
Central Valley Regional Water Quality Control Board

30 September 2015

Sinks, William R et al.
10873 Ave 18 1/2
Chowchilla, CA 93610

Certified Mail No.
7014 2870 0000 7535 5156

RESOLUTION OF OUTSTANDING CIVIL LIABILITY FOR FAILURE TO COMPLY WITH CALIFORNIA WATER CODE SECTION 13260, SINKS, WILLIAM R ET AL., CHOWCHILLA, MADERA COUNTY

The purpose of this letter is to provide a path for resolving the Administrative Civil Liability Complaint (Complaint) you received on 10 May 2014. You are hereby notified of your opportunity to negotiate and settle the assessment of monetary penalties for your failure to comply with the California Water Code. **Please read this notice carefully.**

On 20 February 2013 and 18 April 2013, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) issued notices to you describing new water quality regulations and actions available to comply with the regulations.

On 31 July 2013, the Central Valley Water Board issued a Directive Order pursuant to California Water Code section 13260 (13260 Directive) by certified mail that required you to obtain regulatory coverage within fifteen (15) days for irrigated lands that you may own or operate.

On 30 August 2013, the Central Valley Water Board issued a Notice of Violation pursuant to California Water Code section 13260 (NOV) by certified mail that requested you obtain regulatory coverage for irrigated lands that you may own or operate.

On 10 May 2014, the Assistant Executive Officer issued you an Administrative Civil Liability Complaint (Complaint) for failure to comply with a 13260 Directive. The Complaint proposed a penalty of \$3,540 to settle your enforcement case. In response to the Complaint, you signed a hearing waiver and submitted a check in the amount of \$3,540 as settlement. The settlement was subject to a 30-day public review that has not been completed; thus, the settlement was not approved by the Central Valley Water Board. Because of issues raised by the Advisory Team to the Central Valley Water Board concerning your enforcement case, the Complaint's proposed settlement amount is untenable and no longer a valid benchmark for settling your case.

On 17 July 2014, you submitted a Notice of Intent to the Central Valley Water Board and enrolled with the East San Joaquin Water Quality Coalition. These actions brought you into compliance with the 13260 Directive.

Central Valley Water Board records indicate that you (1) own parcels that contain irrigated agriculture; (2) received a 13260 Directive and a Notice of Violation by certified mail requiring you to obtain regulatory coverage for all parcels containing irrigated agriculture; and (3) did not obtain regulatory coverage within the allotted amount of time.

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.”

Under California Water Code section 13261, failing to submit a Report of Waste Discharge when requested by the Central Valley Water Board may result in an administrative civil liability against you of up to \$1,000 per day for every day the report is late.

From 18 August 2013 until 17 July 2014, your obtainment of regulatory coverage was 333 days overdue. From 18 August 2013 until 17 July 2014, the **maximum penalty** for the violation described above is **three hundred thirty-three thousand dollars (\$333,000)** based on a calculation of the total number of per-day violations times the statutory maximum penalty (333 total days of violation multiplied by \$1,000). Based on our review and after conducting a revised penalty calculation, the Assistant Executive Officer of the Central Valley Water Board proposes resolving your outstanding enforcement case with an administrative civil liability assessment against you for **fifty thousand fifty dollars (\$50,050)**. This proposed penalty amount was calculated considering the methodology in the State Water Resources Control Board’s Water Quality Enforcement Policy (Enforcement Policy) and is based on facts known to date. This proposed penalty amount is preliminary and is subject to modification should additional information come to light. The full Enforcement Policy may be found here: http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf.

By way of this letter, you are being notified of the opportunity to meet to discuss the facts regarding the alleged violation, including the option of settlement. This meeting affords you the opportunity to potentially reduce the proposed penalty amount if you present new information to the Central Valley Water Board staff, or other information you believe is relevant to determining an appropriate monetary penalty. All settlement communications would be kept confidential subject to California Evidence Code sections 1152 and 1154. If a settlement is reached at this meeting, the Assistant Executive Officer will forego issuing the Complaint and this matter may be resolved without a hearing.

If you intend to argue that you have an inability to pay the proposed penalty amount, you must bring supporting documentation with you to the meeting. Appropriate documentation **must include** the last three years of signed federal income tax returns including schedules **and may also include** credit card or line of credit statements, mortgage loan statements, bank account statements, or any other document that explains the special circumstances regarding past, current, or future financial conditions. This information may be used in determining an appropriate monetary penalty assessment.

In order to initiate any discussions to settle this matter, you must contact Brett Stevens at (916) 464-4642 by **16 October 2015** to schedule a day and time to meet with Central Valley Water Board staff. If you do not respond by this date, the Assistant Executive Officer will issue you a Complaint and this matter will proceed to a formal enforcement hearing before the Central Valley Water Board; or the Assistant Executive Officer may refer the matter to the Attorney General's Office or other prosecution agency.

If you have any questions, please contact Brett Stevens by phone at (916) 464-4642 or by email at Brett.Stevens@waterboards.ca.gov.

Original signed by

Sue McConnell, Manager
Irrigated Lands Regulatory Program

cc: Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Kailyn Ellison, SWRCB Office of Enforcement
Naomi Kaplowitz, SWRCB Office of Enforcement

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.



1. Article Addressed to:

Sinks, William R et al.
10873 Ave 18 1/2
Chowchilla, CA 93610

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
X *Bobby Sinks*

B. Received by (Printed Name)
Bobby Sinks

C. Date of Delivery
10-2-15

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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 Certified Mail® Priority Mail Express™
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2. Article Number
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PS Form 3811, July 2013

Domestic Return Receipt