

ITEM:	7
SUBJECT:	Alex V. and Vera A. Kobets, Fresno County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Alex and Vera Kobets (“Dischargers”) own approximately 79 acres of agricultural land in Fresno County, identified as Assessor’s Parcel Numbers (APNs) 015-080-34S and 015-080-35S.</p> <p>On 21 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.</p> <p>On 18 March 2015, staff conducted a field inspection of Fresno County APN 015-080-35S, and found evidence of 39.1 acres of commercially irrigated grapes.</p> <p>On 26 March 2015, the Assistant Executive Officer of the Central Valley Water Board issued a Water Code section 13260 Directive Letter (Directive) to the Dischargers, notifying them of the requirement to obtain regulatory coverage for their irrigated lands within 15 days of receipt of the Directive. The Dischargers received the Directive on 7 April 2015.</p> <p>Using aerial imagery, on 11 June 2015, Board staff confirmed that another parcel owned by the Dischargers, Fresno County APN 015-080-34S, had an additional 40 acres of commercially irrigated grapes</p> <p>Because the Dischargers failed to respond by the deadline specified in the Directive (22 April 2015), a Notice of Violation (NOV) was sent to the Dischargers on 9 July 2015. The NOV was received on 10 July 2015. The Dischargers did not obtain regulatory coverage and did not contact the Water Board.</p> <p>On 10 December 2015, Board staff spoke with Mr. Alex V. Kobets by telephone and explained the Irrigated Lands Regulatory Program. The Dischargers did not obtain coverage after communication with staff.</p> <p>On 12 January 2016, the Prosecution Team sent the Dischargers a notification letter (pre-ACL letter) via certified mail, indicating that an ACL Complaint would be issued if they did not obtain regulatory coverage and initiate settlement discussions by 26 January 2016. Again, the Dischargers did not obtain coverage after receiving the letter.</p> <p>On 5 August 2016, Board staff met with Mr. Kobets at his vineyard and explained the Irrigated Lands Regulatory Program. Staff also provided him with a copy of the Kings River Water Quality Coalition’s enrollment form, a Notice of Intent (NOI), and explained the process for joining the Coalition and completing the NOI.</p> <p>As of the date of the ACL Complaint, the Dischargers had not obtained regulatory coverage.</p>

<p>ADMINISTRATIVE CIVIL LIABILITY COMPLAINT:</p>	<p>On 12 August 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$26,813, 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 \$477,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10% which amounts to \$5,524. The Enforcement Policy's penalty calculation methodology resulted in a liability of \$26,813, and is the amount of administrative civil liability proposed by the Prosecution Team.</p>
<p>ISSUES:</p>	<p>There are no known issues as the Dischargers did not submit evidence in this case.</p>
<p>ACLO RECOMMENDATION:</p>	<p>The Prosecution Team recommends that the Board adopt the Administrative Civil Liability Order for \$26,813 as proposed.</p>

Mgmt. Review DAS
 Legal Review KE

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