January 4,2018

Rene' Larranaga known as Discharger rebuttal evidence for civil liability complaint R5-2017-0553

Rebuttal to page H-1 Step 3:

Per day assessment for no discharge violations. You classified me as a moderate threat to beneficial uses. You state that by my unregulated discharges of water can present a substantial threat to beneficial uses and that Board Staff investigated the dischargers irrigated parcel and found a potential for waste to discharge to surface waters. My parcels surface water is minimal because we live in a high desert also up to 2017 we have been classified as a drought area. If any surface water occurs off my property it must pass through three neighbors properties, a county paved road, another private property and finally enter into a ditch that goes eventually to the Pit River. The likely hood of that is slim to none and since we have been in a drought for several years none would be the proper classification.

H-2 Deviation from requirement.

You have me as major yet by paying restitution for previous years to NECWA I should not be charged twice for the same unknown wrong doing.

H-4 Culpability : 1.3

Higher liabilities should result from intentional or negligent violation as opposed to accidental violations. I do admit that I did not open the mail and read the letters from Central Valley Regional Water Quality. I did not see myself belonging to a coalition so far away from me and even as I spoke to Brett Stevens he only gave me the option to either join Central Valley Regional Water Quality or monitor my own self which neither one seemed right to me. Once I ran into Jerry Kresge from Alturas, Ca. he told me about NECWA and that is when I called them in April 2017. I understand that all the information was in those packets that I received from Central Valley but by not opening them I was neither intentional nor negligent in my doings. I receive many letters from different organizations all the time from Restaurant organizations, Organic Hay organizations, Concrete organizations and usually discard them because as you know ones address is readily available to the public and this day and age their seems to be one scam after another and I have been burnt on occasions. Once I talked to Scott Perrou and I was clear on who he was and he explained to me who he was representing I immediately asked to have a meeting with his team in Rancho Cordova thus showing that I in the past was not being intentional nor negligent but accidental. The degree of culpability by your terms should be .5.

H-4 B Clean up and Cooperation

The factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. I am given a factor of 1.4 from a range of .75 and 1.5. B states CLEAN UP AND COOPERATION NOT CLEAN UP OR COOPERATION. Since there is two classifications and you state that clean up is not applicable here I should only worse case be charged by a .75 factor. On cooperation once I made contact with Scott Perrou I believe he would attest that I have been cooperative even by driving 600 miles to have a meeting with him, Sue, and Paul.

H-5 Step 6 ABILITY TO PAY AND CONTINUE IN BUSINESS

Central Valley Water Quality Control Board shows that the discharger has the ability to pay the total base liability based on property owned by discharger (APN022-510-036) value of $322,814.00. You also show revenue generated from dischargers Grass sales about $81,900.00 in 2016. I show this not to be true by showing my Crop yield from Bushey Custom Farming and showing my current property tax bill which I found out that the one that Central Valley used was wrong from the County. Thanks for bringing this to my attention you will see by my Tax bill enclosed that Modoc County made an error. Also you state that discharger owns a Concrete Business and Restaurant in Modoc County. I believe that I should not be punished for working 12-16 hours a day in trying to better myself by your statements in Step 6. So what you are telling me is that if I chose to not be ambitious and work hard and rather just did enough to get by you would look at my case differently? ACL order R5-2017-0002 Baldev S.and Kamaljit K. Batth in this case Step 6 ability to pay and continue in business. You show Fresno County Assessor's Office asset value for year 2014/15 value of $4,204,815.00. Revenue generated from 268 acres of Grapes and 21 acres of Almonds yielded an estimated $911,141.00 in revenue in 2015. Baldev and Batth liability amount = $35,490.00 and which in comparing to mine of $30,758.00 for 63 acres and yielding $34,476.40 shows that one size does not fit all. My liability of $30,758.00 equals to 89% of 2016 gross yield and in Baldev and Batth case their liability of $35,490.00 equals to .04% of their 2015 gross revenue. This to me shows that the little guy doesn't stand a chance.

H-6 Step 8. Economic Benefit

Central Valley Regional Water Quality Control Board used the Economic benefit Model (Ben) 4 penalty and financial modeling program version 5.6.0. I believe that you used (Ben) program as if I would be monitoring water as a private discharger per Section 2200.6 (3) (A) tier 3. This is not the only program that could have been used. NECW Association had a program that would charge you $2.00 an acre for past years. You show economic benefit from October 2014 thru September 2017 = $13,777.00 yet using NECW association program shows $2.00 an acre times 60 acres times 4 years = $480.00. The difference of $13,297.00 of economic benefit of which I did not receive. You also state in Step 8 Economic benefit paragraph 4 sentence 4 says " the discharger also enjoyed $4800.00 in delayed cost associated with its Farm Water Quality Plan." My Dad whom passed away April 2016 and my Mom whom passed away March 2017 were taken care of their last years of life by my family in living quarters at our restaurant until their lives on this earth ended. My Dad came to this country in 1952 as a Sheepherder from France and my Mom from Spain in 1964 as a Motel Maid. They taught me that hard work would always be rewarded. My first language I learned was Basque, second was Spanish and third English, you have not lived a day in my life to say I enjoyed $4800.00 in delayed cost there for this is a false statement. Please explain to me in detail how you can support using the word enjoyed.

In closing if you decide to charge me liability penalty I have this total derived from using your factors with my rebuttal.

DEVIATION FROM REQUIREMENT TABLE 3 = $1,000.00 X 26 DAYS X .40 = $10,400.00

CULPABILITY = .5 X 10,400 = $5,200.00

CLEAN UP AND COOPERATION = .75 X 5,200 = $3,900.00.

By this amount of $3,900.00 shows that I am charged 11% of my gross revenue for 2016 from Hay Sales. Which in turn is still almost triple the % higher that I am getting charged than what the case of R5-2017-0002 Baldev S and Kamaljit K. Batth were sited for.

Thank You for your time, Rene' Larranaga

Bushey Custom Farming and Haying

P.O. Box 303
Canby, CA 96015

In

Date
8/4/2016

Bill To	Ship To
Rene Larranaga 1204 W. Fifth St. Alturas, CA 96101	

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Proje
			8/4/2016			

Quantity	Item Code	Description	Price Each	A
70	Haying 1st =	Organic Alfalfa hay tonnage: 100 bales @ 1400 lb.	46.00	
88.13	Haying	2nd cutting Organic Alfalfa hay tonnage:1410 bales @ 125 lb.	46.00	
88.13	3rd	cutting Alfalfa Based on 2nd Cut which was more than 1st cut		
		Here is my total for 2016 Alfalfa Yield. I don't have the 3rd cut Bill but by using 88.13 tons I am close to actual by 10%.		
Total =	246.26	tons x 140 a ton =	34,476.40	
		Exibit 7 by Scott Perrow shows		
Total =	390.00	tons x 140 =	54,600	
		Your calculation is off by	-20,123.60	
my Net	gain runs	around 115 a Acre x 60 Acre =	6,900	
		Penalty Imposed By Central Valley Water =	30,758	
It will take me		4.5 years to pay back the penalty that is wrong!		

All invoices unpaid after 30 days are subject to a finance charge of 2% per month.

Total

County of Modoc

Assessor/Recorder

204 South Court St, Room 106
Alturas CA 96101-4020 (530) 233-6218

NOTICE OF CORRECTION TO THE SECTION 601 ASSESSMENT ROLL

LARRANAGA, RENE
PO BOX 1801
ALTURAS, CA 96101

ASMT: 022-510-036-000
FEE #: 022-510-036-000
BASE ASMT: 022-510-036-000

SECURED

Date: December 22, 2017

SITUS:

THIS NOTICE IS TO INFORM YOU OF A CORRECTION TO THE ASSESSMENT ROLL CAUSED BY:

REMOVED PIVOTS THAT WERE INSTALLED ON PARCEL
BILL REFLECTS CURRENT IRRIGATION EQUIPMENT

THIS CORRECTION IS MADE UNDER REVENUE AND TAXATION CODE SECTION(S): 4831.5

THIS WILL DECREASE THE TAXABLE VALUE TO THE FIGURES SHOWN BELOW IN THE NEW VALUE COLUMN FOR THE FISCAL YEAR AFFECTED.

VALUE SUMMARY YEAR 2017 - 2018	OLD VALUE	NEW VALUE	NET CHANGE
LAND	131,086	131,086	
STRUCTURE	15,728	15,728	
GROWING IMPROVS.			
PP MOBILE HOME			
FIXTURES			
PERSONAL PROPERTY	176,000	25,000	-151,000
TOTAL	322,814	171,814	-151,000
LESS: EXEMPTIONS			
NET TAXABLE	**322,814**	**171,814**	**-151,000**

R&T 463-10% PENALTY INCLUDED.

County of Modoc

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LARRANAGA, RENE
PO BOX 1801
ALTURAS, CA 96101

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FEE #: 022-510-036-000
BASE ASMT: 022-510-036-000

SECURED

Date: December 22, 2017

SITUS:

THIS NOTICE IS TO INFORM YOU OF A CORRECTION TO THE ASSESSMENT ROLL CAUSED BY:

REMOVED PIVOTS THAT WERE NEVER INSTALLED ON PARCEL
BILL REFLECTS AMOUNT FOR CURRENT IRRIGATION EQUIP

THIS CORRECTION IS MADE UNDER REVENUE AND TAXATION CODE SECTION(S): 4831.5

THIS WILL DECREASE THE TAXABLE VALUE TO THE FIGURES SHOWN BELOW IN THE NEW VALUE COLUMN FOR THE FISCAL YEAR AFFECTED.

VALUE SUMMARY YEAR 2016 - 2017	OLD VALUE	NEW VALUE	NET CHANGE
LAND	128,516	128,516	
STRUCTURE	15,420	15,420	
GROWING IMPROVS.			
PP MOBILE HOME			
FIXTURES			
PERSONAL PROPERTY	176,000	25,000	-151,000
TOTAL	319,936	168,936	-151,000
LESS: EXEMPTIONS			
NET TAXABLE	**319,936**	**168,936**	**-151,000**