ATTACHMENT B

Pre-ACL Notification Letter

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

6 May 2016

Robin Singh
Singh Farms
25810 Avenue 11
Madera, CA 93637

Federal Express
2nd Day Delivery

FORTHCOMING ASSESSMENT OF CIVIL LIABILITY FOR FAILURE TO SUBMIT FARM EVALUATIONS, SINGH FARMS, MADERA, MADERA COUNTY

The purpose of this letter is to inform you of a forthcoming Administrative Civil Liability Complaint (Complaint), and to notify you of your opportunity to negotiate and settle the assessment of monetary penalties for your failure to submit a Farm Evaluation pursuant to section VII.B of the Waste Discharge Requirements General Order for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group (Order R5-2012-0116-R3 or "Order"). **Please read this notice carefully.**

Based on information available to the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board), you own or operate at least one parcel that contains irrigated agriculture and are a member of the East San Joaquin Water Quality Coalition (Coalition). In becoming a member of the Coalition, you became subject to the legal requirements of the Order.

According to the Coalition's records, you have failed to meet your obligation to submit a Farm Evaluation to the Coalition for the 2013, 2014, and 2015 growing seasons. Pursuant to the Order, the due dates for these evaluations were 1 May 2014, 1 March 2015, and 1 March 2016, respectively.

The Coalition mailed you two reminders to submit the required evaluations after the due date, including resending you another copy of the Farm Evaluation form. Additionally, on 26 February 2016 you received a Notice of Violation from the Board that urged you to avoid further potential fines by submitting the required Farm Evaluations to the Coalition.

Legal Authority

California Water Code (CWC) section 13267, subdivisions (a) and (b)(1) state:

"(a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.

(b)(1) *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."*

Under California Water Code section 13268, failure to submit a technical report (in this case, a Farm Evaluation) when requested by the Central Valley Water Board may result in an administrative civil liability against you of up to $1,000 per day for every day the report is late.

As of the date of this letter, your submittal of the 2013 Farm Evaluation is 736 days overdue; your submittal of the 2014 Farm Evaluation is 432 days overdue; and your submittal of the 2015 Farm Evaluation is 66 days overdue. The sum of these days of violation is 1,234, and the **maximum penalty** for the violation described above is **one million two hundred and thirty four thousand dollars ($1,234,000)** based on a calculation of the total number of days of violation times the statutory maximum penalty (1,234 total days of violation multiplied by $1,000).

Based on our review and after conducting a preliminary penalty calculation, the Assistant Executive Officer of the Central Valley Water Board intends to issue a Complaint seeking an administrative civil liability assessment against you for **sixty eight thousand six hundred and fourteen dollars ($68,614)**. This proposed penalty amount was calculated considering the methodology in the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy) and is based on facts known to date. This proposed penalty amount is preliminary and is subject to modification should additional information come to light. In addition, because the violations are continuing, the maximum and proposed penalty amounts will continue to increase until you resolve the violations. The full Enforcement Policy may be found here: http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf. To avoid further liability, you are urged to submit your Farm Evaluations and then contact Board staff to arrange a settlement meeting (see details below).

By way of this letter, you are being notified of the opportunity to meet to discuss the facts regarding the alleged violation, including the option of settlement. This meeting affords you the opportunity to potentially reduce the proposed penalty amount if you present new

information to the Central Valley Water Board staff, or other information you believe is relevant to determining an appropriate monetary penalty. All settlement communications would be kept confidential subject to California Evidence Code sections 1152 and 1154. If a settlement is reached at this meeting, the Assistant Executive Officer will forego issuing the Complaint.

If you intend to argue that you have an inability to pay the proposed penalty amount, you must bring supporting documentation with you to the meeting. Appropriate documentation **must include** the last three years of signed federal income tax returns including schedules **and may also include** credit card or line of credit statements, mortgage loan statements, bank account statements, or any other document that explains the special circumstances regarding past, current, or future financial conditions. This information may be used in determining an appropriate monetary penalty assessment to resolve this matter without a hearing.

In order to initiate any discussions to settle this matter, you must contact Brett Stevens at (916) 464-4642 by **20 May 2016** to schedule a day and time to meet with Central Valley Water Board staff. If you do not respond by this date, the Assistant Executive Officer will issue you a Complaint and this matter will proceed to a formal enforcement hearing before the Central Valley Water Board; or the Assistant Executive Officer may refer the matter to the Attorney General's Office or other prosecution agency.

Before settlement discussions can occur, you must submit the Farm Evaluations to the Coalition. A Farm Evaluation form is enclosed for your convenience. Complete the evaluation and submit it to:

East San Joaquin Water Quality Coalition
1201 L Street
Modesto, CA 95354

Failure to submit the Farm Evaluation and to schedule a settlement meeting with Central Valley Water Board staff will result in a Board hearing so that the Board can consider your enforcement case.

If you have any questions, please contact Brett Stevens by phone at (916) 464-4642 or by email at Brett.Stevens@waterboards.ca.gov.

Original signed by

Sue McConnell, Manager
Irrigated Lands Regulatory Program

cc via email: Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Kailyn Ellison, SWRCB Office of Enforcement
Parry Klassen, East San Joaquin Water Quality Coalition

Encl: Farm Evaluation Form

My Profile Support Locations English Search or tracking number Subr

FedEx Shipping Tracking Manage Learn FedEx Office ® Login

FedEx ® Tracking

808229734200

Ship date:
Fri 5/06/2016

Actual delivery:
Tue 5/10/2016 11:48 am

RANCHO CORDOVA, CA US

Delivered
Signature not required

CA US

Travel History

Date/Time	Activity	Location
5/10/2016 - Tuesday		
11:48 am	Delivered Left at front door. Package delivered to recipient address - release authorized	CA
10:18 am	On FedEx vehicle for delivery	CLOVIS, CA
7:58 am	At local FedEx facility	CLOVIS, CA
5/09/2016 - Monday		
1:30 am	Departed FedEx location	OAKLAND, CA
5/08/2016 - Sunday		
5:42 pm	Arrived at FedEx location	OAKLAND, CA
3:47 pm	Departed FedEx location	MEMPHIS, TN
5/07/2016 - Saturday		
12:21 pm	Arrived at FedEx location	MEMPHIS, TN
5/06/2016 - Friday		
8:33 pm	Left FedEx origin facility	RANCHO CORDOVA, CA
4:13 pm	Picked up	RANCHO CORDOVA, CA

Shipment Facts

Tracking number	808229734200	**Service**	FedEx 2Day
Delivered To	Residence	**Total pieces**	1
Terms	Shipper	**Packaging**	FedEx Envelope
Special handling section	Deliver Weekday, Residential Delivery		

FedEx.

Search or tracking number Subm

Customer Focus
New Customer Center
Small Business Center
Service Guide
Customer Support

Company Information
About FedEx
Careers
Investor Relations
Subscribe to FedEx email

Featured Services
FedEx Delivery Manager
FedEx SameDay
FedEx Home Delivery
FedEx TechConnect
Healthcare Solutions
Online Retail Solutions
Packaging Services
Ancillary Clearance Services

Other Resources
FedEx Compatible
Developer Resource Center
FedEx Ship Manager Software
FedEx Mobile

Companies
FedEx Express
FedEx Ground
FedEx Office
FedEx Freight
FedEx Custom Critical
FedEx Trade Networks
FedEx CrossBorder
FedEx SupplyChain

Follow FedEx

United States - English

© FedEx 1995-2016

Global Home | Site Map | fedex.com Terms of Use | Security and Privacy