

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:)
)
International Bay Clubs, Inc.) Complaint No. R8-2002-0046
Balboa Bay Club) for
1221 West Coast Highway) Mandatory Penalties
Newport Beach, California 92663)

YOU ARE HEREBY GIVEN NOTICE THAT:

1. International Bay Clubs, Inc., is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (h) and (i).
2. A hearing concerning this complaint will be held before the Board within 60 days of the date of issuance of this complaint, unless International Bay Clubs Inc. waives its right to a hearing. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on May 31, 2002, in Huntington Beach. International Bay Clubs, Inc., or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda and announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. If the May 31, 2002 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - a. In 1998, the Board adopted General Waste Discharge Requirements, Order No. 98-67 (NPDES No. CAG998001), for discharges to surface waters which pose an insignificant (De Minimus) threat to water quality. International Bay Clubs, Inc., submitted a notice of intent to discharge wastewater under this general permit resulting from construction of an underground parking structure.
 - b. International Bay Clubs, Inc., submitted self-monitoring reports (February 23, 2001 – January 31, 2002) which show that the discharge to Newport Bay exceeded the sulfide limit specified in Order No. 98-67 on 20 separate occasions. These violations are summarized on Attachment "A" which is Page 4 of this complaint.

5. In accordance with the criteria specified in Water Code Sections 13385 (h)(2), these violations are defined as serious violations. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation.
6. As shown in Attachment "A", International Bay Clubs, Inc., incurred a total of 20 violations between February 2001 and February 2002.
7. All 20 violations are subject to mandatory minimum penalties of \$3,000 for each violation. In accordance with Water Code Section 13385 (h) and (i), the mandatory minimum penalties for the 20 effluent limit violations cited in Attachment "A" are \$60,000.
8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the 20 violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is over \$200,000.
9. The Executive Officer proposes that mandatory penalties of \$60,000 be imposed on International Bay Clubs, Inc., by the Board for the violations cited above.
10. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver and return it together with the attached invoice and a check in the amount of \$60,000.

If you have any questions regarding this complaint, please contact the undersigned, at (909) 782-3284, or Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

04-24-02

Date



Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

MONTH/YEAR	SULFIDE VIOLATIONS > 0.4 mg/L WEEKLY GRAB SAMPLES	NUMBER OF SERIOUS VIOLATIONS	NUMBER OF VIOLATIONS SUBJECT TO MANDATORY PENALTIES
February 2001	2	2	2
March 2001	3	3	3
May 2001	2	1	2
June 2001	1	1	1
October 2001	2	1	2
November 2001	2	2	2
December 2001	4	4	4
January 2002	4	4	4
TOTAL	20	18	20

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WAIVER OF HEARING

International Bay Clubs, Inc., agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2002-0046. International Bay Clubs, Inc., has enclosed a check made payable to the State Water Resources Control Board in the amount of \$60,000 in settlement of Complaint No. R8-2002-0046. International Bay Clubs, Inc., understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2002-0046 and against the imposition of, and amount of, the mandatory penalties.

Date

for International Bay Clubs, Inc.