



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

December 14, 2016

WDID 6A098901004

LM Sports, Inc.
DBA Lakeside Marina
Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158
wrtspt@charter.net

**VIA CERTIFIED MAIL 7009 0820 0001 6630 3867
RETURN RECEIPT REQUESTED**

**SETTLEMENT OFFER NO. R6T-2016-0073: OFFER TO PARTICIPATE IN
EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES
PERMIT FOR LAKESIDE MARINA, SOUTH LAKE TAHOE, EL DORADO COUNTY,
(ORDER NO. R6T-2011-0024, NPDES PERMIT NO. CAG616003)**

This letter is to notify LM Sports, Inc., doing business as Lakeside Marina (hereinafter referred to as "Permittee"), of alleged violations identified in the 2014 Annual Report and 2015 Annual Report, and to allow the Permittee to participate in the Lahontan Regional Water Quality Control Board's (Water Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13385.

NOTICE OF VIOLATIONS:

Based on information in the 2014 and 2015 annual reports submitted November 14, 2014 and November 13, 2015, respectively, the Water Board alleges that the Permittee has violated the effluent limitations identified in the Notice of Violation (NOV) attached as "Enclosure 1". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit violations. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) per violation for each day in which the violation occurs, plus ten dollars per gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Water Board

AMY L. HORNE, PHD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan



beginning with the date that the violations first occurred.¹ The formal enforcement action that the Water Board uses to assess such liability is an administrative civil liability complaint, although the Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per day in which a violation occurs. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Water Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Water Board makes this Conditional Offer. The Permittee may accept this offer, waive its right to a hearing, and pay the mandatory minimum penalty of **\$6,000** for the violations described in the enclosed NOV. If the Permittee elects to do so, subject to the conditions below, the Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified, above. Accordingly, the Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the enclosed NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified, above, regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If the Permittee accepts this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed Order)" (Acceptance and Waiver) on or before **January 16, 2017**.

If the Permittee chooses to contest the violations alleged in the enclosed NOV, please identify the violations and the basis for the challenge (factual error, affirmative defense, etc.) on or before **January 16, 2017**.

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Additionally, the State Water Resources Control Board had determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, 2013-0099.)

The Water Board staff will evaluate the contested violations and take one of two actions:

1. Water Board staff will determine that the violation(s) is not supported, dismiss the alleged violation(s) in the CIWQS database, take no further action against the Permittee for the alleged violation(s), and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Water Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
2. Water Board staff will determine that the alleged violation(s) is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Water Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Water Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violation. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations and the State Water Resources Control Board's Enforcement Policy require the Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, Water Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Water Board, the Water Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing, the Permittee will be free to make arguments as to the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Water Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar


days after the Water Board Executive Officer's action. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limits pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$6,000** liability shall be paid by cashiers or certified check for **\$6,000**, and made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

All responses to this Conditional Offer shall be submitted via email, under penalty of perjury, to:

RB6enfproceed@waterboards.ca.gov.

Please include "Lakeside Marina EPL" and the WDID No. in the transmittal email's subject line.

Should you have any questions about this Conditional Offer or Notice of Violations, please contact Elizabeth van Diepen, Scientific Aid, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), or Catherine Pool, Senior Water Resources Control Engineer, at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov).


Lauri Kemper, P.E.
Assistant Executive Officer

Enclosures: 1. Notice of Violation
2. Acceptance of Conditional Resolution and Waiver of Right to Hearing; Order

cc (w/encl): Regional Board Members
Patty Z. Kouyoumdjian, Executive Officer, Lahontan Water Board
Steve Sweet, Tahoe Regional Planning Agency
Ken Kasman, Tahoe Regional Planning Agency
[Dennis Zabaglo](#), Tahoe Regional Planning Agency
Jason Burke, City of South Lake Tahoe
Nickolaus Knight, State Water Board, Office of Enforcement
Kim Niemeyer, State Water Board, Office of Chief Counsel
Jay Kniep, QSP



Lahontan Regional Water Quality Control Board

December 14, 2016

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South Lake Tahoe, CA 96158
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RETURN RECEIPT REQUESTED**

**IN THE MATTER OF VIOLATION OF LAHONTAN)
WATER BOARD ORDER NO. R6T-2011-0024,)
NPDES PERMIT NO. CAG616003, ESTABLISHING)
WASTE DISCHARGE REQUIREMENTS FOR)
LAKESIDE MARINA)**

**NOTICE OF
VIOLATION**

The purpose of this letter is to inform LM Sports, Inc., doing business as Lakeside Marina (hereinafter Permittee), that it is in violation of Lahontan Regional Water Quality Control Board (Water Board) Order No. R6T-2011-0024, Waste Discharge Requirement and National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Runoff Associated with Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Basin Hydrologic Unit – El Dorado and Placer Counties, NPDES Permit No. CAG616003 (2011 Marina Permit). The Order was adopted by the Water Board on April 13, 2011.

Background

The Permittee obtained coverage under the 2011 Marina Permit on June 22, 2011. The 2011 Marina Permit established numerical effluent limits of pollutants for discharges of stormwater from Marina operations in Lake Tahoe.

Permit Violations

Permit section V.A.1 specifies effluent limits for storm water discharges to land treatment systems, surface waters, or municipal storm water collection systems. Based on the enclosed laboratory reports included in the 2014 and 2015 annual reports submitted on November 14, 2014 and November 13, 2015, respectively, the Water Board alleges that the Permittee has violated effluent limits for storm water discharges to surface waters prescribed by the permit. The specific effluent violations are:

AMY L. HORNE, PHD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan



Violation Date	Monitoring Location	Constituent	Permit Effluent Limit	Reported Value	Violation Type
January 29, 2014	Boat Ramp	Total Phosphorous	0.1 mg/L	0.27 mg/L	Serious
October 17, 2015	Boat Ramp	Iron	0.5 mg/L	0.71 mg/L	Serious

Please contact Elizabeth van Diepen, Scientific Aid, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), or me at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov), if you have any questions regarding this matter.



Catherine Pool, P.E.
Senior Water Resources Control Engineer
Enforcement and Special Projects Unit

Enclosures: 1. Exhibit 1-Excerpt from 2014 Lakeside Marina Annual Report WETLab Report
2. Exhibit 2-Excerpt from 2015 Lakeside Marina Annual Report WETLab Report

cc: Elizabeth van Diepen, Lahontan Water Board

LVD/ma/T: Lakeside Marina MMP NOV
File Under: ECM / WDID 6A098901004

Estimated waste pumped by pump out facility

	May	June	July	August	September	October
Gallons of waste pumped	0	0	0	0	0	0
Or number of users if system is not metered						

42. Was any sewage spilled at your marina this boating season? **No**

43. If yes, did you provide a copy of the spill report? **N/A**

Restroom Facilities

44. How many public restroom toilets are located at your marina? **2**

45. How many public shower stalls are located at your marina? **0**

46. Are signs posted to direct boaters to restroom facilities? **Yes**

Additional Information

47. Is your marina certified as a Clean Marina? **No**

E. Marina Operations—Compliance with Monitoring and Effluent Limitations

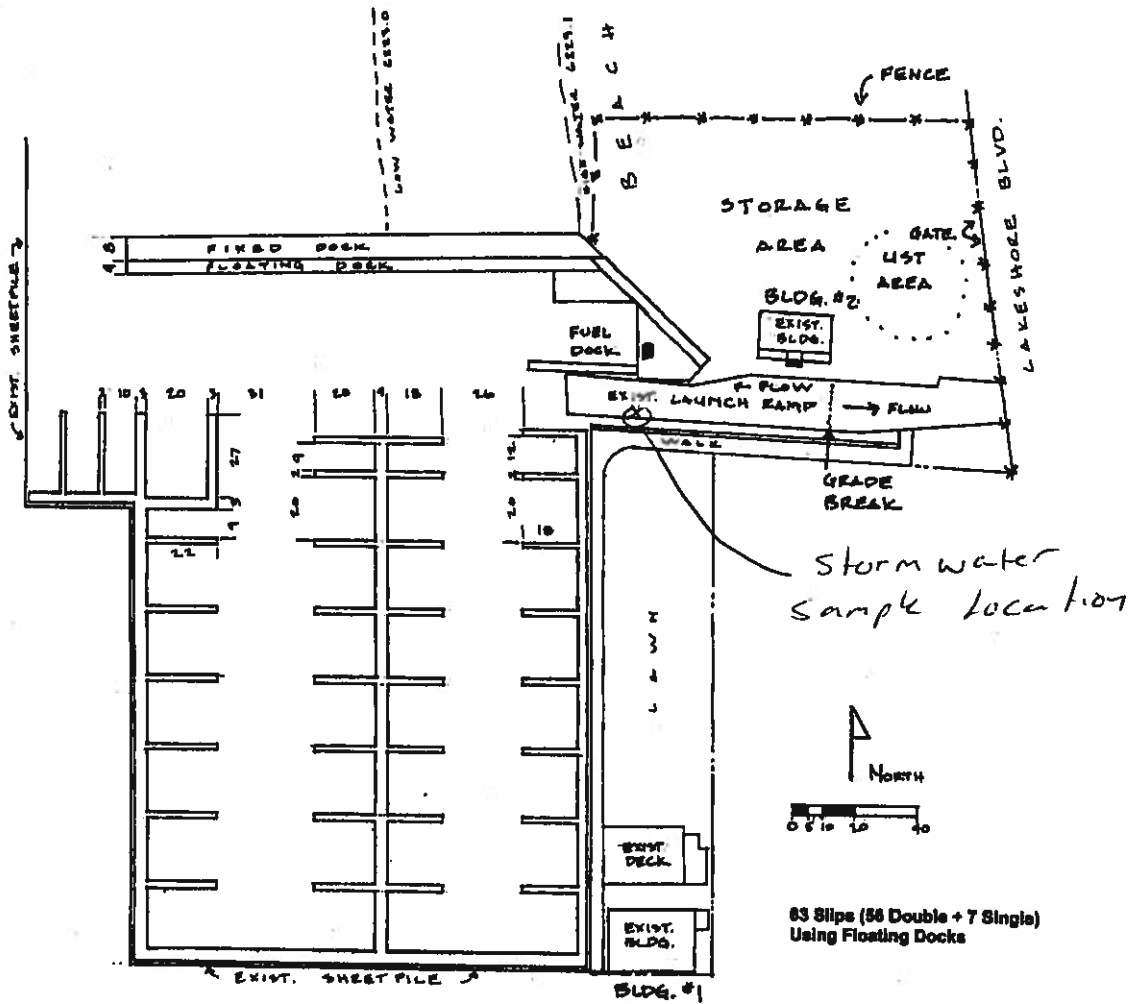
48. Did your facility experience any exceedances of effluent limitations or other monitoring and compliance violations of the Marina General Permit during the reporting year?

(please circle): **Yes** No

If **YES**, complete a-g (Attach additional information as necessary)

a) Brief Description of Violation: During a storm event dated 1/29/2014 a phosphorus level of 0.27 was detected, Limit for Phosphorus is 0.1. This marina had been closed since October of 2013 and there was absolutely no industrial or non-industrial activity.

L A K E T A H O E



63 Slips (56 Double + 7 Single)
Using Floating Docks

- Notes:
1. No significant topography; stormwater "discharge" at boat ramp only.
 2. No on-site or off-site drainage systems; drip line infiltration BMPs only.
 3. No outdoor storage of industrial materials or areas of industrial activity.
 4. Marina closed in winter; no snow clearing or storage areas.

FIGURE 1 - LAKESIDE MARINA LAYOUT PLAN

Lakeside Marina - 4041 Lakeshore Blvd. - South Lake Tahoe, CA

Owner: Lakeside Park Association

APN: 029-030-02

02/10/04

Western Environmental Testing Laboratory

Report Comments

Lakeside Marina - 1401551

General Comments

None

Specific Comments

The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of Oil & Grease (gravimetric) on sample 1401551-001 were outside laboratory acceptance criteria; however, the relative percent difference (RPD) value was acceptable, indicating probable matrix interference. The reported result should be considered an estimate.

Report Legend

- B -- Blank contamination; Analyte detected above the method reporting limit in an associated blank
- HT -- Sample analyzed beyond the accepted holding time
- J -- The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit
- M -- Reported value is estimated; The sample matrix interfered with the analysis
- N -- There was insufficient sample available to perform a spike and/or duplicate on this analytical batch.
- NC -- Not calculated due to matrix interference
- Q -- Reported value is estimated; The value failed to meet QC criteria for either precision or accuracy
- S -- Surrogate recovery was outside of laboratory acceptance limits due to matrix interference. The associated blank and LCS surrogate recovery was within acceptance limits
- SC -- Spike recovery not calculated. Sample concentration >4X the spike amount; therefore, the spike could not be adequately recovered

Page 2 of 5

SPARKS

475 E. Greg Street, Suite 119
Sparks, Nevada 89431
tel (775) 355-0202
fax (775) 355-0817
EPA LAB ID: NV00925 - ELAP No: 2523

ELKO

1034 Lamolle Hwy
Elko, Nevada 89801
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EPA LAB ID: NV00926

LAS VEGAS

3230 Polaris Ave, Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8899
fax (702) 622-2868
EPA LAB ID: NV00932

Attachment E

Appendix V – Storm Water Discharge Visual Inspection Form

Inspections of storm water discharges must be performed a minimum of four times per year, including visual inspection of discharges resulting from spring snow melt.

Inspector: <u>S. KNIP</u>		Title: <u>QSD/BSP</u>	
Date: <u>1/29/14</u>		Time: <u>16:45</u>	
Weather Conditions at time of inspection: <u>RAIN</u>		Duration of rain event: <u>DAY 1 RAIN</u> <u>DAY 2 SNOW</u>	
Total inches of precipitation: <u>1/2 RAIN DAY 1</u>		Time (hours/days) since previous rain event: <u>13 SE DAYS</u>	
<u>LAKESIDE</u>			
Yes	No	Inspection Item	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any visible pollutants in the discharge (turbidity, trash, oil sheen, foam, or odors?)	
Description of discharge: <u>SAMPLED @ FLOW DOWN RAMP</u>			
Yes	No	Any visible impacts on receiving water?	Distance from discharge point where discharge plume is still visible: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any on-site erosion, flooding, bypassing or overflow of BMPs?	<u>NO BMP INSTALLED</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any co-mingling of run-on water from other properties with marina storm water discharge?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any outdoor activities including boats being sanded or painted, on-going construction activity, disturbed soils, etc.?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any BMPs evaluated and deficiencies noted?	<u>NO BMPS INSTALLED</u>
Description of BMPs evaluated and any deficiencies:			
Yes	No	Observation of storm water containment areas for leaks	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NO CONTAINMENT</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any non-storm water discharges observed?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any corrective actions required including necessary changes to the SWPPP?	Implementation date(s): _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there any boats, if any, that have broken loose from docks or moorings, and any associated spills or releases?	Number of boats broken loose (if any): _____
Corrective Actions Required:			Date(s) Corrective Actions Implemented:



2/13/2014

Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158
Attn: Bob Hassett

OrderID: 1401551

Dear: Bob Hassett

This is to transmit the attached analytical report. The analytical data and information contained therein was generated using specified or selected methods contained in references, such as Standard Methods for the Examination of Water and Wastewater, online edition, Methods for Determination of Organic Compounds in Drinking Water, EPA-600/4-79-020, and Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (SW846) Third Edition.

The samples were received by WETLAB-Western Environmental Testing Laboratory in good condition on 1/30/2014. Additional comments are located on page 2 of this report.

If you should have any questions or comments regarding this report, please do not hesitate to call.

Sincerely,

Andy Smith
QA Manager

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EPA LAB ID: NV00932

Western Environmental Testing Laboratory Analytical Report

Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158
Attn: Bob Hassett
Phone: (530) 544-0203 Fax: (530) 544-9836

Date Printed: 2/13/2014
OrderID: 1401551

Customer Sample ID: LKS

WETLAB Sample ID: 1401551-001

Collect Date/Time: 1/29/2014 16:45

Receive Date: 1/30/2014 16:20

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>General Chemistry</u>							
Hardness, Total (mg/L as CaCO ₃)	SM 2340B	47	mg/L as CaCO ₃	1	3.3	2/5/2014	NV00925
Total Phosphorous as P	SM 4500-P E	0.27	mg/L	1	0.010	2/7/2014	NV00925
Total Suspended Solids (TSS)	SM 2540D	5	mg/L	1	1	1/31/2014	NV00925
Total Nitrogen	Calc.	0.28	mg/L	1	0.20	2/7/2014	NV00925
Turbidity (Nephelometric)	EPA 180.1	2.6	NTU	1	0.10	1/31/2014	NV00925
Electrical Conductivity	SM 2510B	160	µmhos/cm	1	1	1/31/2014	NV00925
Oil & Grease (gravimetric)	EPA 1664	ND	M mg/L	1	1.0	1/31/2014	NV00925
<u>Anions by Ion Chromatography</u>							
Nitrate Nitrogen	EPA 300.0	0.28	mg/L	1	0.010	1/30/2014	NV00925
Nitrite Nitrogen	EPA 300.0	ND	mg/L	1	0.010	1/30/2014	NV00925
<u>Flow Injection Analyses</u>							
Total Kjeldahl Nitrogen	EPA 351.2	0.140	J mg/L	1	0.10	2/7/2014	NV00925
<u>Trace Metals by ICP-OES</u>							
Aluminum	EPA 200.7	0.16	mg/L	1	0.045	2/5/2014	NV00925
Calcium	EPA 200.7	14	mg/L	1	0.50	2/5/2014	NV00925
Iron	EPA 200.7	0.42	mg/L	1	0.010	2/5/2014	NV00925
Magnesium	EPA 200.7	3.1	mg/L	1	0.50	2/5/2014	NV00925
Zinc	EPA 200.7	0.013	mg/L	1	0.010	2/5/2014	NV00925
<u>Trace Metals by ICP-MS</u>							
Copper	EPA 200.8	ND	mg/L	1	0.0050	2/6/2014	NV00925
Lead	EPA 200.8	0.00067J	mg/L	1	0.00050	2/6/2014	NV00925
<u>Sample Preparation</u>							
Trace Metals Digestion	EPA 200.2	Complete		1		2/4/2014	NV00925

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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EPA LAB ID: NV00932

Western Environmental Testing Laboratory QC Report

QCBatchID	QCType	Parameter	Method	Result	Units
QC14011078	Blank 1	Nitrite Nitrogen	EPA 300.0	ND	mg/L
QC14011078	Blank 2	Nitrite Nitrogen	EPA 300.0	ND	mg/L
QC14011078	Blank 3	Nitrite Nitrogen	EPA 300.0	ND	mg/L
QC14011097	Blank 1	Nitrate Nitrogen	EPA 300.0	ND	mg/L
QC14011097	Blank 2	Nitrate Nitrogen	EPA 300.0	ND	mg/L
QC14011097	Blank 3	Nitrate Nitrogen	EPA 300.0	ND	mg/L
QC14011105	Blank 1	Electrical Conductivity	SM 2510B	ND	µmhos/cm
QC14011105	Blank 2	Electrical Conductivity	SM 2510B	ND	µmhos/cm
QC14020006	Blank 1	Oil & Grease (gravimetric)	EPA 1664	ND	mg/L
QC14020017	Blank 1	Total Suspended Solids (TSS)	SM 2540D	ND	mg/L
QC14020017	Blank 2	Total Suspended Solids (TSS)	SM 2540D	ND	mg/L
QC14020017	Blank 3	Total Suspended Solids (TSS)	SM 2540D	ND	mg/L
QC14020017	Blank 4	Total Suspended Solids (TSS)	SM 2540D	ND	mg/L
QC14020063	Blank 1	Turbidity (Nephelometric)	EPA 180.1	ND	NTU
QC14020063	Blank 2	Turbidity (Nephelometric)	EPA 180.1	ND	NTU
QC14020145	Blank 1	Aluminum	EPA 200.7	ND	mg/L
		Calcium	EPA 200.7	ND	mg/L
		Iron	EPA 200.7	ND	mg/L
		Magnesium	EPA 200.7	ND	mg/L
		Zinc	EPA 200.7	ND	mg/L
QC14020224	Blank 1	Copper	EPA 200.8	ND	mg/L
		Lead	EPA 200.8	ND	mg/L
QC14020259	Blank 1	Total Kjeldahl Nitrogen	EPA 351.2	ND	mg/L
QC14020259	Blank 2	Total Kjeldahl Nitrogen	EPA 351.2	ND	mg/L
QC14020294	Blank 1	Total Phosphorous as P	SM 4500-P E	ND	mg/L
QC14020294	Blank 2	Total Phosphorous as P	SM 4500-P E	ND	mg/L
QC14020294	Blank 3	Total Phosphorous as P	SM 4500-P E	ND	mg/L

QCBatchID	QCType	Parameter	Method	Result	Actual	% Recovery	Units
QC14011078	LCS 1	Nitrite Nitrogen	EPA 300.0	0.482	0.500	97	mg/L
QC14011097	LCS 1	Nitrate Nitrogen	EPA 300.0	0.499	0.500	100	mg/L
QC14011105	LCS 1	Electrical Conductivity	SM 2510B	1311	1412	93	µmhos/cm
QC14020006	LCS 1	Oil & Grease (gravimetric)	EPA 1664	18.2	20.0	91	mg/L
QC14020017	LCS 1	Total Suspended Solids (TSS)	SM 2540D	209	200	104	mg/L
QC14020017	LCS 2	Total Suspended Solids (TSS)	SM 2540D	199	200	100	mg/L
QC14020017	LCS 3	Total Suspended Solids (TSS)	SM 2540D	200	200	100	mg/L
QC14020017	LCS 4	Total Suspended Solids (TSS)	SM 2540D	200	200	100	mg/L
QC14020063	LCS 1	Turbidity (Nephelometric)	EPA 180.1	5.03	5.00	101	NTU
QC14020145	LCS 1	Aluminum	EPA 200.7	0.961	1.00	96	mg/L
		Calcium	EPA 200.7	9.52	10.0	95	mg/L
		Iron	EPA 200.7	0.952	1.00	95	mg/L
		Magnesium	EPA 200.7	9.31	10.0	93	mg/L
		Zinc	EPA 200.7	0.968	1.00	97	mg/L
QC14020224	LCS 1	Copper	EPA 200.8	0.0092	0.010	92	mg/L
		Lead	EPA 200.8	0.0086	0.010	86	mg/L
QC14020259	LCS 1	Total Kjeldahl Nitrogen	EPA 351.2	0.679	0.690	98	mg/L
QC14020294	LCS 1	Total Phosphorous as P	SM 4500-P E	0.479	0.500	96	mg/L

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

Page 4 of 5

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fax (702) 622-2868
EPA LAB ID: NV00932

QCBatchID	QCType	Parameter	Method	Duplicate Sample	Sample Result	Duplicate Result	Units	RPD
QC14011105	Duplicate	Electrical Conductivity	SM 2510B	1401508-001	691	678	µmhos/cm	2 %
QC14011105	Duplicate	Electrical Conductivity	SM 2510B	1401553-001	36.9	36.1	µmhos/cm	2 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401522-002	ND	ND	mg/L	<1%
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401531-001	2.00	1.67	mg/L	18 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401548-002	26.7	26.0	mg/L	3 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401556-001	166	168	mg/L	1 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401569-002	70.0	73.0	mg/L	4 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401570-004	78.0	80.0	mg/L	3 %
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401562-004	3.33	3.33	mg/L	<1%
QC14020017	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1401577-002	ND	ND	mg/L	<1%
QC14020063	Duplicate	Turbidity (Nephelometric)	EPA 180.1	1401548-001	52.6	54.0	NTU	3 %
QC14020063	Duplicate	Turbidity (Nephelometric)	EPA 180.1	1401559-002	34.1	34.1	NTU	<1%

QCBatchID	QCType	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS % Rec.	MSD % Rec.	RPD
QC14011078	MS 1	Nitrite Nitrogen	EPA 300.0	1401547-001	ND	0.157	0.162	0.500	mg/L	120	124	3%
QC14011078	MS 2	Nitrite Nitrogen	EPA 300.0	1401555-001	ND	1.23	1.25	0.500	mg/L	98	100	2%
QC14011097	MS 1	Nitrate Nitrogen	EPA 300.0	1401513-001	0.055	0.932	0.945	0.500	mg/L	88	89	1%
QC14011097	MS 2	Nitrate Nitrogen	EPA 300.0	1401547-001	0.418	0.828	0.839	0.500	mg/L	82	84	1%
QC14020006	MS 1	Oil & Grease (gravimetric)	EPA 1664	1401551-001	ND	M 8.45	NA	10.0	mg/L	NC	NA	NA
QC14020145	MS 1	Aluminum	EPA 200.7	1401551-001	0.160	1.23	1.17	1.00	mg/L	107	101	5%
		Calcium	EPA 200.7	1401551-001	13.6	21.7	22.2	10.0	mg/L	81	86	2%
		Iron	EPA 200.7	1401551-001	0.424	1.34	1.32	1.00	mg/L	92	90	2%
		Magnesium	EPA 200.7	1401551-001	3.06	11.9	12.2	10.0	mg/L	88	91	2%
		Zinc	EPA 200.7	1401551-001	0.013	0.950	0.963	1.00	mg/L	94	95	1%
QC14020224	MS 1	Copper	EPA 200.8	1401551-001	ND	0.0124	0.0120	0.010	mg/L	98	94	3%
		Lead	EPA 200.8	1401551-001	0.0007	J 0.0093	0.0091	0.010	mg/L	87	85	2%
QC14020259	MS 1	Total Kjeldahl Nitrogen	EPA 351.2	1401546-001	ND	M 0.647	0.687	0.690	mg/L	NC	NC	NC
QC14020294	MS 1	Total Phosphorous as P	SM 4500-P E	1401562-001	0.239	0.688	0.725	0.500	mg/L	90	97	5%
QC14020294	MS 2	Total Phosphorous as P	SM 4500-P E	1401572-001	11.6	SC 18.0	24.0	0.500	mg/L	NC	NC	NC

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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 EPA LAB ID: NV00932



WETLAB

WESTERN ENVIRONMENTAL TESTING LABORATORY

Specializing in Soil, Hazardous Waste and Water Analysis

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tel (775) 355-0202 | fax (775) 355-0617

1084 Laramie Hwy | Elko, Nevada 89801

tel (775) 777-8933 | fax (775) 777-8933 | www.WETLaboratory.com

Lab Number 1401551

Report

Due Date 2/13/14

Page 1 of 1

Client LAKESIDE MARINA

Address

City, State & Zip

Contact

PO BOX 405821

Phone

Collector's Name

J. CHIEP

Fax

PWS/Project Name

P.O. Number

PWS/Project Number

Turnaround Time Requirements

Standard 3-Day
 4-Day
 24 Hour
*Surcharge Will Apply

Report Results Via	For	Mail Only
<input checked="" type="checkbox"/> Fax <input type="checkbox"/> EDD	<input checked="" type="checkbox"/> NV <input type="checkbox"/> CA <input type="checkbox"/> Other	<input type="checkbox"/> EDD
<input checked="" type="checkbox"/> Compliance Monitoring?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> Odor
<input checked="" type="checkbox"/> Report to Regulatory Agency?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Standard GC Required?
		<input type="checkbox"/> No

Email

Billing Address (if different than Client Address)

Company

Address

City, State & Zip

Contact

Phone

Fax

Email

NO. OF CONTAINERS

ANALYSES REQUESTED	Spl. No.
TOTAL A	
TOTAL P	
TOTAL P&C FE	
TUCLB	
OIL + GREASE	
ISS	
SPEC. COND.	
HARDNESS	
AL, CU, Pb, Bx	

SAMPLE ID/LOCATION

DATE

TIME

LCS (48)

1/29 16:45:20

1401 4
551 1

ANALYSES PER TABLE R-1 IN MARINA PERMIT

REPORTING LIMITS PER TABLES 3 & 4 MARINA PERMIT

Instructions/Comments/Special Requirements:

Sample Matrix/
Type Key**

DW - Drinking Water WW - Wastewater SW - Surface Water MW - Monitoring Well SD - Solid Stage SO - Soil HW - Hazardous Waste OTHER: _____

SAMPLE RECEIPT

DATE

TIME

Samples Relinquished By

Samples Received By

Temperature

4.6 °C

1-30

12:30

Custody Seals Intact? Y N (None)

1-30

4:20

Number of Containers

6

WETLAB'S Standard Terms and Conditions apply unless written agreements specify otherwise. Payment terms are Net 30.

Client/Collector attests to the validity and authenticity of this (these) sample(s) and, is (are) aware that tampering with or intentionally mislabeling the sample(s) location, date or time of collection may be considered fraud and subject to legal action (NAC45.0633).

To the maximum extent permitted by law, the Client agrees to limit the liability of WETLAB for the Client's damages to the total compensation received, unless other agreements are made in writing. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.



10/29/2015

Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158
Attn: Bob Hassett

OrderID: 1510504

Dear: Bob Hassett

This is to transmit the attached analytical report. The analytical data and information contained therein was generated using specified or selected methods contained in references, such as Standard Methods for the Examination of Water and Wastewater, online edition, Methods for Determination of Organic Compounds in Drinking Water, EPA-600/4-79-020, and Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (SW846) Third Edition.

The samples were received by WETLAB-Western Environmental Testing Laboratory in good condition on 10/19/2015. Additional comments are located on page 2 of this report.

If you should have any questions or comments regarding this report, please do not hesitate to call.

Sincerely,

Andy Smith
QA Manager

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EPA LAB ID: NV00932

Western Environmental Testing Laboratory

Report Comments

Lakeside Marina - 1510504

Specific Report Comments

None

Report Legend

- B -- Blank contamination; Analyte detected above the method reporting limit in an associated blank.
- D -- Due to the sample matrix dilution was required in order to properly detect and report the analyte. The reporting limit has been adjusted accordingly.
- HT -- Sample analyzed beyond the EPA recommended holding time.
- J -- The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
- M -- The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of this parameter were outside acceptance criteria due to probable matrix interference. The reported result should be considered an estimate.
- N -- There was insufficient sample available to perform a spike and/or duplicate on this analytical batch.
- NC -- Not calculated due to matrix interference or very high sample concentration.
- QD -- The sample duplicate or matrix spike duplicate analysis demonstrated sample imprecision. The reported result should be considered an estimate.
- QL -- The result for the laboratory control sample (LCS) was outside WETLAB acceptance criteria and reanalysis was not possible. The reported data should be considered an estimate.
- S -- Surrogate recovery was outside of laboratory acceptance limits due to matrix interference. The associated blank and LCS surrogate recovery was within acceptance limits.
- SC -- Sample concentration >4X the spike amount; therefore, the spike could not be adequately recovered.
- U -- The analyte was analyzed for, but was not detected above the level of the reported sample reporting/quantitation limit.

General Lab Comments

Per method recommendation (section 4.4), Samples analyzed by methods EPA 300.0 and EPA 300.1 have been filtered prior to analysis.

The following is an interpretation of the results from EPA method 9223B:

A result of zero (0) indicates absence for both coliform and Escherichia coli meaning the water meets the microbiological requirements of the U.S. EPA Safe Drinking Water Act (SDWA). A result of one (1) for either test indicates presence and the water does not meet the SDWA requirements. Waters with positive tests should be disinfected by a certified water treatment operator and retested.

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Western Environmental Testing Laboratory Analytical Report

Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158

Attn: Bob Hassett

Phone: (530) 544-0203 Fax: (530) 544-9836

Date Printed: 10/29/2015

OrderID: 1510504

Customer Sample ID: LKS-RAMP

Collect Date/Time: 10/17/2015 12:00

WETLAB Sample ID: 1510504-001

Receive Date: 10/19/2015 08:27

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>General Chemistry</u>							
Hardness, Total (mg/L as CaCO ₃)	SM 2340B	14	mg/L as CaCO ₃	1	3.3	10/20/2015	NV00925
Total Phosphorous as P	SM 4500-P E	0.016	mg/L	1	0.010	10/23/2015	NV00925
Total Suspended Solids (TSS)	SM 2540D	35	mg/L	1	1	10/20/2015	NV00925
Total Nitrogen	Calc.	0.61	mg/L	1	0.22	10/22/2015	NV00925
Turbidity (Nephelometric)	EPA 180.1	25	NTU	5	0.50	10/19/2015	NV00925
Electrical Conductivity	SM 2510B	37	µmhos/cm	1	1	10/22/2015	NV00925
Oil & Grease (HEM)	EPA 1664	1.1 N	mg/L	1	1.0	10/23/2015	NV00925
<u>Anions by Ion Chromatography</u>							
Nitrate Nitrogen	EPA 300.0	0.031	mg/L	1	0.010	10/19/2015	NV00925
Nitrite Nitrogen	EPA 300.0	0.017	mg/L	1	0.010	10/19/2015	NV00925
<u>Flow Injection Analyses</u>							
Total Kjeldahl Nitrogen	EPA 351.2	0.56	mg/L	1	0.20	10/22/2015	NV00925
<u>Trace Metals by ICP-OES</u>							
Aluminum	EPA 200.7	0.60	mg/L	1	0.045	10/20/2015	NV00925
Calcium	EPA 200.7	4.5	mg/L	1	0.50	10/20/2015	NV00925
Copper	EPA 200.7	ND	mg/L	1	0.050	10/20/2015	NV00925
Iron	EPA 200.7	0.71	mg/L	1	0.020	10/20/2015	NV00925
Magnesium	EPA 200.7	0.68	mg/L	1	0.50	10/20/2015	NV00925
Zinc	EPA 200.7	0.036	mg/L	1	0.010	10/20/2015	NV00925
<u>Trace Metals by ICP-MS</u>							
Lead	EPA 200.8	0.0029	mg/L	1	0.0025	10/20/2015	NV00925
<u>Sample Preparation</u>							
Trace Metals Digestion	EPA 200.2	Complete		1		10/20/2015	NV00925

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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EPA LAB ID: NV00932

Western Environmental Testing Laboratory QC Report

QCBatchID	QCType	Parameter	Method	Result	Units
QC15100786	Blank 1	Turbidity (Nephelometric)	EPA 180.1	ND	NTU
QC15100806	Blank 1	Nitrate Nitrogen	EPA 300.0	ND	mg/L
		Nitrite Nitrogen	EPA 300.0	ND	mg/L
QC15100839	Blank 1	Aluminum, Dissolved	EPA 200.7	ND	mg/L
		Calcium, Dissolved	EPA 200.7	ND	mg/L
		Copper, Dissolved	EPA 200.7	ND	mg/L
		Iron, Dissolved	EPA 200.7	ND	mg/L
		Magnesium, Dissolved	EPA 200.7	ND	mg/L
		Zinc, Dissolved	EPA 200.7	ND	mg/L
QC15100845	Blank 1	Lead, Dissolved	EPA 200.8	ND	mg/L
QC15100931	Blank 1	Total Suspended Solids (TSS)	SM 2540D	ND	mg/L
QC15100933	Blank 1	Electrical Conductivity	SM 2510B	ND	µmhos/cm
QC15100936	Blank 1	Total Kjeldahl Nitrogen	EPA 351.2	ND	mg/L
QC15100983	Blank 1	Total Phosphorous as P	SM 4500-P E	ND	mg/L
QC15101044	Blank 1	Oil & Grease (HEM)	EPA 1664	ND	mg/L

QCBatchID	QCType	Parameter	Method	Result	Actual	% Recovery	Units
QC15100786	LCS 1	Turbidity (Nephelometric)	EPA 180.1	5.23	5.00	105	NTU
QC15100806	LCS 1	Nitrate Nitrogen	EPA 300.0	0.508	0.500	102	mg/L
		Nitrite Nitrogen	EPA 300.0	0.514	0.500	103	mg/L
QC15100839	LCS 1	Aluminum, Dissolved	EPA 200.7	1.01	1.00	101	mg/L
		Calcium, Dissolved	EPA 200.7	9.51	10.0	95	mg/L
		Copper, Dissolved	EPA 200.7	4.95	5.00	99	mg/L
		Iron, Dissolved	EPA 200.7	0.975	1.00	98	mg/L
		Magnesium, Dissolved	EPA 200.7	9.54	10.0	95	mg/L
		Zinc, Dissolved	EPA 200.7	1.00	1.00	100	mg/L
QC15100845	LCS 1	Lead	EPA 200.8	0.0108	0.010	108	mg/L
QC15100931	LCS 1	Total Suspended Solids (TSS)	SM 2540D	198	200	99	mg/L
QC15100931	LCS 2	Total Suspended Solids (TSS)	SM 2540D	198	200	99	mg/L
QC15100933	LCS 1	Electrical Conductivity	SM 2510B	1392	1412	99	µmhos/cm
QC15100936	LCS 1	Total Kjeldahl Nitrogen	EPA 351.2	0.902	1.00	90	mg/L
QC15100983	LCS 1	Total Phosphorous as P	SM 4500-P E	0.232	0.250	93	mg/L
QC15101044	LCS 1	Oil & Grease (HEM)	EPA 1664	17.2	20.0	86	mg/L

QCBatchID	QCType	Parameter	Method	Duplicate Sample	Sample Result	Duplicate Result	Units	RPD
QC15100786	Duplicate	Turbidity (Nephelometric)	EPA 180.1	1510502-001	15.6	15.9	NTU	2 %
QC15100931	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1510495-002	ND	ND	mg/L	<1%
QC15100931	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1510498-003	ND	ND	mg/L	<1%
QC15100933	Duplicate	Electrical Conductivity	SM 2510B	1510334-001	16420	16100	µmhos/cm	2 %

QCBatchID	QCType	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS % Rec.	MSD % Rec.	RPD
QC15100806	MS 1	Nitrate Nitrogen	EPA 300.0	1510505-001	0.209	0.730	0.738	0.500	mg/L	104	106	1%
		Nitrite Nitrogen	EPA 300.0	1510505-001	0.021	0.152	0.161	0.125	mg/L	105	112	6%
QC15100839	MS 1	Aluminum, Dissolved	EPA 200.7	1510509-001	ND	1.01	1.01	1.00	mg/L	100	100	<1%
		Calcium, Dissolved	EPA 200.7	1510509-001	123	132	131	10.0	mg/L	90	80	1%
		Copper, Dissolved	EPA 200.7	1510509-001	ND	4.87	4.87	5.00	mg/L	97	97	<1%

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QCBatchID	QCType	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS % Rec.	MSD % Rec.	RPD
		Iron, Dissolved	EPA 200.7	1510509-001	ND	0.961	0.946	1.00	mg/L	95	94	2%
		Magnesium, Dissolved	EPA 200.7	1510509-001	13.1	22.2	21.7	10.0	mg/L	91	86	2%
		Zinc, Dissolved	EPA 200.7	1510509-001	ND	0.952	0.924	1.00	mg/L	95	92	3%
QC15100845	MS 1	Lead, Dissolved	EPA 200.8	1510509-001	ND	0.0107	0.0103	0.010	mg/L	107	103	4%
QC15100936	MS 1	Total Kjeldahl Nitrogen	EPA 351.2	1510499-001	ND	M 0.750	0.760	1.00	mg/L	NC	NC	NC
QC15100983	MS 1	Total Phosphorous as P	SM 4500-P E	1510554-002	ND	0.317	0.318	0.250	mg/L	90	90	<1%

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Lahontan Regional Water Quality Control Board

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

LM Sports, Inc.
DBA Lakeside Marina
P.O. Box 9653
South Lake Tahoe, CA 96158

Settlement Offer No. R6T-2016-0073
NPDES Permit No. 6AG616003

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Lahontan Region (Water Board), LM Sports, Inc., doing business as Lakeside Marina (hereinafter referred to as "Permittee"), hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Water Board to dispute the allegations of violations described in the Notice of Violations (NOV), which is herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of **\$6,000** (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13385 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

RB6enfproceed@waterboards.ca.gov

Include "Lakeside Marina EPL Acceptance" and the WDID No. in the transmittal email's subject line.

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Water Board Executive Officer to question the Expedited Payment Amount, the Water Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$6,000** liability shall be paid by a cashiers or certified check for **\$6,000**, made out to the "State Water Pollution Cleanup and Abatement Account" referencing the number of this Settlement Offer. The payment must be submitted to the State Water Resources Control Board, Division of Administrative Services, Accounting Branch, 1001 I Street, 18th Floor, Sacramento, California 95814, no later than thirty (30) days after the date the Acceptance and Waiver is executed by the Water Board Executive Officer.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

LM Sports, Inc., dba Lakeside Marina

By:	_____	_____
	(Signed Name)	(Date)
	_____	_____
	(Printed or typed name)	(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

LVD/ma/T: Lakeside Marina MMP Acceptance of Expedited Payment Offer
File Under: ECM / WDID 6A098901004