

ATTACHMENT D

4 January 2017 Notification Letter



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

4 January 2017

Konark Ranches LLC  
Attn: Vishweshwar Ghanakota  
6226 Paseo Colina  
Carlsbad, CA 92009

**CERTIFIED MAIL**  
**7016 1370 0000 0296 4532**

***INVITATION TO ENTER INTO SETTLEMENT PRIOR TO ISSUANCE OF ADMINISTRATIVE CIVIL LIABILITY FOR FAILURE TO COMPLY WITH CALIFORNIA WATER CODE SECTION 13260, KONARK RANCHES LLC, TULARE COUNTY***

**Please read this notice carefully.** The purpose of this letter is to inform you of a forthcoming Administrative Civil Liability Complaint (Complaint), and to notify you of your opportunity to negotiate and settle the assessment of monetary penalties for your failure to comply with the California Water Code (Water Code).

On 19 February 2015 the Assistant Executive Officer for the Central Valley Regional Water Quality Control Board (Central Valley Water Board) issued you a directive pursuant to Water Code section 13260 (Directive Letter) to obtain regulatory coverage for all commercial irrigated lands you may own or operate. The Directive Letter stated that regulatory coverage could be obtained either by joining a coalition group and submitting a Notice of Intent (NOI) to the Central Valley Water Board, or alternatively, by applying for individual waste discharge requirements.

Central Valley Water Board records indicate that you: (1) own parcels that contain approximately 296 irrigated agriculture acres; (2) received a 13260 Directive Letter and a Notice of Violation (NOV) by certified mail requiring you to obtain regulatory coverage for all parcels containing commercial irrigated agriculture; and (3) have not obtained regulatory coverage to date.

**At this time, you are potentially liable for up to \$668,000 in administrative civil liability penalties for this alleged violation.**

Based on our review, and after conducting a preliminary penalty calculation using the methodology in the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy), the Assistant Executive Officer of the Central Valley Water Board intends to issue a Complaint seeking an administrative civil liability assessment against you. However, the proposed penalty amount is subject to modification should additional information come to light. The full Enforcement Policy may be found here:

[http://www.swrcb.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf).

By way of this letter, you are being formally notified of the opportunity to meet to discuss the facts regarding the alleged violations, including the option of settlement. This meeting affords you the opportunity to potentially reduce the proposed penalty amount if you present new information to the Central Valley Water Board staff, or other information you believe is relevant

to determining an appropriate monetary penalty. All settlement communications would be kept confidential subject to California Evidence Code sections 1152 and 1154.

In order to initiate confidential discussions to settle this matter, you must contact David Sholes at (559) 445-6279, by **12 January 2017** to schedule a day and time to meet with Central Valley Water Board staff. If you choose to retain legal counsel, please provide the name and contact information for the attorney who will be representing you in this matter. Once a meeting has been arranged, you will be provided with additional information.

If you do not respond by **12 January 2017**, the Assistant Executive Officer intends to issue a Complaint and this matter will proceed either to a formal enforcement hearing before the Central Valley Water Board, or the Assistant Executive Officer may refer the matter to the Attorney General's Office or other prosecution agency. If a settlement is reached, the Assistant Executive Officer will forego issuing the Complaint.

If you have any questions, please contact David Sholes by phone at (559) 445-6279 or by e-mail at [David.Sholes@waterboards.ca.gov](mailto:David.Sholes@waterboards.ca.gov).

DAVID A. SHOLES  
Senior Engineering Geologist

cc: Andrew Altevogt, Assistant Executive Officer, Central Valley Water Board, Rancho Cordova  
Clay Rodgers, Assistant Executive Officer, Central Valley Water Board, Fresno  
Sue McConnell, ILRP Program Manager, Central Valley Water Board, Rancho Cordova  
Susie Loscutoff, Attorney, Office of Enforcement, State Water Board, Sacramento

**From:** [Baumann, Denise@Waterboards](mailto:Baumann_Denise@Waterboards)  
**To:** [Ellison, Marcus A.@Waterboards](mailto:Ellison_Marcus.A@Waterboards); [Warren, Eric@Waterboards](mailto:Warren_Eric@Waterboards)  
**Subject:** FW: FedEx Shipment 778108184749 Delivered  
**Date:** Tuesday, January 10, 2017 4:13:14 PM

Another confirmation for your records.

**From:** [TrackingUpdates@fedex.com](mailto:TrackingUpdates@fedex.com) [mailto:TrackingUpdates@fedex.com]  
**Sent:** Tuesday, January 10, 2017 3:58 PM  
**To:** Baumann, Denise@Waterboards  
**Subject:** FedEx Shipment 778108184749 Delivered

## Your package has been delivered

Tracking # [778108184749](#)

Ship date: <b>Thu, 1/5/2017</b>	Delivery date: <b>Tue, 1/10/2017 3:57 pm</b>
<b>Denise Baumann</b> CA RWQCB-5F Fresno, CA 93706 US	<b>Attn: Vishweshwar Ghanakota</b> c/o FedEx location VONS <a href="#">931 Lomas Santa Fe Dr</a> Solana Beach, CA 92075 US
<b>Delivered</b>	

### Shipment Facts

Our records indicate that the following package has been delivered.

<b>Tracking number:</b>	<a href="#">778108184749</a>
<b>Status:</b>	Delivered: 01/10/2017 3:57 PM Signed for By: S. KATRAGADDA
<b>Signed for by:</b>	S. KATRAGADDA
<b>Delivery location:</b>	SOLANA BEACH, CA
<b>Delivered to:</b>	FedEx Location
<b>Service type:</b>	FedEx Priority Overnight
<b>Packaging type:</b>	FedEx Envelope
<b>Number of pieces:</b>	1
<b>Weight:</b>	0.50 lb.
<b>Special handling/Services:</b>	Adult Signature Required Deliver Weekday
<b>Standard transit:</b>	1/6/2017 by 10:30 am

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.