
Central Valley Regional Water Quality Control Board

25 January 2016

91 7199 9991 7035 8363 2599

Kevin Hinman
Cruiser Haven, Inc.
Delta Waterways LLC
P.O. Box 622
Knightsen, CA 94548

**Via Certified Mail, Fed Ex
Overnight, and email**

Kevin Hinman
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Brentwood, CA 94513
Holland.riverside@gmail.com
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0501, HOLLAND RIVERSIDE MARINA, CRUISER HAVEN, INC., AND DELTA WATERWAYS LLC, CONTRA COSTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) sections 13268 and 13323. The Complaint alleges that Cruiser Haven, Inc. and Delta Waterways LLC (collectively Dischargers) failed to submit monitoring reports as required by Waste Discharge Requirements Order 5-01-093, and failed to submit a technical report required by a CWC section 13267 Order. The Complaint recommends an administrative civil liability in the amount of **one hundred thousand dollars (\$100,000)**.

The Dischargers may:

- Pay the proposed administrative civil liability and waive their right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **24 February 2016**, a hearing will be scheduled for the **21/22 April 2016** Board meeting in Fresno. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by Patrick Pulupa, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 3 February 2016**.

If the Dischargers choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by **24 February 2016**. The Dischargers shall indicate on the check the number of this Complaint and send it to the State Water Resources Control Board, Accounting Office, Attn: ACL Payment,

P.O. Box 1888, Sacramento, California, 95812-1888. The check shall be made payable to the *State Water Board Cleanup and Abatement Account*. The waiver and a copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, California 95670 attention to Wendy Wyels by **24 February 2016**.

The settlement will be considered final pending a 30-day public comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

Included with this Administrative Civil Liability Complaint are two (2) subpoenas, one for each Discharger, commanding the Dischargers to produce the papers, books, records and documents in their possession or under their control in connection with this Complaint. Documents must be sent to: Kailyn Ellison, Attorney, Office of Enforcement, State Water Resources Control Board, P.O. Box 100, Sacramento, California 95812-0100, no later than **24 February 2016**.

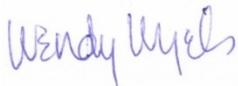
Also included is an "ACL Fact Sheet" which provides additional information about the parties to this ACLC, the options for resolution, the type of information that must be provided if you wish to the Board to consider your ability to pay, and the petition process.

In order to conserve resources, this letter transmits paper copies of the documents to the Dischargers only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Howard Hold at (916) 464-4679 or hhold@waterboards.ca.gov.



WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosures and cc list: see next page

Enclosures:

ACL Fact Sheet

ACL Complaint R5-2016-0501

- Waiver Form
- Attachment A – Penalty Calculation Methodology
 - Exhibit 1 – Economic Benefit Calculation

Hearing Procedure

Administrative Subpoenas

- Cover Letter
- Subpoena for Records and Documents (Cruiser Haven, Inc.)
- Subpoena for Records and Documents (Delta Waterways LLC)
- Declaration of Kailyn Ellison Supporting Subpoenas for Records and Documents

cc w/ enc: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Kailyn Ellison, Office of Enforcement, SWRCB, Sacramento