

|  |   |
|--|---|
| ITEM:                                    | 6   |
| SUBJECT:                                 | Baldev S. and Kamaljit K. Batth, Fresno County  |
| BOARD ACTION:                            | <i>Consideration of an Administrative Civil Liability Order (ACLO)</i>  |
| BACKGROUND:                              | <p>Baldev and Kamaljit Batth (“Dischargers”) own approximately 289 acres of irrigated agricultural land in Fresno County, identified as Assessor’s Parcel Numbers 043-020-73S, 043-020-10S, 043-020-79S, 042-260-22S, 042-350-03S, 042-350-02, 042-380-17S, 042-360-04S, 016-460-77, and 512-030-27.</p> <p>On 7 February 2014 and 28 April 2014, the Central Valley Water Board issued notices to the Dischargers describing new water quality regulations and options available to comply with the regulations. The Dischargers did not obtain regulatory coverage or contact the Water Board.</p> <p>On 9 March 2015, Board Staff conducted a field inspection of Fresno County parcels 042-350-02 and 042-350-03S, and on 7 May 2015, Board Staff conducted a field inspection of Fresno County parcels 043-020-79S and 042-260-22S. Evidence was found of land irrigated for a commercial purpose based on the crops grown (grapevines and almonds) and the size of the operation. Aerial imagery also indicates that the land use of the parcels owned by the Dischargers is commercial irrigated agriculture.</p> <p>On 20 March 2015 and 29 May 2015, the Assistant Executive Officer of the Central Valley Water Board issued Water Code section 13260 Directive Letters (Directives) to the Dischargers, notifying them of their obligation to obtain regulatory coverage for their irrigated lands. The Dischargers received the Directives on 24 March 2015 and 5 June 2015.</p> <p>Because the Dischargers failed to respond by the deadline specified in the first Directive, a Notice of Violation (NOV) was sent to the Dischargers on 3 September 2015. The NOV was received on 9 September 2015. The Dischargers did not obtain regulatory coverage and did not contact the Water Board.</p> <p>On 17 May 2016, Central Valley Water Board Staff contacted Baldev Batth via telephone. Staff explained the Irrigated Lands Regulatory Program requirements and provided contact information for the Kings River Water Quality Coalition.</p> <p>On 23 June 2016, Board Staff sent the Dischargers a notification letter (pre-ACL letter) indicating that an ACL Complaint would be issued if the Dischargers did not obtain regulatory coverage and initiate settlement discussions by 8 July 2016. The Dischargers received the pre-ACL letter on 27 June 2016. The Dischargers contacted Board Staff in response to the pre-ACL letter, but a settlement was not reached.</p> <p>The Dischargers enrolled in the Kings River Water Quality Coalition on 25 July 2016. This action brought them into compliance with the Directives.</p> |
| ADMINISTRATIVE CIVIL LIABILITY COMPLAINT | <p>On 24 August 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$35,490, based on the State Water Board’s Enforcement Policy. The ACL Complaint alleges the Dischargers failed to obtain regulatory coverage as required by the Directive.</p> <p>The maximum penalty for the alleged violation is \$473,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10% which amounts to \$13. The Enforcement Policy’s penalty calculation methodology resulted in</p>  |

|                      |   |
|----------------------|---|
|                      | a liability of \$35,490, and is the amount of administrative civil liability proposed by the Prosecution Team.          |
| ISSUES:              | There are no known issues as the Dischargers did not submit evidence in this case.                                      |
| ACLO RECOMMENDATION: | The Prosecution Team recommends that the Board adopt the Administrative Civil Liability Order for \$35,490 as proposed. |

Mgmt. Review     DAS      
Legal Review     SNL    

3/4 November 2016 Hearing Panel  
Central Valley Regional Water Quality Control Board  
1685 E Street, Fresno, CA 93706