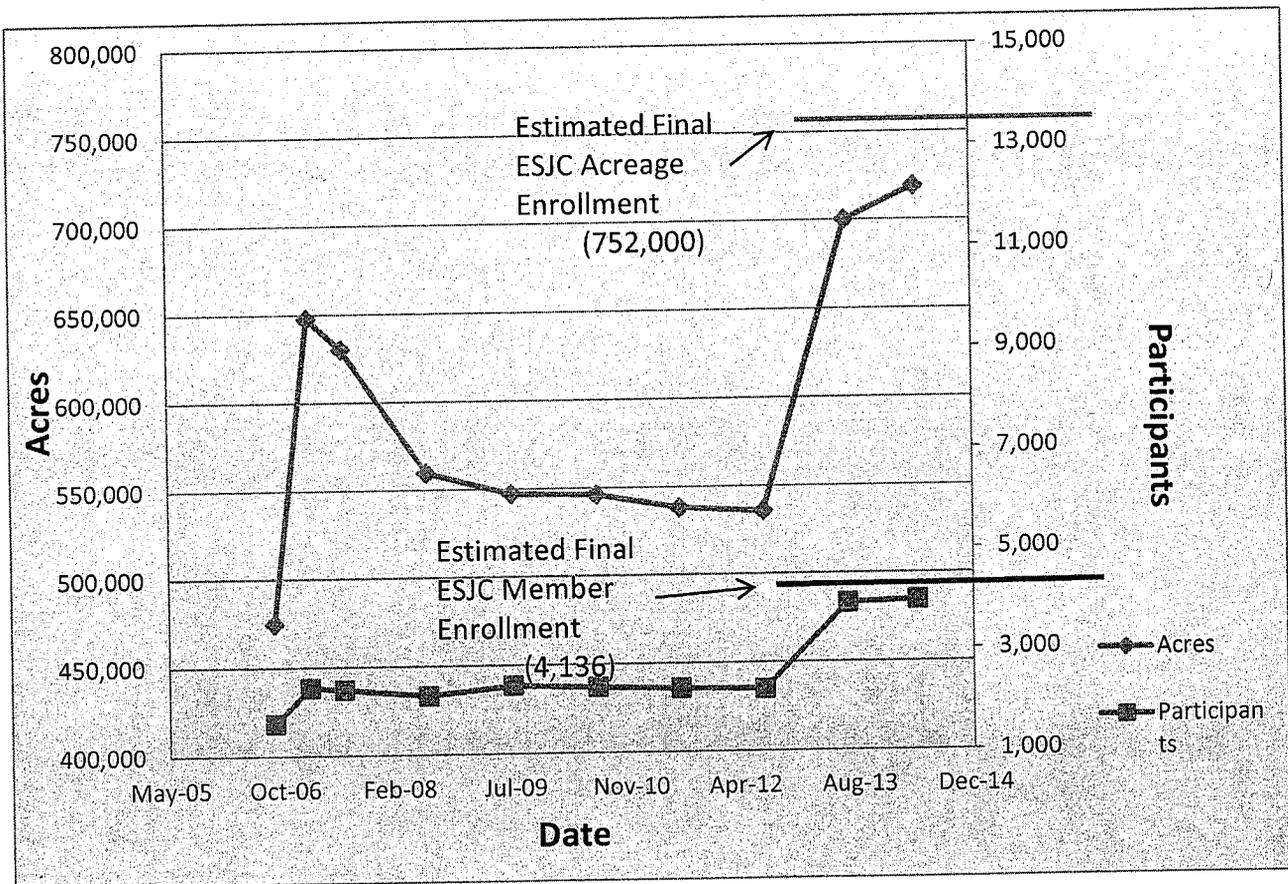
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East San Joaquin Water Quality Coalition
1201 L Street
Modesto, CA 95354
209-846-6112

Website Disclaimer.
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East San Joaquin Water Quality Coalition Enrollment Trends and Estimated Final Enrollment

Year	Acres	Participants	Parcels
Sep-06	474,738	1,641	7,163
Feb-07	647,623	2,340	10,211
Jul-07	630,100	2,299	10,032
Jul-08	559,528	2,163	9,014
Jul-09	547,144	2,343	8,496
Jul-10	546,134	2,294	8,472
Jul-11	538,121	2,256	8,397
Jul-12	535,653	2,225	8,343
Jul-13	700,130	3,908	13,272
May-14	718,833	3,963	

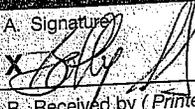


Prepared by Central Valley Water Board staff, May 2014
 Source: East San Joaquin Water Quality Coalition participant lists

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A. Signature Agent
 Addressee
B. Received by (Printed Name) C. Date of Delivery
5/13/12
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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owchilla CA 93610

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4. Restricted Delivery? (Extra Fee) Yes

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

30 May 2014

William R Sinks et al.
10873 Ave 18 1/2
Chowchilla, CA 93610

CERTIFIED MAIL NUMBER
7013 2250 0000 3465 6365

**NOTICE OF BOARD MEETING INFORMATIONAL PRESENTATION ON ILRP
OUTREACH AND ENFORCEMENT IN THE EASTERN SAN JOAQUIN RIVER
WATERSHED**

On Friday, 6 June 2014, the Central Valley Water Board will hear a presentation by board staff on Irrigated Lands Regulatory Program non-participant compliance and enforcement activities in the Eastern San Joaquin River Watershed. This is an information item only; however, the board may provide direction to staff regarding the general approach that staff should use regarding irrigated lands that do not have regulatory coverage. The issues specific to the Administrative Civil Liability Complaint mailed to you on 10 May 2014 will not be discussed.

This meeting is open to the public and you are welcome to attend. You may also address the board if you wish.

Follow this link to view the agenda for the board's June 6th meeting:
http://www.waterboards.ca.gov/centralvalley/board_info/meetings/1406ag.pdf

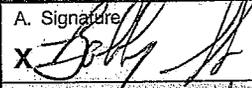
Follow this link to view a summary sheet and other materials related to board staff's presentation:
http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1406/index.shtml

If you have questions, please contact the undersigned at (916) 464-4642, or via email at Brett.Stevens@waterboards.ca.gov.

A handwritten signature in cursive script that reads "Brett Stevens".

BRETT STEVENS, Chief
Compliance and Outreach Unit
Irrigated Lands Regulatory Program

cc: Alex Mayer, Office of Chief Counsel, SWRCB, Sacramento
Kenneth Landau, Central Valley Water Board, Rancho Cordova
Naomi Kaplowitz, Office of Enforcement, SWRCB, Sacramento

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> William R Sinks et al. 10873 Ave 18 1/2 Chowchilla, CA 93610 </div>	B. Received by (Printed Name) <i>Bobby Smith</i>	C. Date of Delivery <i>6-4-14</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, July 2013		3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7013 2250 0000 3465 6365 Domestic Return Receipt