

ATTACHMENT B

19 February 2015

California Water Code 13260 Directives



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

19 February 2015

KONARK RANCHES LLC
3233 W TYLER AV
VISALIA, CA 93291

Certified Mail Number
7013 2250 0002 0662 3874

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

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:

Parcel Number(s):		
047-290-13		

On 19 September 2013, the Central Valley Water Board approved the Waste Discharge Requirements General Order (Order R5-2013-0120 or General Order) for Growers within the Tulare Lake Basin Area that are Members of a Third-Party Group. All commercial irrigated lands within the Tulare Lake Basin Area 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**. To obtain regulatory coverage either:

- 14. Join the Kern River Watershed Coalition Authority (Coalition) by submitting (a) a membership application to the Coalition, (b) a completed Notice of Intent (NOI) to the Central Valley Water Board to comply with the conditions of the General Order, and (c) a State Water Board administrative processing fee of \$200 for the NOI.

The NOI is available online at:

http://www.waterboards.ca.gov/rwqcb5/water_issues/irrigated_lands/app_approval/index.shtml

Upon submittal of a complete NOI, and after receiving confirmation from the Coalition that you have been accepted as a member, the Central Valley Water Board Executive Officer will then issue a Notice of Applicability (NOA), after which you will be considered covered under the General Order.

If you require a hard copy NOI or have questions, please contact Central Valley Water Board staff at (559) 488-4396.

You can obtain a Coalition membership application by contacting the Coalition at (661) 616-6500, or at <http://www.krwca.org/>.

Or

2. Enroll as an Individual Discharger under the Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not participating in a Third-Party (Order R5-2013-0100 or Individual Order). If choosing this option you must submit a completed NOI with the first year's annual fee to the Central Valley Water Board. The fee schedule for the Individual Order can be found at:

http://www.waterboards.ca.gov/resources/fees/docs/fy1415_fee_schedule.pdf

When regulated individually, you also must conduct your own monitoring and report directly to the Central Valley Water Board. Depending on the specific site conditions, you may be required to monitor runoff from your property, install monitoring wells, and submit technical reports regarding your actions to comply with the Individual Order. If you intend to select this option please contact Central Valley Water Board staff at (559) 488-4396.

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

**Central Valley Water Board
Attn: David Sholes
Irrigated Lands Regulatory Program
1685 E. Street
Fresno, CA 93706**

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.

If you are a current coalition member and have received this notice, contact the coalition to add the above parcel(s) to your membership. You must also notify the Water Board of the parcel(s) 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 Report of Waste Discharge 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

If you have any further questions about what is required of you, please contact Central Valley Water Board Staff at 488-4396 or via email at ilrpinfo@waterboards.ca.gov.

Para obtener más información en español (formularios u otra información), por favor contáctenos al telefono (559) 488-4396 o vía email a: ilrpinfo@waterboards.ca.gov.



CLAY L. RODGERS
Assistant Executive Officer

Enclosure(s): Inspection Report(s)

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Irrigated Lands Regulatory Program Enrollment Confirmation Inspection Report

Ownership Information:

Owner(s):	KONARK RANCHES LLC	Coalition:	Kern River Watershed Coalition Authority		
Parcel Number:	047-290-13	Acres:	158.2	County:	Kern

Inspection Findings:

Date Inspected:	1/29/2015
Inspected By:	EEW/PAB
Results:	Commercially Irrigated Agriculture
Crop type:	Almonds
Irrigation Method:	Drip
Other/Notes:	

Inspection Photo:



Approved:	<i>PB</i>	<i>DS</i>	
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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:

KONARK RANCHES LLC
3233 W TYLER AV
VISALIA, CA 93291

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

SHALINI

C. Date of Delivery

2-21-15

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED

FEB 25 2014

3. Service Type

- Certified Mail Registered Mail Registered Mail Express™
- Registered Mail Receipt for Merchandise
- Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

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Domestic Return Receipt