
Lahontan Regional Water Quality Control Board

March 8, 2017

WDID 6A098901004

INTERESTED PERSONS

PUBLIC COMMENT PERIOD - NOTICE OF PROPOSED SETTLEMENT WITH LM SPORTS, INC. FOR EFFLUENT LIMIT VIOLATIONS, LAKESIDE MARINA, SOUTH LAKE TAHOE, EL DORADO COUNTY - WRITTEN COMMENTS DUE NO LATER THAN 5:00 P.M., APRIL 7, 2017

The California Regional Water Quality Control Board, Lahontan Region (Water Board), Executive Officer will consider approval of a proposed settlement with LM Sports, Inc. The proposed settlement, if approved, will resolve effluent limit violations related to storm water runoff into Lake Tahoe at the Lakeside Marina in South Lake Tahoe. The effluent limit violations are alleged by Water Board staff in Settlement Agreement Order No. R6T-2016-0073. The alleged violations are subject to an assessed penalty of **\$6,000** pursuant to Water Code section 13385.

As a part of the Settlement Agreement, LM Sports Inc. can choose to waive its right to a hearing and agree to pay the assessed penalty of **\$6,000** for the alleged violations. On January 14, 2017, LM Sports Inc. took such action by submitting a signed copy of the Settlement Agreement. This action constitutes a proposed settlement that is subject to a 30-day public comment period pursuant to Water Code section 13385 and the State Water Resources Control Board's Enforcement Policy. The Settlement Agreement is available at the Water Board's website:

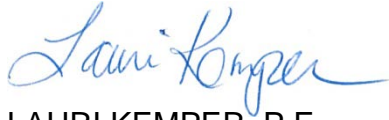
http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/lakeside_marina.shtml.

Persons may comment on the proposed settlement by submitting written comments so that they are received no later than 5:00 p.m. on April 7, 2017.

Please include "Lakeside Marina, LM Sports Inc. Proposed Settlement" in the subject line, and submit by email to RB6enfproceed@waterboards.ca.gov. For those that do not have the ability to email written comments, please include the same subject line, as above, and send your comments to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Attn: Catherine Pool.

If the Executive Officer does not approve the proposed settlement, the matter may be scheduled for Water Board consideration at a future Board meeting date. Please contact Catherine Pool, Senior Water Resources Control Engineer, at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov), if you have any questions regarding this matter.



LAURI KEMPER, P.E.
ASSISTANT EXECUTIVE OFFICER

Enclosure: Acceptance of Conditional Resolution and Waiver of Right to Hearing

cc (w/enclosure): Lakeside Mailing List

LVD/gg/T: Lakeside Proposed Settlement Notice
File Under: ECM / WDID 6A098901004



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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:

RB6enproceed@waterboards.ca.gov

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

AMY L. HORNE, PH.D., 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

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:  1-3-17
(Signed Name) (Date)
Bob Hasserott President
(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
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