

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

In the matter of:)	
)	
STAY CAL HMB, LLC,)	ADMINISTRATIVE CIVIL LIABILITY
SAN MATEO,)	ORDER
SAN MATEO COUNTY)	
)	No. R2-2020-1021
Failure to Submit Annual Report by)	
September 1, 2018 Due Date)	
)	

Section I: INTRODUCTION

This Administrative Civil Liability Order (Order) is presented to the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), or its delegate for adoption as an Order pursuant to Government Code section 11415.60. This Order resolves all the violations alleged herein by imposing administrative civil liability against Stay Cal, HMB, LLC (Stay Cal) in the amount of **\$6,100**.

Section II: RECITALS

1. Stay Cal owns the property at 1410 Cabrillo Highway South, Half Moon Bay, California 94019 (Site) where Cameron’s Best Western Inn Half Moon Bay is located.
2. Stay Cal filed for coverage under the State Water Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ as amended by Order No. 2010-0014 and Order No. 2012-0006, NPDES No. CAS000002 (Construction Stormwater General Permit), by submitting a Notice of Intent for permit coverage on December 21, 2015. The Site is registered as having Construction Stormwater General Permit coverage in the Stormwater Multiple Application and Report Tracking System (SMARTS) database under the following waste discharger identification number: WDID No. 2 41C374988.
3. Section XVI.A of the Construction Stormwater General Permit requires submission of an annual report of stormwater discharges (Annual Report) by September 1 each year to SMARTS. As alleged in Administrative Civil Liability Complaint No. R2-2020-1004 (Complaint) (attached), Stay Cal failed to submit the 2017-2018 Annual Report by September 1, 2018.
4. Pursuant to Water Code section 13399.33, subdivisions (c) and (d), the Regional Water Board shall administratively impose a penalty in an amount not less than \$1,000 plus staff costs for the violation cited above.
 - a. In accordance with the California Water Code (Water Code) section 13399.31, subdivisions (b) and (c), Stay Cal was served with two notices of non-compliance, sent on October 31, 2018, and February 13, 2019. Stay Cal failed to submit the

- required Annual Report by the deadlines established in the notices of non-compliance. Stay Cal is subject to a minimum penalty of \$1,000 for failing to submit an Annual Report in response to these notices.
- b.** Water Code section 13399.33, subdivision (d), requires the recovery of costs incurred by the Regional Water Board for enforcement actions against dischargers who fail to submit the required annual report. Regional Water Board staff spent 38.5 hours on this enforcement action and incurred costs of \$5,100, as described in the attached Complaint.
 - c.** The minimum penalty required by Water Code section 13399.33 is \$6,100.
 5. The Assistant Executive Officer of the Regional Water Board issued the attached Complaint proposing the \$6,100 minimum penalty on January 21, 2020. The Complaint was publicly noticed for 30 days, and Regional Water Board staff received no comments on the Complaint.
 6. On February 20, 2020, Stay Cal signed and submitted to the Regional Water Board the Waiver Form that was attached to the Complaint. Stay Cal, represented by their attorney, Ms. Kenea Bains, chose to waive the hearing requirement and pay the full amount of the civil liability to the State.
 7. In accepting this Order, the Regional Water Board has considered, where applicable, each of the factors prescribed in Water Code section 13385, subdivision (e), and has applied the State Water Resource Control Board's Enforcement Policy, which is incorporated by reference herein. The Regional Water Board's consideration of these factors and application of the Enforcement Policy are based on information the Prosecution Team obtained in investigating the allegations set forth in the Order or otherwise provided to the Regional Water Board.
 8. This is an action to enforce the laws and regulations administered by the Regional Water Board. This Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
 9. The Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for enforcement if Stay Cal fails to perform any of its obligations under this Order.

IT IS HEREBY ORDERED pursuant to California Water Code sections 13399.31 and 13399.33 that Stay Cal is civilly liable for the violation of the Construction Stormwater General Permit as set forth above and shall pay a civil liability in the amount of \$6,100. The liability shall be paid within 30 days following the adoption of this Order. **The check must indicate “R2-2020-1021” and be made payable to “Waste Discharge Permit Fund.”** The check must be sent to the following address:

State Water Resources Control Board
Division of Administrative Services
Accounting Branch
P.O. Box 1888
Sacramento, CA 95814

A copy of the check must be mailed or emailed to the Regional Water Board at the following address:

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attention: Cleet Carlton (cleet.carlton@waterboards.ca.gov)

Michael Montgomery
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Date

Attachment: Administrative Civil Liability Complaint No. R2-2020-1004
(excluding its attachments)