

ATTACHMENT C

3 September 2015 NOV Failure to Respond to 13260 Directive



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

3 September 2015

BALDEV S. & KAMALJIT K. BATTH  
PO BOX 61  
CARUTHERS, CA 93609

Certified Mail Number  
7015 0640 0003 6852 1400

**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:

<b>County: Fresno</b>				
042-350-03S	042-260-22S			
042-350-02	043-020-79S			

On 20 March 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 24 March 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 enclosed with 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:

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

**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 Kings River Water Quality Coalition (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 (559) 365-7958, or at [www.kingsriverwqc.org](http://www.kingsriverwqc.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 Intent<sup>1</sup> (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](http://www.waterboards.ca.gov/resources/fees/docs/fy13_14_fee_schedule_ilrp.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,

<sup>1</sup> The required information for submitting a Notice of Intent to enroll under the Individual Order can be found in Attachment B section IV.B of the Individual Order (Order R5-2013-0100).

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 148 days late in obtaining regulatory coverage per the Directive Letter. This gives a potential maximum penalty of \$148,000.

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](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](mailto: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](mailto:patrick.barnes@waterboards.ca.gov).**



DAVID A. SHOLES  
Senior Engineering Geologist  
Irrigated Lands Regulatory Program

Enclosures: 20 March 2015 Directive Order  
12 May 2015 Water Boards Press Release



Central Valley Regional Water Quality Control Board

20 March 2015

BALDEV S. & KAMALJIT K. BATTI
PO BOX 61
CARUTHERS, CA 93609

Certified Mail Number
7014 2870 0000 7593 3460

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:

Table with 4 columns and 5 rows. The first row is labeled 'Parcel Number(s):'. The second row contains '042-350-02'. The third row contains '042-350-03S'. The remaining three rows are empty.

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. If you own irrigated commercial cropland within the Tulare Lake Basin Area that is not identified on the above table of parcel numbers, it will also require 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:

- 1. Join the Kings River Water Quality Coalition (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.

KARL E. LONGLEY SoD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

1885 E Street, Fresno, CA 98708 | www.waterboards.ca.gov/centralvalley

The NOI is available online at:  
[http://www.waterboards.ca.gov/rwqcb5/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](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 (559) 365-7958, or at <http://www.kingsriverwqc.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:  
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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](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 (559) 488-4396 or via email at [ilrpinfo@waterboards.ca.gov](mailto:ilrpinfo@waterboards.ca.gov).

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



**FDR** 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

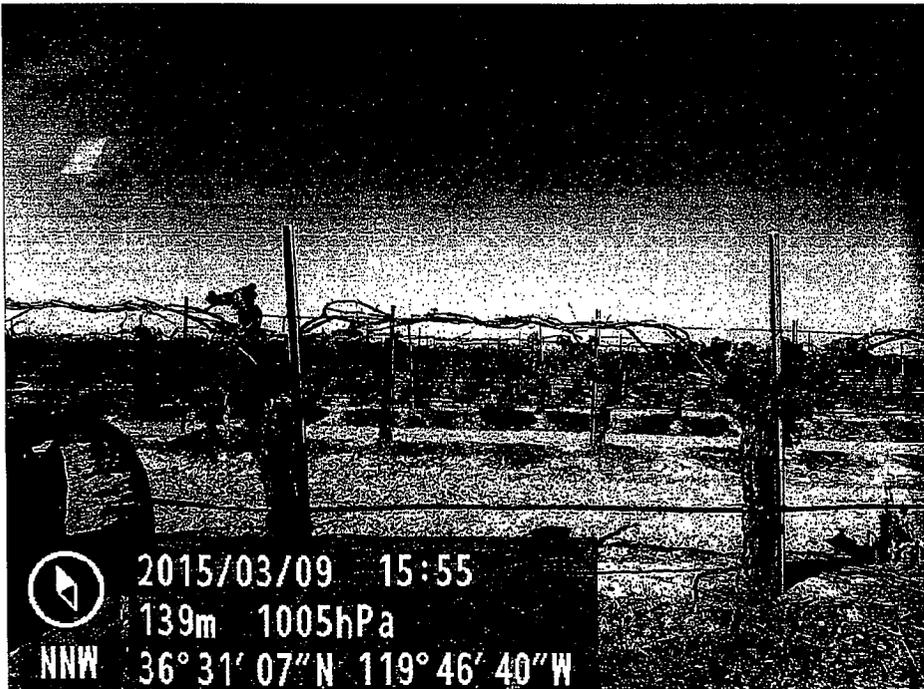
### Ownership Information:

Owner(s):	BALDEV S. & KAMALJIT K. BATTH	Coalition:	Kings River Water Quality Coalition		
Parcel Number:	042-350-02	Acres:	80.0	County:	Fresno

### Inspection Findings:

Date Inspected:	3/9/2015
Inspected By:	SAR/RKW
Results:	Commercially Irrigated Agriculture
Crop type:	Grapes
Irrigation Method:	Drip
Other/Notes:	

### Inspection Photo:



Approved:	RKW	<i>[Signature]</i>
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# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## Irrigated Lands Regulatory Program Enrollment Confirmation Inspection Report

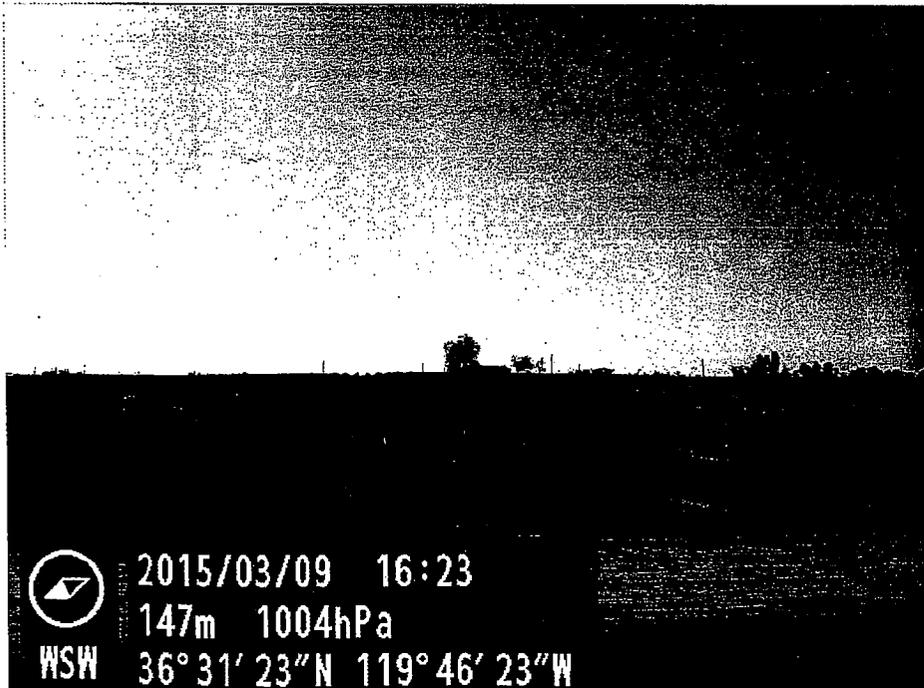
### Ownership Information:

Owner(s):	BALDEV S. & KAMALJIT K. BATTH	Coalition:	Kings River Water Quality Coalition		
Parcel Number:	042-350-03S	Acres:	40.5	County:	Fresno

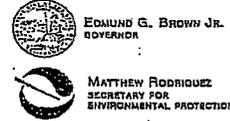
### Inspection Findings:

Date Inspected:	3/9/2015
Inspected By:	SAR/RKW
Results:	Commercially Irrigated Agriculture
Crop type:	Grapes
Irrigation Method:	Drip
Other/Notes:	

### Inspection Photo:



Approved:	RKW	<i>[Signature]</i>
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Central Valley Regional Water Quality Control Board

29 May 2015

BALDEV S. & KAMALJIT K. BATTH
PO BOX 61
CARUTHERS, CA 93609

Certified Mail Number
7015 0920 0001 5203 3020

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:

Table with 4 columns and 5 rows. The first row is labeled 'Parcel Number(s):' and contains the value '042-260-22S' in the first column. The remaining rows are empty.

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. 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. If you own irrigated commercial cropland within the Tulare Lake Basin Area that is not identified on the above table of parcel numbers, it will also require regulatory coverage through one of the options described below. To obtain regulatory coverage either:

- 1. Join the Kings River Water Quality Coalition (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](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 of the 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 (559) 365-7958, or at <http://www.kingsriverwqc.org/>.

Or

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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**

California 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.

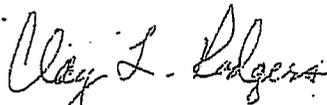
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CLAY L. RODGERS  
Assistant Executive Officer

Enclosure(s): Inspection Report(s)

# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## Irrigated Lands Regulatory Program Enrollment Confirmation Inspection Report

### Ownership Information:

Owner(s):	<b>BALDEV S. &amp; KAMALJIT K. BATTH</b>	Coalition:	<b>Kings River Water Quality Coalition</b>		
Parcel Number:	<b>042-260-22S</b>	Acres:	<b>21.4</b>	County:	<b>Fresno</b>

### Inspection Findings:

Date Inspected:	<b>5/7/2015</b>
Inspected By:	<b>CDH/PAB</b>
Results:	<b>Commercially Irrigated Agriculture</b>
Crop type:	<b>Almonds</b>
Irrigation Method:	<b>Micro sprinkler</b>
Other/Notes:	

### Inspection Photo:



Approved:	<i>PAB</i>	<i>DS</i>
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EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

29 May 2015

BALDEV S. & KAMALJIT K. BATTH  
13361 S ELM  
CARUTHERS, CA 93609

Certified Mail Number  
7015 0920 0001 5203 3037

**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*

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Parcel Number(s):			
043-020-79S			

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1685 E. Street  
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BALDEV S. & KAMALJIT K.  
BATTH

- 3 -

29 May 2015

**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.

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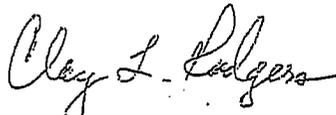
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CLAY L. RODGERS  
Assistant Executive Officer

Enclosure(s): Inspection Report(s)

# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## Irrigated Lands Regulatory Program Enrollment Confirmation Inspection Report

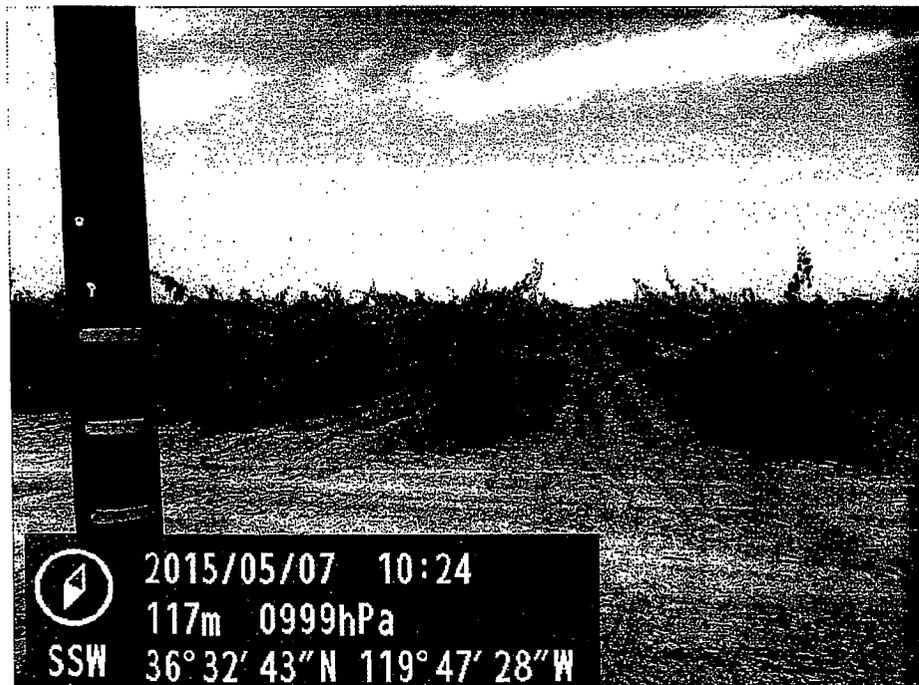
### Ownership Information:

Owner(s):	BALDEV S. & KAMALJIT K. BATTH	Coalition:	Kings River Water Quality Coalition		
Parcel Number:	043-020-79S	Acres:	52.5	County:	Fresno

### Inspection Findings:

Date Inspected:	5/7/2015
Inspected By:	CDH/PAB
Results:	Commercially Irrigated Agriculture
Crop type:	Grapes
Irrigation Method:	Drip
Other/Notes:	

### Inspection Photo:



Approved:	<i>PAB</i>	<i>CDH</i>
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# Enforcement News

Central Valley Regional Water Quality Control Board  
[www.waterboards.ca.gov/centralvalley/](http://www.waterboards.ca.gov/centralvalley/)

## **Central Valley Water Board Issues Pair of Penalties to Madera County Growers for failing to Acquire Water Quality Permits**

**FOR IMMEDIATE RELEASE**  
May 12, 2015

**Contact: Brett Stevens**  
**Phone: (916) 464-4642**

The Central Valley Regional Water Quality Control Board has approved a pair of penalties for two Madera County landowners for failing to get the required permits for discharging waste from their irrigated croplands.

The Central Valley Board approved fines for Heritage Ranch LLC and Sarbjit and Satwant Athwal in the amounts of \$51,480 and \$56,628 respectively for their properties in the Eastern San Joaquin River Watershed.

State law requires water quality permits for commercial irrigated lands because pesticides and fertilizers used on cropland can run off into streams, or enter groundwater. These permits ensure waste discharges don't harm the Central Valley's rivers and groundwater aquifers.

In December 2012, the Central Valley Water Board issued waste discharge requirements that allowed farmers in the Eastern San Joaquin River Watershed to join a coalition of growers called the East San Joaquin Water Quality Coalition. The coalition holds a water quality permit that covers all of its members, conducts monitoring and provides reports to the Central Valley Water Board on behalf of the growers. Growers who don't join the coalition incur much higher costs associated with conducting their own individual monitoring and reporting directly to the Central Valley Water Board. Landowners whose parcels do not have the required permit are subject to fines and may lose their opportunity to be regulated under the coalition-based permit.

"Owners of unpermitted irrigated lands are undermining the regulatory program and efforts to mitigate agricultural-related water quality problems. With these fines, the Board is sending a strong message that it's time for the remaining non-permitted growers to obtain all appropriate regulatory coverage," said Andrew Altevogt, Assistant Executive Officer for the Central Valley Water Board.

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1. Article Addressed to:

BALDEV S. & KAMALJIT K. BATTI  
PO BOX 61  
CARUTHERS, CA 93609

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A. Signature  Agent  
 *Baldev S. Batti*  Addressee

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