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Central Valley Regional Water Quality Control Board

27 August 2014

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

***NOTICE OF VIOLATION FOR DELINQUENT MONITORING REPORTS, HOLLAND RIVERSIDE MARINA, CONTRA COSTA COUNTY***

The treatment and disposal of wastewater at the Holland Riverside Marina is regulated by the Central Valley Water Board under Waste Discharge Requirements (WDRs) Order R5-2001-0093, a copy of which is enclosed for your information. The WDRs contain a Monitoring and Reporting Program (MRP) which requires that you submit self-monitoring reports on a monthly, quarterly, and annual basis. A review of our records since 30 April 2012 shows that you have not submitted the April 2013 and August 2013 through June 2014 monthly reports, the Second Quarter 2013, Third Quarter 2013, Fourth Quarter 2013, and First Quarter 2014 reports and the 2013 Annual report. The non-submittal of monitoring reports is a serious violation of the WDRs and subjects Cruiser Haven, Inc. to possible enforcement actions.

On 15 August 2014, Board staff met with Cruiser Haven, Inc. to discuss the long history of non-compliance with the WDRs and MRP. Based on our discussions, it is our understanding that since August 2013 the monitoring was not conducted and reports were not submitted because of financial problems.

As explained in the meeting, due to failure to submit the required reports pursuant to Water Code section 13267, our next step is to recommend that civil liability (i.e. monetary penalties) be assessed against Cruiser Haven, Inc. **As of the date of this Notice, the maximum liability for delinquent monitoring reports is \$3,779,000 as shown in the enclosed table.**

At the conclusion of the meeting, Board staff understands that starting September 2014, Cruiser Haven, Inc. will begin monitoring in accordance with the WDR and MRP, and that monitoring reports will be submitted on time and complete.

The WDRs are issued pursuant to California Water Code Section 13267, which states the following: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of*

*its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires..."*

*Water Code section 13268 states, in part: "(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267... is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b)."*

To stop escalating enforcement, Board staff will not recommend that our Executive Officer issue an administrative civil liability complaint for delinquent report submittals if Cruiser Haven, Inc. submits a report by 30 September 2014 explaining why the monitoring was not performed and identifies actions that will be taken to assure future monitoring reports will be submitted on time and complete. Cruiser Haven, Inc. must also begin submitting monitoring reports, beginning with the September 2014 monthly monitoring report which is due by 1 November 2014, and the third quarter 2014 groundwater monitoring report, which is also due by 1 November 2014. The monitoring reports must be submitted with the enclosed monitoring report transmittal cover form.

Please be advised that all monitoring reports must be submitted by the due dates in the MRP, and must contain all of the information required by the MRP. Board staff will evaluate your monitoring report submittals in considering whether to propose issuance of an administrative civil liability complaint. Failure to comply fully with reporting requirements may result in staff recommending additional enforcement, which may include the issuance of an administrative civil liability complaint of up to \$1,000 per day for late or inadequate reports.

If you have questions, please contact Guy Childs at (916) 464-4648 or email him at [gchilds@waterboards.ca.gov](mailto:gchilds@waterboards.ca.gov).

Original signed by

HOWARD HOLD, P.G.  
Senior Engineering Geologist  
WDR Compliance and Enforcement Unit

Enclosure: Waste Discharge Requirements  
Summary of Potential Liability  
Monitoring Report Transmittal Cover Form

cc w/o enclosures: Randall Sawyer, Contra Costa Environmental Health Department, Concord

CIWQS Violation ID Nos. 973603, 973604, 973605, 973606, 973607, 973608, 973609, 973610, 973611, 973612, 973613, 973614, 973615, 973616, 973617, 973618

gjc: 27 Aug-14

**SUMMARY OF POTENTIAL LIABILITY  
NON-SUBMITTAL OF MONITORING REPORTS  
HOLLAND RIVERSIDE MARINA  
CONTRA COSTA COUNTY**

<b>Due Date</b>	<b>Item</b>	<b>Compliance Date</b>	<b>Days Late</b>
15-May-2013	Self-Monitoring Report for	April 2013	Not received as of 8/20/2014 <b>469</b>
15-Sep-2013	Self-Monitoring Report for	August 2013	Not received as of 8/20/2014 <b>346</b>
15-Oct-2013	Self-Monitoring Report for	September 2013	Not received as of 8/20/2014 <b>316</b>
15-Nov-2013	Self-Monitoring Report for	October 2013	Not received as of 8/20/2014 <b>285</b>
15-Dec-2013	Self-Monitoring Report for	November 2013	Not received as of 8/20/2014 <b>255</b>
15-Jan-2014	Self-Monitoring Report for	December 2013	Not received as of 8/20/2014 <b>224</b>
15-Feb-2014	Self-Monitoring Report for	January 2014	Not received as of 8/20/2014 <b>193</b>
15-Mar-2014	Self-Monitoring Report for	February 2014	Not received as of 8/20/2014 <b>165</b>
15-Apr-2014	Self-Monitoring Report for	March 2014	Not received as of 8/20/2014 <b>134</b>
1-Jun-2014	Self-Monitoring Report for	April 2014	Not received as of 8/20/2014 <b>87</b>
1-Jul-2014	Self-Monitoring Report for	May 2014	Not received as of 8/20/2014 <b>57</b>
1-Aug-2014	Self-Monitoring Report for	June 2014	Not received as of 8/20/2014 <b>26</b>
1-Aug-2013	Self-Monitoring Report for	Quarter 2 2013	Not received as of 8/20/2014 <b>391</b>
1-Nov-2013	Self-Monitoring Report for	Quarter 3 2013	Not received as of 8/20/2014 <b>299</b>
1-Feb-2014	Self-Monitoring Report for	Annual 2013	Not received as of 8/20/2014 <b>207</b>
1-Feb-2014	Self-Monitoring Report for	Quarter 4 2013	Not received as of 8/20/2014 <b>207</b>
1-May-2014	Self-Monitoring Report for	Quarter 1 2014	Not received as of 8/20/2014 <b>118</b>
<b>Total Days Late:</b>			<b>3,779</b>
<b>Maximum Liability:</b>			<b>\$3,779,000</b>