

ITEM:	21
SUBJECT:	Singh Farms, LLC, Madera County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Singh Farms, LLC (“Singh Farms” or Discharger) owns 593 acres of agricultural land in Madera County, identified as Assessor’s Parcel Numbers (APNs) 044-240-003, 046-030-002, 046-050-020, 046-050-021, 046-050-022, 046-080-002, 046-080-003, 046-090-027, 047-200-003, and 048-020-002.</p> <p>On 30 May 2014, the Discharger enrolled in the East San Joaquin Water Quality Coalition (Coalition), thereby becoming subject to the Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed (Order R5-2012-0116-R3 or East San Joaquin Order).</p> <p>The East San Joaquin Order requires that all members complete a Farm Evaluation describing management practices implemented to protect surface and groundwater quality. The Discharger’s first Farm Evaluation for the 2014 growing season was due on 1 March 2015, and the Farm Evaluation for the 2015 growing season was due on 1 March 2016.</p> <p>From December 2014 to May 2015, the Coalition sent outreach materials that urged the Discharger to submit the 2014 Farm Evaluation. These materials included an early notice letter, a “past due” postcard, and a “final notice” letter. The Discharger did not submit the 2014 Farm Evaluation.</p> <p>From December 2015 to May 2016, the Coalition sent outreach materials that urged the Discharger to submit the 2015 Farm Evaluation. These materials were the same as those for the previous year: an early notice letter, a “past due” postcard, and a “final notice” letter. The Discharger did not submit the 2015 Farm Evaluation.</p> <p>On 22 February 2016, the Assistant Executive Officer to the Central Valley Water Board sent the Discharger a Notice of Violation (NOV) via certified mail for failure to submit the 2014 Farm Evaluations. The NOV urged the Discharger to submit the evaluations to the Coalition and warned that failure to do so may result in enforcement action by the Central Valley Water Board.</p> <p>On 6 May 2016, Board staff sent the Discharger a pre-ACL letter indicating that an ACL Complaint was forthcoming and inviting the Discharger to engage in settlement negotiations prior to issuance of an ACL Complaint. The Discharger did not respond to the pre-ACL letter.</p> <p>On 16 August 2016 and 26 September 2016, and after receiving an ACL Complaint (see details below), the Discharger submitted the missing 2014 and 2015 Farm Evaluations to the Coalition. These actions brought Singh Farms into compliance with the East San Joaquin Order.</p>
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT	<p>On 8 August 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$59,150, based on the State Water Board’s Enforcement Policy. The ACL Complaint alleges the Discharger failed to submit Farm Evaluations as required by the applicable Waste Discharger Requirements.</p> <p>The maximum penalty for the alleged violation is \$686,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10 percent, which</p>

	amounts to \$2,954. The Enforcement Policy's penalty calculation methodology resulted in a liability of \$59,150, and this is the amount of administrative civil liability proposed by the Prosecution Team.
ISSUES:	There are no known issues, as the Discharger did not submit evidence in this case.
ACLO RECOMMENDATION:	The Prosecution Team recommends that the Board adopt the Administrative Civil Liability Order for \$59,150 as proposed.

Mgmt. Review SYM
Legal Review KE

3/4 November 2016 Hearing Panel
Central Valley Regional Water Quality Control Board meeting
1685 E Street, Fresno, CA 93706