



North Coast Regional Water Quality Control Board

September 12, 2016

James Huffman
Eel River Power LLC
PO Box 38
Scotia, CA 95565

Subject: Second Notice of Noncompliance: Failure to Submit 2015-2016 Annual Report as Required by the General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (Industrial General Permit)

File: Tank Gulch, WDID NO. 1 12I023061

Dear Sir or Madam:

Your facility, located at Tank Gulch Road in Scotia, California, is regulated under the Industrial General Permit and identified by WDID No. 1 12I023061. Section XVI.A of the Industrial General Permit requires you to submit an annual report by no later than July 15th of each reporting year. According to our records, we have not received your 2015-2016 annual report.

You are currently in violation of the Industrial General Permit, the California Water Code, and the Federal Clean Water Act for failing to submit a complete annual report. You are required to submit a complete 2015-2016 annual report (refer to section XVI of the General Permit¹) to the Regional Water Board by **Monday, October 3, 2016**. Pursuant to section 13399.33 of the California Water Code, you may be subject to penalties of not less than one thousand dollars (\$1,000) plus staff costs for failing to submit your annual report by the aforementioned date. Failure to submit the annual report may also result in the assessment of administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs.

Annual reports must be submitted electronically to the Stormwater Multiple Application & Report Tracking System (SMARTS) database. If you need assistance with completing the annual report, please contact the SMARTS Help Desk at Stormwater@waterboards.ca.gov. SMARTS is accessible from the following website address:

¹ A copy of the Industrial General Permit can be downloaded from the State Water Resources Control Board's website: http://waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml#igp_2014-0057-dwq

<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>

Along with the annual report, you must also provide a statement explaining the reason you did not submit the annual report by the July 15th deadline, and the measures you have taken to ensure timely submittals in the future. This statement must be uploaded to SMARTS as an attachment under the *Attachments* tab within the annual report.

Please notify Mr. Paul Keiran via email at Paul.Keiran@waterboards.ca.gov once the report and the explanation are submitted through SMARTS.

Please note that this is the second Notice of Noncompliance; the first was issued on August 4, 2016.

Your immediate attention to this matter is required. If this notification has been sent in error, please contact Paul Keiran via email or by phone at (707) 576-2753.

Sincerely,

Mona Dougherty
Senior Water Resources Control Engineer

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Certified-Return Receipt Requested

cc: C T Corporation System
Agent for Service of Process on Behalf of
Eel River Power LLC
818 West Seventh St Ste 930
Los Angeles, CA 90017