
California Regional Water Quality Control Board, Central Coast Region

June 12, 2025

Jacobs Golden Eagle Trust
Leonard W. Knight
Trustee
P.O. Box 2670
Santa Maria, CA 93457-2670
VIA CERTIFIED MAIL: 7020 1810 0002 0768 5054

ENFORCEMENT PROGRAM: JACOBS GOLDEN EAGLE TRUST, SANTA BARBARA COUNTY, 129-151-073, 129-151-074, 129-151-075 - CONDITIONAL SETTLEMENT OFFER TO RESOLVE ALLEGED VIOLATION THROUGH ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0037

Dear Jacobs Golden Eagle Trust:

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. The purpose of this letter is to notify Spring Valley Road Watsonville LP of the alleged violation of failing to submit a report of waste discharge to obtain appropriate permit coverage under Order R3-2021-0040, *General Waste Discharge Requirements for Discharges from Irrigated Lands* (Agricultural Order)¹ and to alert Spring Valley Road Watsonville LP of the opportunity to participate in an expedited settlement process to address the administrative civil liability.

PLEASE NOTE: NO PAYMENT IS YET DUE IN RESPONSE TO THIS LETTER.

Alleged Violation

The Central Coast Water Board regulates discharges from commercial irrigated agricultural lands to protect surface water and groundwater (waters of the state) by requiring enrollment in the Agricultural Order. The Agricultural Order applies to all landowner(s) and/or operator(s) of commercial irrigated agricultural lands in the Central Coast region.

¹ Link to Agricultural Order:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

Pursuant to California Water Code section 13260, a person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state must submit a report of waste discharge. The Central Coast Water Board issued an order (13260 Order) requiring the Discharger to either 1) submit a report of waste discharge (also known as a permit application, notice of intent to comply, or eNOI) to enroll in the Agricultural Order, 2) confirm existing regulatory coverage, or 3) confirm regulatory coverage is not required by March 21, 2024. A copy of the 13260 Order is attached. Our records indicate that the 13260 Order was received via Federal Express.

The Central Coast Water Board issued a notice of violation for failure to submit the report of waste discharge and obtain regulatory coverage to operate commercial irrigated agricultural lands on October 17, 2024. A copy of the notice of violation is attached. Our records indicate that the notice of violation was received via Federal Express.

The Central Coast Water Board Prosecution Team (Prosecution Team) has determined that Spring Valley Road Watsonville LP is in violation of the Water Code and subject to penalties. As of the date of the issuance of this Conditional Settlement Offer, the report of waste discharge has not been submitted. The report of waste discharge still needs to be submitted and remains due unless the Discharger confirms existing regulatory coverage or demonstrates that coverage is not required.

Statutory Liability

Pursuant to section 13261 of the California Water Code, a person who fails to furnish a report of waste discharge under section 13260, when so requested by a regional board, is guilty of a misdemeanor and is subject to administrative civil liabilities of up to \$1,000 per day for each day in which the violation occurs. The Central Coast Water Board also has the option to refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General's Office for prosecution, the Superior Court may assess civil liability up to \$5,000 for each day the violation occurs.

Conditional Settlement Offer

The Prosecution Team proposes to resolve the alleged violation of failing to submit the report of waste discharge with this Conditional Settlement Offer.

The Prosecution Team derived the proposed administrative civil liability (Settlement Amount) by following the State Water Resources Control Board's (State Water Board) 2024 Water Quality Enforcement Policy (Enforcement Policy),² which was adopted on December 5, 2023, and became effective on November 7, 2024. To avoid the issuance

² Link to State Water Board 2024 Enforcement Policy:

https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

of an administrative civil liability complaint³ and promote expedited resolution of the alleged violation, the Central Coast Water Board Assistant Executive Officer offers the Discharger the opportunity to settle the matter by submitting a complete report of waste discharge and completing and returning the enclosed Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver).

The Conditional Settlement Offer is described in further detail in the attached Acceptance and Waiver. If the Discharger accepts the Conditional Settlement Offer and complies with the requirements listed therein, the Central Coast Water Board Assistant Executive Officer will forego issuance of an administrative civil liability complaint and will not refer the violation to the Attorney General's Office.

Administrative Civil Liability Assessment

The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in California Water Code section 13327, which require the Central Coast Water Board to consider several factors when determining the amount of civil liability to impose, including "...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require."

The Prosecution Team developed the proposed administrative civil liability based on the procedures included in the Enforcement Policy methodology. The steps used to calculate the proposed liability are discussed and summarized in Attachment A to the Acceptance and Waiver (*Factor Consideration and Penalty Calculation Methodology*). The Prosecution Team has determined that the proposed resolution of the alleged violation is fair and reasonable, fulfills the Central Coast Water Board's enforcement objectives, and is in the best interest of the public.

The Executive Officer and Office of Chief Counsel are being provided a copy of this cover letter without attachments for informational purposes only. If you agree to enter into settlement negotiations with the Enforcement Program, all settlement negotiations would be conducted confidentially in accordance with California Evidence Code sections 1152 and 1154.

³ For additional information regarding Administrative Civil Liability Complaints see the fact sheet at: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/enforcement/docs/acl_fact_sheet.pdf

Options for Responding to the Alleged Violation***Option A: Accept the Conditional Settlement Offer and Pay the Settlement Amount***

If the Discharger chooses to accept the Conditional Settlement Offer, then the attached Acceptance and Waiver must be completed and submitted no later than **June 26, 2025** by email to Carson Capps at carson.capps@waterboards.ca.gov and by U.S. Mail to:

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Attention: Carson Capps, State Water Board Office of Enforcement

The Discharger can avoid the risks inherent in a formal enforcement action and settle the alleged violation by accepting the Conditional Settlement Offer. Please note that the Conditional Settlement Offer does not address liability for any violation that is not specifically identified in this letter. The Discharger's acceptance of this Conditional Settlement Offer will result in a complete and final resolution of all potential claims the Central Coast Water Board may have related to the violation specifically identified in this letter as detailed in the Acceptance and Waiver.

Important! - Upon receipt of signed the Acceptance and Waiver, the Acceptance and Waiver will be publicly noticed for a 30-day comment period. If no substantive comments are received after the 30 days, the Prosecution Team will ask the Central Coast Water Board's Executive Officer to formally endorse the Acceptance and Waiver as an Administrative Civil Liability Order of the Central Coast Water Board to resolve the alleged violation. After the Executive Officer issues the Administrative Civil Liability Order, an invoice will be mailed to the Discharger requiring payment of the administrative civil liability within 30 days of the date of the invoice.

If significant public comments are received in opposition to the Acceptance and Waiver and/or new material facts become available that are relevant, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and schedule the matter for a hearing before the Central Coast Water Board. In that circumstance, the Acceptance and Waiver will not be used as evidence against the Discharger.

Option B: Contest the Alleged Violations

If the Discharger wishes to contest the violation(s) or the methodology used to calculate the proposed liability, the Discharger must submit a written response identifying the basis for the challenge, including any evidence to support its claims. The Discharger's response must be sent via email to Carson Capps at carson.capps@waterboards.ca.gov and be received no later than **June 26, 2025**.

The Prosecution Team will evaluate the Discharger's basis for a challenge and may seek clarifying information or schedule an in-person meeting. The Prosecution Team will inform the Discharger whether a reduction in the Settlement Amount is warranted, or whether the original Settlement Amount is appropriate. The Discharger will be provided a final opportunity to accept the revised/original Settlement Amount.

Option C: Reject Conditional Settlement Offer

If the Discharger does not accept the Conditional Settlement Offer by **June 26, 2025**, the Discharger should expect that the Prosecution Team will conduct further investigation of the violation, issue an administrative civil liability complaint, and schedule a hearing. Please be advised that the Prosecution Team reserves the right to seek a higher liability amount, up to the maximum allowed by statute, either through issuance of a formal administrative civil liability complaint or by referring the matter to the Attorney General's Office. The Prosecution Team also reserves the right to conduct additional investigation, including issuance of investigation orders and/or subpoenas to determine whether additional violations occurred, and to consider revised penalty calculation factors. Any additional violations subjecting the Discharger to liability may be included in a formal enforcement action.

The Discharger would receive notice of any deadlines associated with the issuance of an administrative civil liability complaint.

If there are any questions about this letter or the Conditional Settlement Offer, please contact Carson Capps at (916) 341-5273 or at carson.capps@waterboards.ca.gov.

Sincerely,

 Digitally signed by Angela Schroeter
Date: 2025.06.12 11:05:18 -07'00'

Angela V. Schroeter
Assistant Executive Officer

Attachment:

Acceptance of Conditional Settlement Offer and Waiver of Right to a Hearing

cc:

State Water Board Office of Enforcement

Carson Capps, carson.capps@waterboards.ca.gov

Central Coast Water Board

Angela Schroeter, angela.schroeter@waterboards.ca.gov

Mary Hamilton, mary.hamilton@waterboards.ca.gov

Tamara Anderson, tamara.anderson@waterboards.ca.gov

Paula Richter, paula.richter@waterboards.ca.gov

Jillian Flavin, jillian.flavin@waterboards.ca.gov

Elaine Sahl, elaine.sahl@waterboards.ca.gov

Todd Stanley, todd.stanley@waterboards.ca.gov

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING**

ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0037

**JACOBS GOLDEN EAGLE TRUST
P.O. BOX 2670, SANTA MARIA
SANTA BARBARA COUNTY**

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Discharger hereby accepts the Conditional Settlement Offer from the Assistant Executive Officer to settle the alleged violation for failing to submit a Report of Waste Discharge (also known as a permit application, a notice of intent (NOI) to comply, or an eNOI) and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violation(s). Details about the alleged violation(s) and the factors considered to calculate the administrative civil liability to resolve the alleged violation(s) are provided in the *Factor Consideration and Penalty Calculation Methodology* (Attachment A), which is incorporated herein.

The Discharger agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to perform the following:

- Pay an administrative civil liability in the sum of **Thirty-Three Thousand Nine Hundred Eighty Seven Dollars and Eighty Four Cents (\$33,987.84)** (Settlement Amount) pursuant to one of the Payment Options described below.
- Submit a complete Report of Waste Discharge in order to enroll in Order R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands.

The Discharger understands that by signing this Acceptance and Waiver, it has waived its right to contest the allegations in the Settlement Offer and the civil liability amount for the alleged violation(s). The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in Attachment A.

The Discharger must fill in the blank boxes in Table 1 below to indicate the allocations for the Discharger's payment of the Settlement Amount. Payment is not due until after the close of the 30-day public comment period and the Executive Officer issues the ACL Order.

The following are the Discharger's payment options:

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing
Administrative Civil Liability Order R3-2025-0037

- ☐ Payment Option 1 – Direct the entire Settlement Amount to fund the Supplemental Environmental Project (SEP) known as the Bay Foundation of Morro Bay’s (Bay Foundation) Central Coast Drinking Water Well Testing Program (Drinking Water Well Testing Program). See the *Bay Foundation’s Drinking Water Well Testing Program – Use of Supplemental Environmental Project Funds summary document*¹ for more details about the program.
- ☐ Payment Option 2 – Direct a portion of the Settlement Amount to fund the Drinking Water Well Testing Program SEP and direct the remaining portion of the Settlement Amount to the State Water Pollution Cleanup and Abatement Account.²
- ☐ Payment Option 3 – Reject the option to fund a SEP and, instead, pay the entire Settlement Amount to the State Water Pollution Cleanup and Abatement Account.

For Payment Option 1 and 2, the Discharger will not have obligations related to the Drinking Water Well Testing Program beyond proof of payment to the Bay Foundation. Electing to pay all or a portion of the Settlement Amount to the Drinking Water Well Testing Program will not change the total Settlement Amount that needs to be paid to resolve the administrative civil liabilities for the alleged violation(s).

Table 1: Allocation of Payment of Penalty Amount

| Payment Options | Enter Amount (\$) of Liability to Direct to Selected Payment Option(s) |
|---|--|
| (SEP) Bay Foundation of Morro Bay’s Central Coast Drinking Water Well Testing Program | \$ _____ |
| State Water Pollution Cleanup and Abatement Account | \$ _____ |
| Total Penalty Amount | \$ _____ |

¹ Bay Foundation’s Drinking Water Well Testing Program – Use of Supplemental Environmental Project Funds summary document:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/enforcement/docs/2024/summary-drinking-water-well-testing-sep.pdf

² Cleanup and Abatement Account:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing
Administrative Civil Liability Order R3-2025-0037

The Central Coast Water Board will publish this Acceptance and Waiver for at least 30 days for public comment. If no substantive comments are received within the public comment period, the Executive Officer, through its delegated authority by the Central Coast Water Board, will formally endorse the Acceptance and Waiver as Administrative Civil Liability Order R3-2025-00437 (ACL Order), resolving the alleged violations identified in the notice of violation and described in Attachment A.

If significant public comments are received in opposition to this Acceptance and Waiver and/or new material facts become available that are relevant, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and schedule the matter for a hearing before the Central Coast Water Board. In that circumstance, the Discharger understands that this Acceptance and Waiver will not be used as evidence against the Discharger.

Upon signature by the Discharger, the Discharger must return this Acceptance and Waiver in PDF format via email or mail to:

Carson Capps
Irrigated Lands Enforcement Coordinator
Email: carson.capps@waterboards.ca.gov
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board. After the public comment period closes and the ACL Order is signed by the Executive Officer, the Central Coast Water Board will transmit the executed ACL Order to the Discharger. The transmittal letter will include payment due dates and payment instructions based on the payment options selected in this Acceptance and Waiver. The full payment of the Settlement Amount must be made within 30 calendar days of the executed ACL Order. Furthermore, the Discharger understands that full payment within 30 calendar days of the executed ACL Order is a material condition of this Acceptance and Waiver. Failure to pay the Settlement Amount within the required time period may subject the Discharger to further liability.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing
Administrative Civil Liability Order R3-2025-0037

IT IS SO STIPULATED.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

Jacobs Golden Eagle Trust

By: _____
(Signed Name) (Date)

(Printed or Typed Name)

(Title)

(Email)

ILPE0104-2PR

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing
Administrative Civil Liability Order R3-2025-0037

IT IS SO ORDERED, pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, Central Coast Region.

By: _____
Ryan E. Lodge
Executive Officer
Central Coast Water Board

Attachments:

1. Attachment A – Factor Consideration and Penalty Calculation Methodology
2. Attachment B – February 20, 2024 13260 Order
3. Attachment C – October 17, 2024 Notice of Violation

ATTACHMENT A

FACTOR CONSIDERATION AND PENALTY CALCULATION METHODOLOGY FOR ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0037

**JACOBS GOLDEN EAGLE TRUST
P.O. BOX 2670, SANTA MARIA
SANTA BARBARA COUNTY**

COMMERCIAL IRRIGATED AGRICULTURAL LANDS FAILURE TO SUBMIT A REPORT OF WASTE DISCHARGE

This document provides details on the proposed administrative civil liability penalty methodology related to Jacobs Golden Eagle Trust, referred to as “Discharger,” for failure to submit a report of waste discharge (also known as a permit application, a notice of intent to comply with waste discharge requirements, or an eNOI). The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Prosecution Team derived the proposed administrative civil liability by following the State Water Resources Control Board’s (State Water Board) 2024 Water Quality Enforcement Policy (Enforcement Policy), which was adopted on December 5, 2023, and became effective on November 7, 2024.¹ The proposed administrative civil liability takes into account such factors as the Discharger’s culpability, cooperation in returning to compliance, ability to pay the proposed liability, and other factors as justice may require.

Application of the State Water Board’s Enforcement Policy

The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in California Water Code (Water Code) section 13327, which require the Central Coast Water Board to consider several factors when determining the amount of civil liability to impose, including “...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require.”

Regulatory Basis of Alleged Violation and Proposed Liability

The Central Coast Water Board regulates discharges from commercial irrigated agricultural lands to protect surface water and groundwater via General Waste Discharge Requirements for Discharges from Irrigated Lands Order R3-2021-0040, also

¹ Link to State Water Board 2024 Enforcement Policy:
https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

known as the Agricultural Order.² The Agricultural Order applies to all landowner(s) and/or operator(s) of commercial irrigated agricultural lands in the Central Coast region. Pursuant to Water Code section 13260, a person or entity must file a report of waste discharge if a person or entity is discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state.

On 02/20/2024, the Central Coast Water Board issued an order pursuant to Water Code section 13260 (13260 Order) requiring the Discharger to submit a report of waste discharge (also known as a notice of intent to comply or eNOI) to enroll in the Agricultural Order, confirm existing regulatory coverage, or confirm regulatory coverage is not required

The Central Coast Water Board issued a notice of violation for failing to submit the report of waste discharge and thereby failing to obtain regulatory coverage to operate commercial irrigated agricultural lands on 10/17/2024.

Alleged Violation

To date, the Central Coast Water Board has not received a report of waste discharge. Failure to submit a report of waste discharge when requested by the Central Coast Water Board is a violation of Water Code section 13260. Pursuant to Water Code section 13261, subdivision (b), a violation of a Water Code section 13260 requirement subjects the Discharger to administrative civil liability up to \$1,000 per day for each day in which the violation occurs.

The Prosecution Team developed the proposed administrative civil liability based on the Enforcement Policy methodology. The steps used to calculate the proposed liability are discussed and summarized in the table below. Please note that the calculated amounts are rounded to the nearest dollar.

² The Agricultural Order is available at:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

Attachment A
 ACL Complaint R3-2025-0037
 Jacobs Golden Eagle Trust

| PENALTY CALCULATION METHODOLOGY STEPS | VALUE | DISCUSSION |
|--|---|---|
| Step 1 – Actual or Potential for Harm for Discharge Violations | Not applicable | This step is not applicable because this is not a discharge violation. |
| Step 2 – Assessments for Discharge Violations | Not applicable | This step is not applicable because this is not a discharge violation. |
| Step 3 – Per Day Assessments for Non-Discharge Violations | <p>Potential for Harm – Moderate</p> <p>Deviation from Requirement – Major</p> <p>Per Day Factor for Non-Discharge Violation – 0.40</p> <p>Multiple Day Violations – 48 days</p> <p><i>(Reduced from the Days of Violation of 330)</i></p> <p>Initial Liability Amount – \$19,200.00</p> | <p>The per day assessment for non-discharge violations considers potential for harm and the extent of deviation from applicable requirements. Failing to submit the report of waste discharge and thereby failing to obtain regulatory coverage for discharging waste from commercial irrigated lands substantially impairs the Central Coast Water Board’s ability to perform its regulatory functions. Additionally, failing to enroll in the Agricultural Order presents a potential threat to the surface waters and groundwater within the Central Coast region. Irrigated cropland can be a source of sediment, pesticide residue, nitrate, and other waste discharges to waters of the state. Unregulated discharges of such wastes can present a substantial threat to beneficial uses and/or indicate a substantial potential for harm to beneficial uses. Therefore, a moderate potential for harm score is appropriate.</p> <p>Failing to submit a report of waste discharge for enrollment in the Agricultural Order rendered the requirement ineffective in its essential function. Therefore, a major deviation from the requirement is appropriate. Table 3 in the Enforcement Policy is used to determine the initial penalty factor for a violation.</p> |

| PENALTY CALCULATION METHODOLOGY STEPS | VALUE | DISCUSSION |
|--|-------|--|
| | | <p>Based on the potential for harm and the deviation from requirement determinations, a per day factor of 0.40 is appropriate.</p> <p>The days of violation for failing to submit a report of waste discharge are counted from 03/21/2024 (the deadline to submit a report of waste discharge in the 13260 Order) to 6/12/2025 (the date of complaint issuance), for a total of 330 days.</p> <p>For violations that last more than 30 days, the daily assessment can be less than the calculated daily assessment, provided it is no less than the per day economic benefit, if any, resulting from the violation. In these cases, the liability shall not be less than an amount that is calculated based on an assessment of the liability for the first 30 days of the violation, plus an assessment for each 5-day period of violation, until the 60th day, plus an assessment for each 30 days of violation thereafter.</p> <p>For these cases, the Central Coast Water Board must make express findings that the violation: a) is not causing daily detrimental impacts to the environment and is not causing daily detrimental impacts to the regulatory program; b) results in no discrete economic benefit from the illegal conduct that can be measured on a daily basis; or c) occurred without the knowledge or control of the violator, who therefore did not take action to mitigate or eliminate the violation. The failure to submit a report of waste discharge is not resulting in discrete economic benefit to the Discharger that can be measured on a daily basis. There is no evidence that the violation is causing daily detrimental impacts to the environment or to the regulatory program. Therefore, the Prosecution Team has collapsed the number of days of violation for purposes of settlement from</p> |

Attachment A
 ACL Complaint R3-2025-0037
 Jacobs Golden Eagle Trust

| PENALTY CALCULATION METHODOLOGY STEPS | VALUE | DISCUSSION |
|--|------------------------------------|---|
| | | <p>330 days to 48 days according to the Enforcement Policy guidelines and prosecutorial discretion as summarized above.</p> <p>The initial liability amount is calculated by multiplying the days of violation by the per day factor for non-discharge violations (0.40 by the statutory maximum liability pursuant to Water Code section 13261 (\$1,000 per day of violation).</p> <p>Initial liability amount: 48 days x 0.40 x \$1,000 per day = \$19,200.00</p> |
| Step 3 – Adjustment Factors (Conduct Factors) | Degree of Culpability – 1.3 | <p>A discharger's degree of culpability is determined by evaluating what a reasonable and prudent person would have done or not done under similar circumstances. This adjustment factor should result in a multiplier between 0.75 and 1.5, with a higher multiplier for intentional misconduct and gross negligence, and a lower multiplier for more simple negligence. The Discharger failed to submit a report of waste discharge after being required to do so pursuant to the 13260 Order and after receiving a notice of violation. To date, the Central Coast Water Board has not received a report of waste discharge. Because the Discharger's failure to submit a report of waste discharge and enroll in the Agricultural Order falls below the standard of care, a score of 1.3 is appropriate.</p> |
| Step 4 – Adjustment Factors (Conduct Factors) | History of Violations – 1.0 | <p>Where a discharger has no prior history of violations, this factor should be neutral, or 1.0. The Discharger does not have a history of violations. Therefore, this factor remains neutral at 1.0.</p> |

| PENALTY CALCULATION METHODOLOGY STEPS | VALUE | DISCUSSION |
|--|---|--|
| Step 4 – Adjustment Factors (Conduct Factors) | Cleanup and Cooperation – 1.3 | <p>The Cleanup and Cooperation adjustment factor is determined by evaluating a discharger’s voluntary efforts to cleanup and/or cooperate with regulatory authorities in returning to compliance. This adjustment factor should result in a multiplier between 0.75 to 1.5, using the lower multiplier where there is exceptional cleanup and cooperation compared to what can reasonably be expected, and a higher multiplier where there is not.</p> <p>To date, the Discharger has not submitted a report of waste discharge for enrollment in the Agricultural Order despite receiving a follow up notice of violation to the 13260 Order that detailed the consequences for not submitting the report of waste discharge. Our records indicate that the 13260 Order was issued via Federal Express. Our records indicate that the notice of violation was received via Federal Express.</p> <p>The Discharger has not demonstrated a reasonable level of effective cooperation in returning into compliance, so a score of 1.3 is appropriate.</p> |
| Step 5 – Determination of Total Base Liability Amount | Total Base Liability Amount – \$32,448.00 | <p>After each of the above factors is considered for the violation, the applicable factors are multiplied by the initial liability amount proposed for the violation considering the adjusted number of days of violation to determine the total base liability amount for the violation.</p> <p>48 days x 0.55 x \$1,000 x 1.3 x 1.0 x 1.3 = \$32,448.00.</p> |
| Step 6 – Economic Benefit | Economic Benefit Amount – \$ 962.93 | <p>The economic benefit is any savings or monetary gain derived from the act or omission that constitutes the violation. Using the United States Environmental Protection Agency’s (USEPA) BEN Model Version 2024.0.0 revised April 2024, the economic benefit was calculated to be \$ 962.93. This represents the cost the Discharger saved by not enrolling in the Agricultural Order.</p> |

Attachment A
 ACL Complaint R3-2025-0037
 Jacobs Golden Eagle Trust

| PENALTY CALCULATION METHODOLOGY STEPS | VALUE | DISCUSSION |
|---|--|--|
| Step 7 – Other Factors as Justice May Require | Other factors as justice may require – \$1,539.84 | The costs of investigation and enforcement are “other factors as justice may require” and could be added to the liability amount. The Central Coast Water Board has incurred a total of \$1,539.84 in staff costs associated with the investigation and enforcement of the alleged violation. No attorney or management staff costs were included in this calculation. |
| Step 8 – Ability to Pay and Ability to Continue in Business | Ability to pay and continue in business – No adjustment | The ability to pay and to continue in business must be considered when assessing administrative civil liability. The Prosecution Team finds that the Discharger has the ability to pay the proposed liability. According to the Santa Cruz County Tax Assessor records, the parcel(s) owned by Jacobs Golden Eagle Trust is(are) assessed at \$985,122.00. |
| Step 9 – Minimum and Maximum Liability Amounts | Minimum Liability – \$1,059.22 Maximum Liability – \$449,000.00 | <u>Minimum Liability:</u> \$1,059.22 (estimated economic benefit of \$962.93 from step 6 plus 10 percent) <u>Maximum Liability:</u> \$449,000.00 (x days x \$1,000 per day per violation under Water Code section 13261) |
| Step 10 – Final Liability Amount | Final Liability Amount – \$33,987.84 | Based on the foregoing analysis, and consistent with the Enforcement Policy, the final proposed Administrative Civil Liability is the sum of the Total Base Liability Amount (\$32,448.00) and other factors as justice may require (staff costs of \$1,539.84) totaling \$33,987.84. The Final Liability Amount is between the Minimum and Maximum Liability Amounts. |



California Regional Water Quality Control Board, Central Coast Region

Si necesita ayuda deje un mensaje al
(805) 549-3148

如果協助必要用中文，請叫
(805) 549-3148

February 20, 2024

Jacobs Golden Eagle Trust
P.O. Box 2670
Santa Maria, CA 93457-2670
VIA FEDERAL EXPRESS: 7751 7031 5887

Dear Landowner(s):

JACOBS GOLDEN EAGLE TRUST; ASSESSOR PAREL NUMBERS 129-151-073, 129-151-074, 129-151-075; SANTA MARIA, SANTA BARBARA – REQUIREMENT TO OBTAIN REGULATORY COVERAGE TO OPERATE COMMERCIAL IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality.

Requirement to Obtain Regulatory Coverage

You are receiving this letter because, based on information available to Central Coast Water Board staff, Jacobs Golden Eagle Trust (“Discharger”) owns the parcel(s) of land identified as Assessor Parcel Number(s) (APN(s) 129-151-073, 129-151-074, 129-151-075 and there may be commercial irrigated agricultural activities occurring on these parcel(s). The parcel(s) listed below may be in operation without the appropriate regulatory coverage.

| | |
|---------|---------------------------------------|
| APN(s): | 129-151-073, 129-151-074, 129-151-075 |
| County: | Santa Barbara |

The recipient of this letter must respond in writing within 30 calendar days of the date of this letter, by doing one of the following:

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

- Submit a Report of Waste Discharge.
- Confirm Existing Regulatory Coverage.
- Confirm Regulatory Coverage is Not Required.

Agricultural Order

On April 15, 2021, the Central Coast Water Board adopted Order R3-2021-0040, *General Waste Discharge Requirements for Discharges from Irrigated Lands*, also known as the Agricultural Order.¹ The Agricultural Order addresses the discharge of waste from irrigated lands to surface water and groundwater, including but not limited to irrigation return

The Agricultural Order regulates discharges from irrigated lands where commercial crops are grown including (1) discharges of waste from irrigated lands, including, but not limited to, land planted to row, vineyard, field, and tree crops where water is applied for producing commercial crops; (2) discharges of waste from commercial nurseries, nursery stock production, and greenhouse operations with soil floors that do not have point-source type discharges and are not currently operating under individual waste discharge requirements; and (3) discharges of waste from lands that are planted with commercial crops that are not yet marketable, such as vineyards and tree crops. **The Agricultural Order applies to all owners and/or operators of commercial irrigated lands in the Central Coast region.**

Requirement to Submit a Report of Waste Discharge

Pursuant to California Water Code section 13260, you must obtain regulatory coverage prior to conducting commercial irrigated agricultural activities.

Water Code section 13260 states, in relevant part:

- (a) Each 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 waters of the state, other than into a community sewer system.

A report of waste discharge must contain information and data required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement. The Agricultural Order identifies commercial irrigated agricultural activities as sources of waste discharges (e.g., sediment, fertilizers, and pesticides) that could affect the quality of waters of the state. Persons owning or operating facilities conducting such activities are discharging waste or proposing to discharge waste and must therefore file a report of waste discharge. In the Central Coast region, this requirement is satisfied by filing an electronic Notice of Intent as described below (also referred to as “obtaining regulatory

¹ The Central Coast Water Board has regulated commercial irrigated agricultural lands since 2004. Order R3- 2021-0040 is the most recent version of the Agricultural Order, and is available here: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

coverage” or “enrolling”). **All owners and operators of commercial irrigated lands in the Central Coast region are required to file an electronic Notice of Intent (e.g., report of waste discharge or permit application) to comply with the Agricultural Order.**

The Agricultural Order at pages 11-12, paragraph 7, requires that:

“Prior to any discharge or commencement of activities that may cause a discharge, including land preparation prior to crop production, any Discharger proposing to control or own a new operation or ranch that has the potential to discharge waste that could directly or indirectly reach waters of the state and/or affect the quality of any surface water and/or groundwater must submit an eNOI.”

Therefore, the Central Coast Water Board requires that regulatory coverage is obtained for commercial irrigated agricultural activity by submitting a report of waste discharge unless conditions 2 or 3 below apply.

You must respond to this letter in writing within 30 calendar days of the date of this letter, by doing one of the following:

1. Submit a Report of Waste Discharge.

You must submit a completed electronic Notice of Intent according to Agricultural Order Conditions 3 through 14. The electronic Notice of Intent is located on the Central Coast Water Board’s website at the following link:
https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/enrollment.html

Review and follow the instructions in *Attachment 1: How to Enroll*.

2. Confirm Existing Regulatory Coverage.

You must submit documentation that demonstrates that you have already submitted an electronic Notice of Intent and the parcel(s) are properly enrolled in the Agricultural Order.

It may be the case that the parcel is in an incorrect format in your electronic Notice of Intent. Please review and update your parcel information in your electronic Notice of Intent in GeoTracker. Incorrectly formatted parcels are highlighted in red/pink.

To update parcels that are highlighted in red/pink, you can select parcels by clicking on the parcel map. The parcel map is included as part of the electronic Notice of Intent in GeoTracker. If you choose to type the parcel numbers into the form manually, make sure to click on “VERIFY APNs” to ensure that your parcels are entered in the correct format.

Once all your parcels are updated in your electronic Notice of Intent in GeoTracker, you must complete, sign, and submit the Central Coast Water Board *Attachment 2: Enrollment Confirmation*.

3. Confirm You Are Not Required to Obtain Regulatory Coverage.

You must submit documentation that confirms you received this notice, but one or more of the following situations apply:

- a. You no longer own the parcel(s) identified above,
- b. The parcel(s) are not used for commercial agriculture purposes,
- c. The parcel(s) are not irrigated agriculture,
- d. The parcel(s) are used for cannabis production. For further information on the Cannabis Program, please contact (805) 594-6194 or CentralCoast.Cannabis@waterboards.ca.gov

To confirm you are not required to obtain regulatory cover under the Agricultural Order, you must complete, sign, and submit to the Central Coast Water Board *Attachment 3: Not Required to Enroll Confirmation*.

The requirement that you submit a report of waste discharge (electronic Notice of Intent) is required pursuant to California Water Code section 13260. **Failure to provide the required information may subject the operator and/or landowners to enforcement action by the Central Coast Water Board, including administrative civil liability penalties of up to \$1,000 per day for each day the violation occurs, pursuant to California Water Code section 13261.** If the Central Coast Water Board imposes a penalty, the required information still needs to be submitted. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

Once you are successfully enrolled, you must then comply with the requirements of the Agricultural Order, including but not limited to individual or third-party monitoring and reporting, and the development and implementation of a Farm Water Quality Control Plan. For a copy of the requirements and general information about the Central Coast Water Board's Irrigated Lands Program, please visit:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/

The Agricultural Order is a general order that regulates discharges from commercial irrigated agricultural lands. Enrollment under the Agricultural Order is based on compliance with the Agricultural Order conditions. Failure to comply with Agricultural Order conditions may result in termination of enrollment and issuance of individual waste discharge requirements. Though individual waste discharge requirements are similar in some ways, in comparison to general waste discharge requirements such as the Agricultural Order, individual waste discharge requirements typically result in greater and more specific oversight by the Central Coast Water Board, higher application and annual fees, as well as individual monitoring and reporting requirements specific to the parcels you operate.

If you have any questions regarding this matter, or wish to contact the Central Coast Water Board, please contact Paula Richter at (805) 549-3865 (or email paula.richter@waterboards.ca.gov).

Or write to:

Central Coast Water Board
Attn: Irrigated Lands Program
895 Aerovista Place Suite 101
San Luis Obispo, CA 93401

Sincerely,

Mary S.  Digitally signed by
Mary S. Hamilton
Date: 2024.02.20
09:16:23 -08'00'

for Ryan E. Lodge
Executive Officer

Attachment 1: How to Enroll

Attachment 2: Enrollment Confirmation

Attachment 3: Not Required to Enroll Confirmation

cc:

Todd Stanley, Central Coast Water Board, todd.stanley@waterboards.ca.gov
Jesse Woodard, Central Coast Water Board, jesse.woodard@waterboards.ca.gov
Tamara Anderson, Central Coast Water Board, tamara.anderson@waterboards.ca.gov
Paula Richter, Central Coast Water Board, paula.richter@waterboards.ca.gov

ILP_NF_0024_PR

\\ca.epa.local\RB\RB3\Shared\Ag-ILRP\6 - Enforcement\Complaints\Jacobs Golden Eagle
Trust_True\Directive to Enroll Letter\Directive Letter_Jacobs Golden Eagle Trust.docs

California Regional Water Quality Control Board, Central Coast Region

Esta carta es un aviso de infracción de la Orden Agrícola y **REQUIERE UNA ACCIÓN INMEDIATA**. La falta de respuesta puede resultar en una multa de hasta \$1,000 por cada día que perdure la infracción. Para obtener ayuda en español, llame al: (916) 341-5893.

这封信是违反农业令的通知，要求**立即采取行动**。如果不回应，则可能会对违规行为每天处以最高1,000美元的罚款。如需中文帮助，请致电：
(916) 341-5893.

October 16, 2024

Jacobs Golden Eagle Trust
PO Box 2670
Santa Maria, CA 93457-2670
VIA CERTIFIED MAIL: 7020 1810 0002 0768 0394

Dear Landowner:

JACOBS GOLDEN EAGLE TRUST; ASSESSOR PARCEL NUMBER 129-151-073, 129-151-074, AND 129-151-075, SANTA BARBARA – NOTICE OF VIOLATION FOR FAILURE TO OBTAIN REGULATORY COVERAGE TO OPERATE COMMERCIAL IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. This letter is notice of an alleged violation for failing to comply with the requirement to submit a report of waste discharge, confirm existing regulatory coverage, or confirm regulatory coverage is not required and potential monetary penalties for this violation.

Requirement to Obtain Regulatory Coverage

This letter is being sent because, based on information available to Central Coast Water Board staff, Spring Valley Road Watsonville LP ("Discharger") owns the parcel(s) of land identified in the table below and there may be commercial irrigated agricultural activities occurring on the parcel(s). The parcel(s) listed below may be in operation without the appropriate regulatory coverage.

| APN(s): | APN(s) City: | APN(s) County: |
|-------------|---------------|----------------|
| 129-151-073 | Santa Barbara | SANTA BARBARA |
| 129-151-074 | Santa Barbara | SANTA BARBARA |
| 129-151-075 | Santa Barbara | SANTA BARBARA |

Background

On April 15, 2021, the Central Coast Water Board adopted Order R3-2021-0040, *General Waste Discharge Requirements for Discharges from Irrigated Lands*, also known as the Agricultural Order.¹ The Agricultural Order addresses the discharge of waste from irrigated lands to surface water and groundwater, including but not limited to irrigation return flows, percolation, tailwater, tile drain water, stormwater runoff flowing from irrigated lands, stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands, and runoff resulting from frost control or operational spills. These discharges can contain wastes that could affect the quality of waters of the state and impair beneficial uses.

The Agricultural Order regulates discharges from irrigated lands where commercial crops are grown including (1) discharges of waste from irrigated lands, including, but not limited to, land planted to row, vineyard, field, and tree crops where water is applied for producing commercial crops; (2) discharges of waste from commercial nurseries, nursery stock production, and greenhouse operations with soil floors that do not have point-source type discharges and are not currently operating under individual waste discharge requirements; and (3) discharges of waste from lands that are planted with commercial crops that are not yet marketable, such as vineyards and tree crops. **The Agricultural Order applies to all landowner(s) and/or operator(s) of commercial irrigated lands in the Central Coast region.**

Pursuant to California Water Code section 13260, regulatory coverage must be obtained prior to conducting commercial irrigated agricultural activities.

Water Code section 13260 states, in relevant part:

- A) (a) Each 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 waters of the state, other than into a community sewer system.

A report of waste discharge must contain information and data required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement. In the Central Coast region, the requirement to submit a report of waste discharge is

¹ The Central Coast Water Board has regulated commercial irrigated agricultural lands since 2004. Order R3-2021-0040 is the most recent version of the Agricultural Order, and is available here: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

satisfied by filing an electronic notice of intent (eNOI) as described below (also referred to as “obtaining regulatory coverage”, “permit application”, or “enrolling”). The Agricultural Order identifies commercial irrigated agricultural activities as sources of waste discharges (e.g., sediment, fertilizers, and pesticides) that could affect the quality of waters of the state. Persons owning or operating facilities conducting such activities are discharging waste or proposing to discharge waste and must therefore file a report of waste discharge. **All landowners and/or operators of commercial irrigated lands in the Central Coast region are required to file an electronic notice of intent .**

The Agricultural Order requires landowners and/or operators to comply with the following:

“Prior to any discharge or commencement of activities that may cause a discharge, including land preparation prior to crop production, any Discharger proposing to control or own a new operation or ranch that has the potential to discharge waste that could directly or indirectly reach waters of the state and/or affect the quality of any surface water and/or groundwater must submit an eNOI.”

On July 10, 2024, the Central Coast Water Board issued a requirement to submit a report of waste discharge (also known as a notice of intent to comply or eNOI) to enroll in the Agricultural Order, confirm existing regulatory coverage, or confirm regulatory coverage is not required within 30 calendar days, pursuant to California Water Code section 13260 (13260 Order). A copy of the 13260 Order is attached to this notice of violation for reference.

Alleged Violation

To date, the Central Coast Water Board has not received a response to the 13260 Order. Failure to enroll in the Agricultural Order, confirm existing regulatory coverage, or confirm regulatory coverage is not required is a violation of California Water Code section 13260.

Potential Liabilities

To avoid continued accrual of civil administrative liability penalties of up to \$1,000 per day for each day the violations occurs, **immediately** submit a complete report of waste discharge to enroll in the Agricultural Order as described in the attached 13260 Order, confirm existing regulatory coverage, or confirm regulatory coverage is not required.

Failure to provide the required information may be subject to enforcement action by the Central Coast Water Board, including civil administrative liability penalties of up to \$1,000 per day for each day the violation occurs, pursuant to California Water Code section 13261.

California Water Code section 13261 states, in relevant part:

- (a) Any person failing to furnish a report or pay a fee under section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b) (1) Civil liability may be administratively imposed by a regional board ... in an amount that may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

If the Central Coast Water Board imposes a penalty, a complete report of waste discharge (e.g., eNOI) to enroll in the Agricultural Order, confirmation of existing regulatory coverage, or confirmation regulatory coverage is not required must be submitted immediately.

The Central Coast Water Board reserves its right to take any enforcement action authorized by law, including seeking penalties for unauthorized discharges.

Please contact Central Coast Water Board staff **Paula Richter** at **(805) 549-3865**, paula.richter@waterboards.ca.gov with questions or for additional information.

Sincerely,



for Thea S. Tryon
Assistant Executive Officer

Attachment:

February 16, 2024 California Water Code section 13260 Requirement to Obtain
Regulatory Coverage to Operate Commercial Irrigated Lands (Directive to Enroll Letter)
Directive to Enroll Letter - Attachment 1 (How to Enroll)
Directive to Enroll Letter – Attachment 2 (Enrollment Confirmation)
Directive to Enroll Letter – Attachment 3 (Not Required to Enroll Confirmation)

cc:

Todd Stanley, todd.stanley@waterboards.ca.gov
Tamara Anderson, tamara.anderson@waterboards.ca.gov
Thea Tryon, thea.tryon@waterboards.ca.gov
Mary Hamilton, mary.hamilton@waterboards.ca.gov
Paula Richter, paula.richter@waterboards.ca.gov
Elaine Sahl, elaine.sahl@waterboards.ca.gov
Carson Capps, carson.capps@waterboards.ca.gov

ILP_NFNOV_0030_PR

ATTACHMENT 1

HOW TO ENROLL

How to enroll in the Irrigated Lands Program, Agricultural Order:

Enrolling in the Irrigated Lands Program (ILP) is straightforward and completed electronically. To enroll, owners or operators must submit an electronic Notice of Intent (eNOI) for their agricultural operation and individual ranch(es).

Prior to filling out the eNOI, you will need the following information:

- Operation contact information
- Landowner contact information
- Assessor parcel number(s)
- Ranch map(s) and location
- Number of domestic and agricultural wells on the ranch
- Acreage (irrigated and tailwater), irrigation type(s), crop type(s), chemical usage, backflow prevention, slope, impermeable surfaces, and if applicable, surface waterbodies on or adjacent to the ranch
- Pesticide permit information

To access the eNOI, go to:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/enrollment.html

To access the eNOI Instructions, go to:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/enoi_instructions.pdf

Technical Assistance:

Most owners and operators complete the eNOI successfully themselves; however, technical assistance providers are available to assist you, if necessary. The ILP website includes a list of technical assistance providers, some of whom may charge a fee. You may also contact Central Coast Water Board staff at (805) 549-3148 for assistance. To complete your eNOI submittal, you will be prompted to print a copy that you must sign and email or mail to the Central Coast Water Board. Upon receipt of the required eNOI information and signature page, your irrigated agriculture operation/business will be enrolled under the Irrigated Lands Agricultural Order, unless the Central Coast Water Board determines otherwise.

Water Quality Monitoring Requirements and Permit Fees:

Upon enrollment, you are required to pay permit fees and begin water quality monitoring. The third-party program, Central Coast Water Quality Preservation, Inc., can assist you in complying with the water quality monitoring requirements and paying the necessary permit fees at a decreased rate. If you choose not to join the third-party program, you are responsible for complying with the requirements of the Agricultural Order individually and paying the necessary permit fees at an increased rate.

Notify the Central Coast Water Board that you have enrolled by e-mail at AgNOI@waterboards.ca.gov or call (805) 549-3148.

ATTACHMENT 2

ENROLLMENT CONFIRMATION

If you **have submitted** an electronic Notice of Intent (eNOI), please complete this form and return it to the Central Coast Water Board to confirm your enrollment of the applicable assessor parcel numbers (APNs).

| | |
|--------------------------|--|
| AW #(s): | |
| eNOI Submittal Date(s): | |
| Operation Name(s): | |
| # of Ranches Enrolled: | |
| APNs Enrolled: | |
| Comments / Explanations: | |

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information provided above is true, accurate, and complete.

Print Name

Title

Signature

Date

MAIL COMPLETED FORM TO:

Central Coast Water Board,
ATTN: Irrigated Lands Program
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

EMAIL COMPLETED FORM TO:

AgNOI@waterboards.ca.gov

ILP_NFNOV_0030_PR

NOT REQUIRED TO ENROLL CONFIRMATION

I am not required to enroll in the Irrigated Lands Program because (select all that apply and provide information):

A) I no longer own the parcels identified in the letter.

Provide information regarding current ownership of the parcels identified in the letter:

B) The parcels identified in the letter are not used for commercial agriculture purposes.

Provide information on what type of operation is currently operating on the parcels identified:

C) The parcels identified in the letter are not used for irrigated agriculture purposes.

Provide information on what type of operation is currently operating on the parcels identified, and what type of irrigation system is on the parcels:

D) The parcels identified in the letter are used for cannabis production.

Provide your WDID or application number to confirm your enrollment in the Cannabis Program: _____

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information provided above is true, accurate, and complete.

Print Name

Title

Address

APN(s)

Signature

Date

MAIL COMPLETED FORM TO:

Central Coast Water Board,
ATTN: Irrigated Lands Program
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

EMAIL COMPLETED FORM TO:

AgNOI@waterboards.ca.gov



California Regional Water Quality Control Board, Central Coast Region

Si necesita ayuda deje un mensaje al
(805) 549-3148

如果協助必要用中文，請叫
(805) 549-3148

February 20, 2024

Jacobs Golden Eagle Trust
P.O. Box 2670
Santa Maria, CA 93457-2670
VIA FEDERAL EXPRESS: 7751 7031 5887

Dear Landowner(s):

JACOBS GOLDEN EAGLE TRUST; ASSESSOR PAREL NUMBERS 129-151-073, 129-151-074, 129-151-075; SANTA MARIA, SANTA BARBARA – REQUIREMENT TO OBTAIN REGULATORY COVERAGE TO OPERATE COMMERCIAL IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality.

Requirement to Obtain Regulatory Coverage

You are receiving this letter because, based on information available to Central Coast Water Board staff, Jacobs Golden Eagle Trust (“Discharger”) owns the parcel(s) of land identified as Assessor Parcel Number(s) (APN(s) 129-151-073, 129-151-074, 129-151-075 and there may be commercial irrigated agricultural activities occurring on these parcel(s). The parcel(s) listed below may be in operation without the appropriate regulatory coverage.

| | |
|---------|---------------------------------------|
| APN(s): | 129-151-073, 129-151-074, 129-151-075 |
| County: | Santa Barbara |

The recipient of this letter must respond in writing within 30 calendar days of the date of this letter, by doing one of the following:

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

- Submit a Report of Waste Discharge.
- Confirm Existing Regulatory Coverage.
- Confirm Regulatory Coverage is Not Required.

Agricultural Order

On April 15, 2021, the Central Coast Water Board adopted Order R3-2021-0040, *General Waste Discharge Requirements for Discharges from Irrigated Lands*, also known as the Agricultural Order.¹ The Agricultural Order addresses the discharge of waste from irrigated lands to surface water and groundwater, including but not limited to irrigation return

The Agricultural Order regulates discharges from irrigated lands where commercial crops are grown including (1) discharges of waste from irrigated lands, including, but not limited to, land planted to row, vineyard, field, and tree crops where water is applied for producing commercial crops; (2) discharges of waste from commercial nurseries, nursery stock production, and greenhouse operations with soil floors that do not have point-source type discharges and are not currently operating under individual waste discharge requirements; and (3) discharges of waste from lands that are planted with commercial crops that are not yet marketable, such as vineyards and tree crops. **The Agricultural Order applies to all owners and/or operators of commercial irrigated lands in the Central Coast region.**

Requirement to Submit a Report of Waste Discharge

Pursuant to California Water Code section 13260, you must obtain regulatory coverage prior to conducting commercial irrigated agricultural activities.

Water Code section 13260 states, in relevant part:

- (b) Each 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 waters of the state, other than into a community sewer system.

A report of waste discharge must contain information and data required by the Central Coast Water Board, unless the Central Coast Water Board waives such requirement. The Agricultural Order identifies commercial irrigated agricultural activities as sources of waste discharges (e.g., sediment, fertilizers, and pesticides) that could affect the quality of waters of the state. Persons owning or operating facilities conducting such activities are discharging waste or proposing to discharge waste and must therefore file a report of waste discharge. In the Central Coast region, this requirement is satisfied by filing an

¹ The Central Coast Water Board has regulated commercial irrigated agricultural lands since 2004. Order R3- 2021-0040 is the most recent version of the Agricultural Order, and is available here: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/ag_order4/2021/ao4_order.pdf

electronic Notice of Intent as described below (also referred to as “obtaining regulatory coverage” or “enrolling”). **All owners and operators of commercial irrigated lands in the Central Coast region are required to file an electronic Notice of Intent (e.g., report of waste discharge or permit application) to comply with the Agricultural Order.**

The Agricultural Order at pages 11-12, paragraph 7, requires that:

“Prior to any discharge or commencement of activities that may cause a discharge, including land preparation prior to crop production, any Discharger proposing to control or own a new operation or ranch that has the potential to discharge waste that could directly or indirectly reach waters of the state and/or affect the quality of any surface water and/or groundwater must submit an eNOI.”

Therefore, the Central Coast Water Board requires that regulatory coverage is obtained for commercial irrigated agricultural activity by submitting a report of waste discharge unless conditions 2 or 3 below apply.

You must respond to this letter in writing within 30 calendar days of the date of this letter, by doing one of the following:

1. Submit a Report of Waste Discharge.

You must submit a completed electronic Notice of Intent according to Agricultural Order Conditions 3 through 14. The electronic Notice of Intent is located on the Central Coast Water Board’s website at the following link:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/enrollment.html

Review and follow the instructions in *Attachment 1: How to Enroll*.

4. Confirm Existing Regulatory Coverage.

You must submit documentation that demonstrates that you have already submitted an electronic Notice of Intent and the parcel(s) are properly enrolled in the Agricultural Order.

It may be the case that the parcel is in an incorrect format in your electronic Notice of Intent. Please review and update your parcel information in your electronic Notice of Intent in GeoTracker. Incorrectly formatted parcels are highlighted in red/pink.

To update parcels that are highlighted in red/pink, you can select parcels by clicking on the parcel map. The parcel map is included as part of the electronic Notice of Intent in GeoTracker. If you choose to type the parcel numbers into the form manually, make sure to click on “VERIFY APNs” to ensure that your parcels are entered in the correct format.

Once all your parcels are updated in your electronic Notice of Intent in GeoTracker, you must complete, sign, and submit the Central Coast Water Board *Attachment 2: Enrollment Confirmation*.

5. Confirm You Are Not Required to Obtain Regulatory Coverage.

You must submit documentation that confirms you received this notice, but one or more of the following situations apply:

- a. You no longer own the parcel(s) identified above,
- b. The parcel(s) are not used for commercial agriculture purposes,
- c. The parcel(s) are not irrigated agriculture,
- d. The parcel(s) are used for cannabis production. For further information on the Cannabis Program, please contact (805) 594-6194 or CentralCoast.Cannabis@waterboards.ca.gov

To confirm you are not required to obtain regulatory cover under the Agricultural Order, you must complete, sign, and submit to the Central Coast Water Board *Attachment 3: Not Required to Enroll Confirmation*.

The requirement that you submit a report of waste discharge (electronic Notice of Intent) is required pursuant to California Water Code section 13260. **Failure to provide the required information may subject the operator and/or landowners to enforcement action by the Central Coast Water Board, including administrative civil liability penalties of up to \$1,000 per day for each day the violation occurs, pursuant to California Water Code section 13261.** If the Central Coast Water Board imposes a penalty, the required information still needs to be submitted. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

Once you are successfully enrolled, you must then comply with the requirements of the Agricultural Order, including but not limited to individual or third-party monitoring and reporting, and the development and implementation of a Farm Water Quality Control Plan. For a copy of the requirements and general information about the Central Coast Water Board's Irrigated Lands Program, please visit:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/

The Agricultural Order is a general order that regulates discharges from commercial irrigated agricultural lands. Enrollment under the Agricultural Order is based on compliance with the Agricultural Order conditions. Failure to comply with Agricultural Order conditions may result in termination of enrollment and issuance of individual waste discharge requirements. Though individual waste discharge requirements are similar in some ways, in comparison to general waste discharge requirements such as the Agricultural Order, individual waste discharge requirements typically result in greater and more specific oversight by the Central Coast Water Board, higher application and annual fees, as well as individual monitoring and reporting requirements specific to the parcels you operate.

If you have any questions regarding this matter, or wish to contact the Central Coast Water Board, please contact Paula Richter at (805) 549-3865 (or email paula.richter@waterboards.ca.gov).

Or write to:

Central Coast Water Board
Attn: Irrigated Lands Program
895 Aerovista Place Suite 101
San Luis Obispo, CA 93401

Sincerely,

Mary S.  Digitally signed by
Mary S. Hamilton
Date: 2024.02.20
09:16:23 -08'00'

for Ryan E. Lodge
Executive Officer

Attachment 1: How to Enroll

Attachment 2: Enrollment Confirmation

Attachment 3: Not Required to Enroll Confirmation

cc:

Todd Stanley, Central Coast Water Board, todd.stanley@waterboards.ca.gov
Jesse Woodard, Central Coast Water Board, jesse.woodard@waterboards.ca.gov
Tamara Anderson, Central Coast Water Board, tamara.anderson@waterboards.ca.gov
Paula Richter, Central Coast Water Board, paula.richter@waterboards.ca.gov

ILP_NF_0024_PR

\\ca.epa.local\RB\RB3\Shared\Ag-ILRP\6 - Enforcement\Complaints\Jacobs Golden Eagle
Trust_True\Directive to Enroll Letter\Directive Letter_Jacobs Golden Eagle Trust.docs

ATTACHMENT 1

HOW TO ENROLL

How to enroll in the Irrigated Lands Program, Agricultural Order:

Enrolling in the Irrigated Lands Program (ILP) is straightforward and completed electronically. To enroll, owners or operators must submit an electronic Notice of Intent (eNOI) for their agricultural operation and individual ranch(es).

Prior to filling out the eNOI, you will need the following information:

- Operation contact information
- Landowner contact information
- Assessor parcel number(s)
- Ranch map(s) and location
- Number of domestic and agricultural wells on the ranch
- Acreage (irrigated and tailwater), irrigation type(s), crop type(s), chemical usage, backflow prevention, slope, impermeable surfaces, and if applicable, surface waterbodies on or adjacent to the ranch
- Pesticide permit information

To access the eNOI, go to:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/enrollment.html

To access the eNOI Instructions, go to:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ilp/docs/enoi_instructions.pdf

Technical Assistance:

Most owners and operators complete the eNOI successfully themselves; however, technical assistance providers are available to assist you, if necessary. The ILP website includes a list of technical assistance providers, some of whom may charge a fee. You may also contact Central Coast Water Board staff at (805) 549-3148 for assistance. To complete your eNOI submittal, you will be prompted to print a copy that you must sign and email or mail to the Central Coast Water Board. Upon receipt of the required eNOI information and signature page, your irrigated agriculture operation/business will be enrolled under the Irrigated Lands Agricultural Order, unless the Central Coast Water Board determines otherwise.

Water Quality Monitoring Requirements and Permit Fees:

Upon enrollment, you are required to pay permit fees and begin water quality monitoring. The third-party program, Central Coast Water Quality Preservation, Inc., can assist you in complying with the water quality monitoring requirements and paying the necessary permit fees at a decreased rate. If you choose not to join the third-party program, you are responsible for complying with the requirements of the Agricultural Order individually and paying the necessary permit fees at an increased rate.

Notify the Central Coast Water Board that you have enrolled by e-mail at AgNOI@waterboards.ca.gov or call (805) 549-3148.

ATTACHMENT 2

ENROLLMENT CONFIRMATION

If you **have submitted** an electronic Notice of Intent (eNOI), please complete this form and return it to the Central Coast Water Board to confirm your enrollment of the applicable assessor parcel numbers (APNs).

| | |
|--------------------------|--|
| AW #(s): | |
| eNOI Submittal Date(s): | |
| Operation Name(s): | |
| # of Ranches Enrolled: | |
| APNs Enrolled: | |
| Comments / Explanations: | |

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information provided above is true, accurate, and complete.

Print Name

Title

Signature

Date

MAIL COMPLETED FORM TO:

Central Coast Water Board,
ATTN: Irrigated Lands Program
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

EMAIL COMPLETED FORM TO:

AgNOI@waterboards.ca.gov

ILP_NF_0024_PR

NOT REQUIRED TO ENROLL CONFIRMATION

I am not required to enroll in the Irrigated Lands Program because (select all that apply and provide information):

E) I no longer own the parcels identified in the letter.

Provide information regarding current ownership of the parcels identified in the letter:

F) The parcels identified in the letter are not used for commercial agriculture purposes.

Provide information on what type of operation is currently operating on the parcels identified:

G) The parcels identified in the letter are not used for irrigated agriculture purposes.

Provide information on what type of operation is currently operating on the parcels identified, and what type of irrigation system is on the parcels:

H) The parcels identified in the letter are used for cannabis production.

Provide your WDID or application number to confirm your enrollment in the Cannabis Program: _____

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information provided above is true, accurate, and complete.

Print Name

Title

Address

APN(s)

Signature

Date

MAIL COMPLETED FORM TO:

Central Coast Water Board,
ATTN: Irrigated Lands Program
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

EMAIL COMPLETED FORM TO:

AgNOI@waterboards.ca.gov

ILP_NF_0024_PR