

ITEM:	11
SUBJECT:	William and Maria Egleston, Merced County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>William & Maria Egleston (“Dischargers”) own 19.5 acres of agricultural land in Merced County, identified as Assessor’s Parcel Number 056-040-049.</p> <p>On 6 February 2013 and 18 April 2013, 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>In 2013, the Dischargers enrolled in the East San Joaquin Water Quality Coalition (“Coalition”). In July 2014, the Dischargers’ membership was canceled for failure to pay Coalition dues.</p> <p>On 7 November 2014, the Assistant Executive Officer of the Central Valley Water Board issued a Water Code section 13260 Directive Letter (“Directive”) to the Dischargers. The Directive was sent based on information that the Dischargers’ irrigated lands no longer had regulatory coverage. The Directive required the Dischargers to obtain regulatory coverage for their irrigated agricultural parcel within 15 calendar days of receipt of the Directive (23 November 2014). The Dischargers could comply by joining the Coalition, or by submitting a Report of Waste Discharge (RoWD). The certified mail receipt for the Directive was received on 8 November 2014.</p> <p>Because the Dischargers failed to respond by the deadline specified in the Directive, a Notice of Violation (NOV) was sent to the Dischargers on 8 January 2015.</p> <p>On 13 January 2015, the Dischargers submitted a Notice of Intent (NOI) to join the Coalition and a \$200 administrative fee to the Water Board. However, they did not obtain regulatory coverage by joining the Coalition.</p> <p>On 17 December 2015, staff conducted a field inspection of Merced County parcel 056-040-049, and found evidence of land irrigated for a commercial purpose based on the crop grown, almonds, and size of the operation.</p> <p>On 12 January 2016, Board staff contacted the Dischargers to discuss the impending Administrative Civil Liability (“ACL”) and a proposed penalty. Staff explained that the Dischargers should promptly obtain regulatory coverage or face a potential ACL Complaint.</p> <p>On 5 February 2016, Board staff sent the Dischargers a notification letter stating that an ACL Complaint would be issued if they did not obtain regulatory coverage and initiate settlement discussions by 24 February 2016. The Dischargers received the pre-ACL letter on 8 February 2016. The Dischargers contacted Board staff in response to the pre-ACL letter, but a settlement was not reached.</p> <p>On 28 March 2016, the Dischargers re-enrolled in the Coalition and paid the Coalition dues and back dues. This action brought them into compliance with the Directive.</p>
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT	On 8 August 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$22,022, 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.

	The maximum penalty for the alleged violation is \$491,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10 percent, which amounts to \$9.90. The Enforcement Policy's penalty calculation methodology resulted in a liability of \$22,022, and this 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 \$22,022 as proposed.

Mgmt. Review SYM
Legal Review KE

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