

ATTACHMENT A

21 June 2013  
California Water Code section  
13260 Directive



Central Valley Regional Water Quality Control Board

21 June 2013

Heritage Ranch LLC
15331 Ave 18
Madera, CA 93637

Certified Mail Number
7060 1090 0001 3130 3448

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 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 parcels with irrigated cropland, which are subject to new regulations:

Table with 2 columns and 5 rows. Row 1: County: Madera. Row 2: 023-120-002. 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.

The Central Valley Water Board is requiring you to obtain regulatory coverage for your irrigated lands within 15 calendar days of receiving this letter. You may obtain regulatory coverage by either:

- 95. Submitting (a) a completed Notice of Intent (NOI; provided herein as an attachment) to the Central Valley Water Board to comply with the conditions of the General Order, (b) a State Water Board administrative processing fee of \$200 for the NOI, and (c) a membership application to the East San Joaquin Water Quality Coalition

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

(Coalition). Upon submittal of a complete NOI, and after receiving confirmation from the Coalition that the grower is now a member, the Central Valley Water Board Executive Officer will then issue a Notice of Applicability (NOA), after which the member will be considered covered under the General Order. The coalition conducts monitoring and submits reports to the Central Valley Water Board on its member's behalf.

You can obtain a Coalition membership application by contacting the Coalition at (209) 846-6112, or at [www.esjcoalition.org](http://www.esjcoalition.org). You should ask to speak with Katy Khatami; **or**

96. Submitting a Report of Waste Discharge<sup>48</sup>(RoWD) to the Central Valley Water Board, along with the appropriate filing fee. When regulated individually, a grower must conduct their own monitoring and report directly to the Central Valley Water Board. Depending on the specific site conditions, growers 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 state fees for farm sizes from 11-100 acres are currently \$750 + \$5/acre); cost to prepare a report of waste discharge; and monitoring and reporting costs.

Please determine which form of regulatory coverage is best for you and submit the appropriate documents to:

**Central Valley Water Board  
Attn: Scott Perrou  
Irrigated Lands Regulatory Program  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670**

### **Grounds for Issuing the Directive Order**

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 recently inspected the parcel or parcels listed in the table above and found commercial irrigated cropland. Accordingly, regulatory coverage is required for this land use. You must choose between the regulatory options presented above.

### **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.

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<sup>48</sup> The form for completing the RoWD can be found online at: [http://www.waterboards.ca.gov/publications\\_forms/forms/docs/form200.pdf](http://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf). Submitting a RoWD may lead to issuance of Individual Waste Discharge Requirements (WDRs) for your irrigated lands. WDRs carry substantial permit fees and would likely require the development of a site-specific monitoring and reporting program. Board staff recommends that you discuss this option further with us before submitting a RoWD.

If you are a current coalition member and have received this notice, contact the coalition to add the above parcels to your membership. You must also notify the Water Board of the parcels 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 RoWD 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 Scott Perrou at (916) 464-4633 or via email at [sperrou@waterboards.ca.gov](mailto:sperrou@waterboards.ca.gov).

**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](mailto:lrrlands@waterboards.ca.gov).**



For PAMELA C. CREEDON  
Executive Officer

**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:

Heritage Ranch LLC  
15331 Ave 18  
Madera, CA 93637

2. Article Number

(Transfer from service label)

7013 1090 0001 3130 3448

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Sandeep Basra*

Agent

Addressee

B. Received by (Printed Name)

Sandeep Basra

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No



3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes