

## ATTACHMENT C

28 January 2015 NOV Failure to Respond to 13260 Directive



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

28 January 2015

GILBERT & ENEDINA MARROQUIN  
5625 W PROSPECT DR  
VISALIA, CA 93291

Certified Mail Number  
7013 2250 0002 0662 2778

**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:

<b>County: Tulare</b>				
119-110-012				

On 18 December 2014 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 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 26 December 2014 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 attached to 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:

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

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

**Central Valley Water Board  
Attn: David Sholes  
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:**

5. Submit (a) a membership application to the Kaweah Basin Water Quality Association (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 David Sholes with the Central Valley Water Board at (559) 445-6279.

You can obtain a Coalition membership application by contacting the Coalition at (559) 302-1620, or at [www.kaweahbasin.org](http://www.kaweahbasin.org).

**OR**

6. 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<sup>3</sup> (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](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,

<sup>3</sup> 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).

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 David Sholes with the Central Valley Water Board at (559) 445-6279.

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 18 days late in obtaining regulatory coverage per the Directive Letter. This gives a potential maximum penalty of \$18,000.

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).

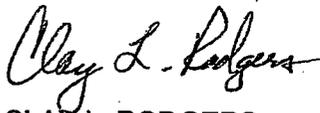
(b) (1) Civil liability may be administratively imposed by a regional board ... in an amount that may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

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

If you have any further questions, please contact David Sholes at (559) 445-6279 or via email at [David.Sholes@waterboards.ca.gov](mailto:David.Sholes@waterboards.ca.gov).

**Para obtener más información en español por favor contáctenos al teléfono David Sholes o vía email a: [David.Sholes@waterboards.ca.gov](mailto:David.Sholes@waterboards.ca.gov).**



CLAY L. RODGERS  
Assistant Executive Officer, Central Valley Water Board

Attachments: 18 December 2014 Directive Order  
22 December 2014 Water Boards Press Release



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

18 December 2014

GILBERT & ENEDINA MARROQUIN  
5625 W PROSPECT DR  
VISALIA, CA 93291

Certified Mail Number  
7013 2250 0002 0662 1313

**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):			
119-110-012			

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. All commercial irrigated lands within the Tulare Lake Basin Area 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.

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:

- Join the Kaweah Basin Water Quality Association (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.

18 December 2014

**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.

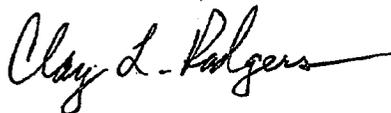
You must respond to this Directive Letter within **15 calendar days of receiving it**. Under California Water Code section 13261, failing to submit a Report of Waste Discharge when requested by the Board may result in the Central Valley Water Board assessing an administrative civil liability against 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](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](mailto: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](mailto:ilrpinfo@waterboards.ca.gov).**



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

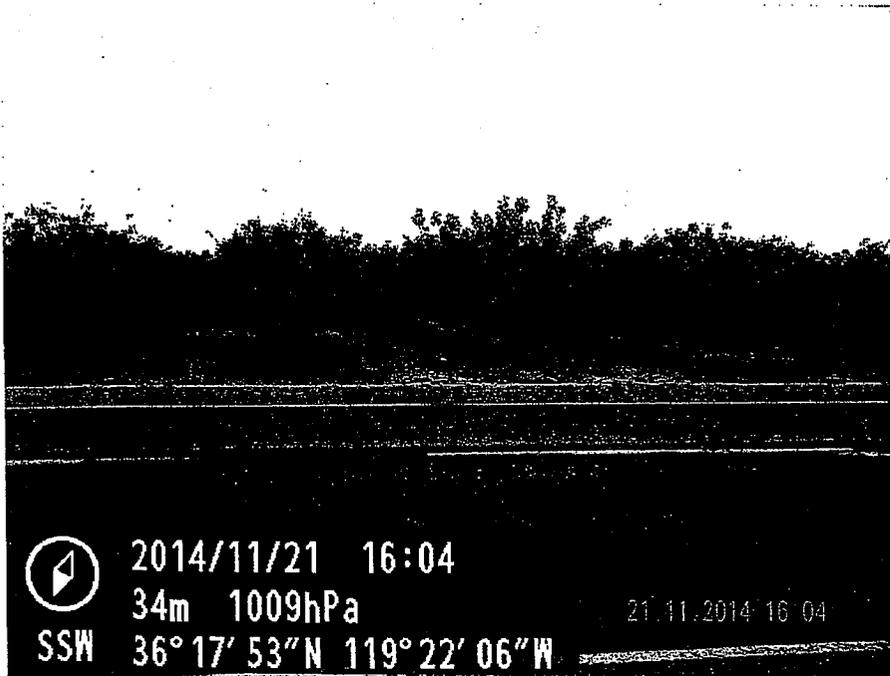
### Ownership Information:

Owner(s):	MARROQUIN, GILBERT & ENEDINA	Coalition:	Kaweah Basin Water Quality Association		
Parcel Number:	119-110-012	Acres:	39.6	County:	Tulare

### Inspection Findings:

Date Inspected:	11/21/2014
Inspected By:	SR & PB
Results:	Commercially Irrigated Agriculture
Crop type:	Pistachios
Irrigation Method:	Furrow
Other/Notes:	

### Inspection Photo:



Approved: *PB* *DS*



# Enforcement News

Central Valley Regional Water Quality Control Board  
[www.waterboards.ca.gov/centralvalley/](http://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

**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:

*[Signature]*

Gilbert & Enedina Marroquin  
 5625 W Prospect Dr  
 Visalia, CA 93291-9256

2. Article Number  
(Transfer from service label)

7013 2250 0002 0662 2778

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *Gilbert Marroquin* C. Date of Delivery *1/29/05*

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes