

ATTACHMENT C

7 April 2015 NOV for Failure to Respond to 13260 Directive



Central Valley Regional Water Quality Control Board

7 April 2015

KONARK RANCHES LLC
3233 W TYLER AV
VISALIA, CA 93291

Certified Mail Number
7014 3490 0001 7023 2685

NOTICE OF VIOLATION

FAILURE TO OBTAIN IRRIGATED LANDS REGULATORY COVERAGE UNDER CALIFORNIA WATER CODE SECTION 13260

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 parcel(s) with irrigated cropland, which are subject to new regulations:

Table with 5 columns and 3 rows. Row 1: County: Kern. Row 2: 047-290-13. Row 3: (Empty)

On 19 February 2015 the California Regional Water Quality Control Board, Central Valley Region's (Central Valley Water Board) Assistant Executive Officer issued you a directive to obtain irrigated lands regulatory coverage pursuant to California Water Code section 13260 (Directive Letter). The Directive Letter required you to either join a coalition group or enroll as an individual discharger under waste discharge requirements for all commercial irrigated agricultural lands that you may own or operate which discharge waste to waters of the State. As stated in the Directive Letter, 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 inspected the parcel or parcels listed in the table above and found commercial irrigated cropland. Accordingly, regulatory coverage is required for this land use.

Central Valley Water Board records indicate that (1) you received the Directive Letter by certified mail on 21 February 2015 and (2) you have not arranged regulatory coverage within the 15 calendar days as required. This letter serves as notice that you are in violation of the Directive Letter. For your information a copy of the original Directive Order has been attached to this Notice of Violation.

Pursuant to the Directive Letter, you were required to determine which option was appropriate for your situation and submit the appropriate documents to:

**Central Valley Water Board
Attn: Patrick Barnes
Irrigated Lands Regulatory Program
1685 E Street
Fresno, CA 93706**

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** take **one** of the following actions within **15 calendar days**:

1. Submit **(a)** a membership application to the Kern River Watershed Coalition Authority (Coalition), **(b)** a completed electronic Notice of Intent (eNOI; available here: <https://geotracker.waterboards.ca.gov/region5enoi/>) 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. Upon submittal of a complete NOI, and after receiving confirmation from the Coalition that you are now 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 have questions, please contact Patrick Barnes with the Central Valley Water Board at (559) 444-2417.

You can obtain a Coalition membership application by contacting the Coalition at (661) 616-6550, or at www.krwca.org.

OR

2. Enroll as an Individual Discharger under the Waste Discharge Requirements for Dischargers from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group (Order R5-2013-0100 or Individual Order). If choosing this option you must submit a completed electronic Notice of Intent³ (eNOI) 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/fy13_14_fee_schedule_ilrp.pdf

³ The required information for submitting a Notice Intent to enroll under the Individual Order can be found in Attachment B section IV.B of the Individual Order (Order R5-2013-0100).

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 please contact Patrick Barnes with the Central Valley Water Board at (559) 444-2417.

If you fail to take one of the actions described above, the Central Valley Water Board may impose penalties of up to \$1,000 per day pursuant to Water Code section 13261. As of the date of this Notice of Violation, you are 30 days late in obtaining regulatory coverage per the Directive Letter. This gives a potential maximum penalty of \$30,000.

Water Code section 13261 states, in relevant part:

(a) Any person failing to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

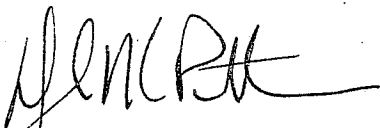
(b) (1) Civil liability may be administratively imposed by a regional board ... in an amount that may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

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, please contact Patrick Barnes at (559) 444-2417 or via email at patrick.barnes@waterboards.ca.gov.

Para obtener más información en español por favor contáctenos al teléfono Patrick Barnes o vía email a: patrick.barnes@waterboards.ca.gov.



FOR CLAY L. RODGERS
Assistant Executive Officer, Central Valley Water Board

Attachments: 19 February 2015 Directive Order
22 December 2014 Water Boards Press Release

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)

7014 3490 0001 7023 2685

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

4-9-15

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

Yes

Domestic Return Receipt