

Central Valley Regional Water Quality Control Board

8 August 2016

Cynthia Betschart
Victor Produce, Inc.
14588 Atwater Jordan Road
Livingston, CA 95334

Certified Mail No.
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Jim L. Victor
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Victor Produce, Inc.
3242 N Washington Rd
Livingston, CA 95334

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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0550, VICTOR PRODUCE, INC.

Enclosed is an Administrative Civil Liability Complaint (ACL Complaint), issued pursuant to California Water Code section 13323. This Complaint alleges that Victor Produce, Inc., (Discharger) failed to submit the 2015 Farm Evaluation as required by the Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group (Order R5-2012-0116-R3), and recommends an administrative civil liability pursuant to Water Code section 13268 in the amount of **fifteen thousand two hundred and ten dollars (\$15,210)**.

Victor Produce, Inc. may:

- Pay the proposed administrative civil liability and waive the right to a hearing (Option 1 on the attached waiver form—see Attachment D);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options 2 or 3 on the attached waiver form—see Attachment D); or
- Contest the ACL Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **5:00 p.m. on 24 August 2016**, a hearing will be scheduled for **3/4 November 2016** before a panel of the Central Valley Water Board. This hearing will be governed by the attached Hearing

Procedure and held at 1685 E Street, Fresno, California. Any objections to the Hearing Procedure must be received by Andrew Deeringer, whose contact information is listed in the Hearing Procedure, by **5:00 p.m. on 18 August 2016**.

If the Discharger would like to engage in settlement negotiations and assert an inability to pay the proposed liability, it should submit detailed financial information to the Central Valley Water Board along with a waiver requesting settlement discussions by **24 August 2016**. 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.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the ACL Complaint, please contact Brett Stevens at (916) 464-4642, or via e-mail at brett.stevens@waterboards.ca.gov.



ANDREW ALTEVOGT
Assistant Executive Officer

Enclosure: ACL Complaint R5-2016-0550

cc via email: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Adam Laputz, Central Valley Water Board, Rancho Cordova
Rob L'Heureux, Central Valley Water Board, Rancho Cordova
Susie Loscutoff, Office of Enforcement, SWRCB, Sacramento
Andrew Deeringer, Office of Chief Counsel, SWRCB, Sacramento
Parry Klassen, East San Joaquin Water Quality Coalition
David Robinson, Merced County Agricultural Commissioner