



State Water Resources Control Board

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FOR IMMEDIATE RELEASE

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LAND OWNER PENALIZED FOR MISUSING AG EXEMPTION FROM GRADING REQUIREMENTS

SAN LUIS OBISPO – An airstrip owner, charged with grading an airstrip without a permit, has settled the case against him.

Central Coast Regional Water Board staff with San Luis Obispo County Code Enforcement and the Department of Fish & Game, inspected Michael Leprino's project site at La Panza Ranch on Highway 58, east of the community of Santa Margarita, and next to San Juan Creek. Leprino graded a private jet airfield about 5,000 feet long, disturbing 28 acres without permits from the County or the regional Water Board.

The *Clean Water Act* provides an exemption from permitting for some agricultural activities, such as plowing, seeding, cultivating, and harvesting. Leprino began construction with the apparent belief that this exemption applied to his private jet airfield, and continued his land disturbance activities despite corrective advice from professional consultants.

Leprino pleaded no contest to two criminal misdemeanor counts of violating county permit requirements (construction work without a permit, and grading work without a permit), and paid \$10,000. The District Attorney obtained a stipulated civil judgment against Leprino that requires him to either get the necessary permits and complete the airstrip project within three years, or get the necessary permits and remediate the site within three years.

"Construction activities that require permits cannot hide behind an Ag Exemption. It is important for people to realize that Ag Exemptions only apply to agricultural activities, not simply to land zoned for agriculture. We encourage all persons with substantial soil disturbance projects to obtain all necessary local and state permits so that we can work together to achieve our collective goals and protect the public's waters," said Roger Briggs, Executive Officer of the Central Coast Regional Water Board.

The enforcement action was referred to the San Luis Obispo County District Attorney's Office by the Central Coast Regional Water Board against Leprino settled on May 25, 2007, by Superior Court Judge Michael Tangeman. The court's decision was based on a settlement between the District Attorney and Leprino.

Because soil disturbances often occur in or near creeks, the erosion and sediment impacts can be significant, causing water quality and biological harm, and destroying aquatic habitat. If a person is unsure about whether an exemption applies, they should ask the County or the Central Coast Regional Water Board. Ag Exemptions may be obtained from the County.

The Central Coast Regional Water Board is one of nine regional boards in the state, and is responsible for surface and ground water quality issues west of the Central Valley, from the southern parts of San Mateo and Santa Clara counties to the northern part of Ventura County.

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