

ITEM:	9
SUBJECT:	Gurmail Kaur, Madera County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Gurmail Kaur (“Discharger”) owns 74 acres of agricultural land in Madera County, identified as Assessor’s Parcel Number 040-072-004.</p> <p>On 30 January 2015, the Assistant Executive Officer of the Central Valley Water Board issued a Water Code section 13260 Directive Letter (“Directive”) to the Discharger. The Directive was sent based on information that the subject parcel contained land irrigated for a commercial purpose without regulatory coverage. The Directive required the Discharger to obtain regulatory coverage for its irrigated lands within 15 calendar days of receipt of the Directive.</p> <p>The 30 January 2015 Directive issued to the Discharger was returned to the Board as "Unclaimed" on 3 March 2015.</p> <p>On 15 June 2016, the Assistant Executive Officer of the Central Valley Water Board issued a second Directive to the Discharger. The Directive required the Discharger to obtain regulatory coverage for its irrigated lands within 15 calendar days of receipt of the Directive (by 5 July 2016). The Discharger could comply by joining the San Joaquin Water Quality Coalition (Coalition), or by submitting a Report of Waste Discharge (RoWD).</p> <p>The Discharger received the Directive on 20 June 2016. The Discharger neither obtained regulatory coverage by the deadline of 5 July 2016 nor contacted Board Staff.</p> <p>On 13 July 2016, the Discharger submitted a Notice of Intent (NOI) to join the Coalition and a \$200 administrative fee to the Central Valley Water Board. However, the Discharger did not obtain regulatory coverage by joining the Coalition.</p> <p>On 21 June 2016, Board Staff conducted a field inspection of Madera County parcel 040-072-004, and found evidence of land irrigated for a commercial purpose based on the crop grown, grapes, and size of the operation.</p> <p>On 11 August 2016, the Discharger joined the Coalition and paid the Coalition dues, including back dues. This action brought the Discharger into compliance with the Directive.</p>
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT	<p>On 8 August 2016, the Administrative Civil Liability (ACL) Complaint was issued by the Assistant Executive Officer in the amount of \$32,175, based on the State Water Board’s Enforcement Policy. The ACL Complaint alleges the Discharger failed to obtain regulatory coverage as required by the Directive.</p> <p>The maximum penalty for the alleged violation is \$34,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10 percent, which amounts to \$15.40. The Enforcement Policy’s penalty calculation methodology resulted in a liability of \$32,175, and this 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 \$32,175 as proposed.
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Mgmt. Review SYM
Legal Review SNL

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