

ITEM:	8
SUBJECT:	Jim and Vera Kurnosoff, as Individuals and in their Representative Capacity as Trustees for the J & V Revocable Trust, Fresno County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Jim and Vera Kurnosoff (Dischargers), as trustees of the J &amp; V Revocable Trust, own 88 irrigated acres in Fresno County, identified as Assessor's Parcel Numbers (APNs) 020-100-32S, 020-100-33S, 020-150-11S and 020-150-12S.</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 field inspections of Fresno County parcels 020-100-32S and 020-100-33S and found evidence of commercially irrigated grapes. Aerial imagery also indicates that the land use of the parcels owned by the Dischargers is irrigated agriculture.</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 their obligation to obtain coverage for their irrigated lands within 15 days of receipt of the Directive. The Dischargers received the Directive on 28 March 2015.</p> <p>Because the Dischargers failed to respond by the deadline specified in the Directive (12 April 2015), a Notice of Violation (NOV) was sent 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 13 August 2015 and 17 August 2015, Board staff attempted to contact the Dischargers to discuss obtaining coverage in the Irrigated Lands Regulatory Program but the conversations proved unsuccessful.</p> <p>On 5 October 2015, the Prosecution Team sent the Dischargers a notification letter stating that an ACL Complaint would be issued if the Dischargers did not obtain regulatory coverage and initiate settlement discussions by 19 October 2015. The Dischargers received the pre-ACL letter on 19 October 2015. The Dischargers contacted Board staff in response to the pre-ACL letter, but a settlement was not reached.</p> <p>On 22 June 2016, five months after issuance of the ACL Complaint (see details below), the Dischargers enrolled in the Kings River Water Quality Coalition and paid the appropriate coalition fees and back fees.</p>

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT:	<p>On 25 January 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$27,885, 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. A hearing on the ACL Complaint was originally scheduled for the April 2016 Board Meeting. However, the Dischargers submitted a waiver form and the case was taken off calendar as the parties engaged in settlement negotiations. No settlement was reached, and the case was put back on calendar for the November hearing panel on 17 August 2016.</p> <p>The maximum penalty for the alleged violation is \$287,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10% which amounts to \$4,492. The Enforcement Policy's penalty calculation methodology resulted in a liability of \$27,885, and is the amount of administrative civil liability proposed by the Prosecution Team.</p>
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 proposed Administrative Civil Liability Order for \$27,885 as proposed.

Mgmt. Review DS  
 Legal Review KE

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