



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

August 26, 2016

WDID 6A318901008

Chris Brogna, General Manager
Sierra Boat Company
P.O. Box 69
Carnelian Bay, CA 96140
Chris@sierraboat.com

CERTIFIED MAIL 7009 0820 0001 6630 3690
RETURN RECEIPT REQUESTED

SETTLEMENT OFFER NO. R6T-2016-0047 OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF BOARD ORDER NO. R6T-2011-0024; OF THE NPDES PERMIT NO. CAG616003, FOR SIERRA BOAT COMPANY MARINA, CARNELIAN BAY, PLACER COUNTY

This letter is to notify Sierra Boat Company (hereinafter referred to as "Permittee") of alleged violations of Board Order R6T-2011-0024 identified in the 2012 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 annual report submitted December 18, 2012, 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:

Subdivision (h) of California Water Code, section 13385 requires the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious 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 by 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 beginning with the date that the violations first occurred.¹ The formal enforcement action that the Water Board uses to

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 (footnote continued on next page)

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 Sierra Boat Company's right to a hearing, and pay the mandatory minimum penalty of **\$9,000** for the violations described in the attached 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 attached NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified, above, regardless of the date 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 **September 26, 2016**.

If the Permittee chooses to contest the violations alleged in the attached NOV, please identify the violations and the basis for the challenge (factual error, affirmative defense, etc.) on or before **September 26, 2016**.

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

(footnote continued from previous page)

(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.)

Permittee for the alleged violation(s), and notify the Permittee of that determination. Sierra Boat Company 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 violations. 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 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 limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$9,000** liability shall be paid by cashiers or certified check for **\$9,000**, 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: Lahontan@waterboards.ca.gov.

Please include "**Sierra Boat Company EPL**" and the "**WDID No. 6A318901008**" in the transmittal email's subject line.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Elizabeth van Diepen, Scientific Aide, 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; (PROPOSED) Order

cc (w/enc): Regional Board Members
Patty Z. Kouyoumdjian, Executive Officer, Lahontan Water Board
Steve Sweet, Tahoe Regional Planning Agency
Ken Kasman, Tahoe Regional Planning Agency
Nickolaus Knight, State Water Board, Office of Enforcement
Kim Niemeyer, State Water Board, Office of Chief Counsel
Greg Moutinho, QSP
Catherine Pool, Lahontan Water Board
Elizabeth van Diepen, Lahontan Water Board

LVD/ma/T: Sierra Boat Company MMP EPL
File Under: 6A318901008



Lahontan Regional Water Quality Control Board

August 26, 2016

WDID 6A318901008

Chris Brogna, General Manager
Sierra Boat Company
P.O. Box 69
Carnelian Bay, CA 96140
Chris@sierraboat.com

CERTIFIED MAIL 7009 0820 0001 6630 3690
RETURN RECEIPT REQUESTED

IN THE MATTER OF VIOLATION OF LAHONTAN)
WATER BOARD ORDER NO. R6T-2011-0024,) NOTICE OF
ESTABLISHING WASTE DISCHARGE) VIOLATION
REQUIREMENTS AND NPDES PERMIT NO.)
CAG616003 FOR SIERRA BOAT COMPANY)

The purpose of this letter is to inform Sierra Boat Company (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 (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 14, 2011. The 2011 Marina Permit established numerical effluent limits of pollutants for discharges of stormwater from Marina operations in Lake Tahoe to surface waters and land.

Permit Violations

Permit section V.A.1 specifies effluent limits for stormwater discharges to land treatment systems, surface waters, or municipal stormwater collection systems. Based on the attached laboratory report included in the annual report submitted on December 18, 2012, the Water Board alleges that the Permittee has violated effluent limits for stormwater discharges to surface waters prescribed by the permit. The specific effluent violations are:



Violation Date	Monitoring Location	Constituent Permit Effluent Limit	Permit Effluent Limit	Reported Value	Violation Type CWC 13385(h)
October 24, 2012	SBC-B	Iron	0.5 mg/L Event Discharge	4.7 mg/L	Serious
October 24, 2012	SBC-B	Total Nitrogen	0.5 mg/L Event Discharge	6.5 mg/L	Serious
October 24, 2012	SBC-B	Oil and Grease	2.0 mg/L Event Discharge	5.8 mg/L	Serious

Please contact Elizabeth van Diepen, Scientific Aide, at (530) 542-5492 (elizabeth.vandiepen@wateboards.ca.gov), or me at (530) 542-5460 (catherine.pool@wateboards.ca.gov), if you have any questions regarding this matter.



Cathe Pool, P.E.
Senior Water Resource Control Engineer
Enforcement and Special Projects Unit

Enclosure: Excerpt from 2012 Sierra Boat Company Annual Report (2012 WETLab Report)

cc: Elizabeth van Diepen, Lahontan Water Board

LVD/ma/T: 2 - Sierra Boat Company MMP NOV
File Under: ECM / WDID 6A318901008

Western Environmental Testing Laboratory

Report Comments

Sierra Boat Company - 1210520

General Comments

The samples were received by WETLAB-Western Environmental Testing Laboratory on 10/24/2012. On 11/6/2012 the client requested the analysis of Total Suspended Solids (TSS), as well as other parameters, on all samples. By this time, the EPA recommended holding time for Total Suspended Solids (TSS) had expired. The analysis was performed on all samples past the holding time per client's request.

Specific Comments

The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of Calcium on sample 1210520-002 as well as Iron on sample 1210520-003 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.

The analysis of the laboratory method blank revealed concentrations of Oil & Grease (gravimetric) above the reporting limit during the analysis of sample 1210520-004. Due to the high concentrations of the elements in the client sample, the data is not considered to have been effected.

Due to the sample matrix it was necessary to analyze the following at a dilution.

1210520-002 Nitrite Nitrogen

1210520-003 Nitrite Nitrogen

The reporting limits have been adjusted accordingly.

Data Qualifier Legend

- B -- Blank contamination, Analyte detected above the method reporting limit in an associated blank
- HT -- Sample held 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.

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Western Environmental Testing Laboratory Analytical Report

Sierra Boat Company
 P.O. Box 69
 Carnelian Bay, CA 96140
 Attn: Patrick Bagan
 Phone: (530) 546-2551 Fax: (530) 546-7321
 POProject: Lake Tahoe Marinas/12604-1C

Date Printed: 1/22/2013
 OrderID: 1210520

Customer Sample ID: SBC - Creek
 WETLAB Sample ID: 1210520-001

Collect Date/Time: 10/24/2012 11:15
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Hardness, Total (mg/L as CaCO3)	SM 2340B	70	mg/L as CaCO3	3.3	10/30/2012
pH	SM 4500-H+ B	7.58	pH Units		10/24/2012
Total Suspended Solids (TSS)	SM 2540D	14 HT	mg/L	1	11/7/2012
Trace Metals Digestion	EPA 200.2	Complete			10/29/2012
Total Phosphorous as P	EPA 365.3	0.032	mg/L	0.010	10/31/2012
Nitrate Nitrogen	EPA 300.0	<0.010	mg/L	0.010	10/25/2012
Nitrite Nitrogen	EPA 300.0	<0.010	mg/L	0.010	10/25/2012
Total Kjeldahl Nitrogen	EPA 351.2	0.16	mg/L	0.10	11/7/2012
Total Nitrogen	Calc.	0.16	mg/L	0.070	11/7/2012
Turbidity (Nephelometric)	EPA 180.1	7.6	NTU	0.10	10/25/2012
Electrical Conductivity	SM 2510B	160	µmhos/cm	1	11/7/2012
Oil & Grease (gravimetric)	EPA 1664	<1.0 N	mg/L	1.0	11/1/2012
Aluminum	EPA 200.7	0.31	mg/L	0.045	10/30/2012
Calcium	EPA 200.7	15	mg/L	0.50	10/30/2012
Iron	EPA 200.7	0.16	mg/L	0.010	10/30/2012
Magnesium	EPA 200.7	8.0	mg/L	0.50	10/30/2012
Zinc	EPA 200.7	<0.010	mg/L	0.010	10/30/2012
Copper	EPA 200.8	<0.0050	mg/L	0.0050	12/7/2012
Lead	EPA 200.8	<0.0025	mg/L	0.0025	11/8/2012

0.005
 0.005
 ✓ 0.005
 0.005

Customer Sample ID: SBC - CALTRANS
 WETLAB Sample ID: 1210520-002

Collect Date/Time: 10/24/2012 11:30
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Hardness, Total (mg/L as CaCO3)	SM 2340B	96	mg/L as CaCO3	3.3	10/30/2012
pH	SM 4500-H+ B	7.89	pH Units		10/24/2012
Total Suspended Solids (TSS)	SM 2540D	280 HT	mg/L	1	11/7/2012

Customer Sample ID: SBC - CALTRANS
 WETLAB Sample ID: 1210520-002

Collect Date/Time: 10/24/2012 11:30
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Trace Metals Digestion	EPA 200.2	Complete			10/29/2012
Total Phosphorous as P	EPA 365.3	0.41	mg/L	0.010	10/31/2012
Nitrate Nitrogen	EPA 300.0	0.13	mg/L	0.10	10/25/2012
Nitrite Nitrogen	EPA 300.0	<0.10	mg/L	0.10	10/25/2012
Total Kjeldahl Nitrogen	EPA 351.2	3.3	mg/L	0.20	11/7/2012
Total Nitrogen	Calc.	3.4	mg/L	0.070	11/7/2012
Turbidity (Nephelometric)	EPA 180.1	330	NTU	2.5	10/25/2012
Electrical Conductivity	SM 2510B	4900	µmhos/cm	1	11/7/2012
Oil & Grease (gravimetric)	EPA 1664	4.3	N mg/L	1.0	11/1/2012
Aluminum	EPA 200.7	10	SC mg/L	0.045	10/30/2012
Calcium	EPA 200.7	31	M mg/L	0.50	10/30/2012
Iron	EPA 200.7	7.4	SC mg/L	0.010	10/30/2012
Magnesium	EPA 200.7	4.3	mg/L	0.50	10/30/2012
Zinc	EPA 200.7	0.31	mg/L	0.010	10/30/2012
Copper	EPA 200.8	0.051	mg/L	0.025	12/7/2012
Lead	EPA 200.8	0.0055	mg/L	0.0025	11/8/2012

Customer Sample ID: SBC - A
 WETLAB Sample ID: 1210520-003

Collect Date/Time: 10/24/2012 11:50
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Hardness, Total (mg/L as CaCO ₃)	SM 2340B	66	mg/L as CaCO ₃	3.3	10/30/2012
pH	SM 4500-H+ B	7.27	pH Units		10/24/2012
Total Suspended Solids (TSS)	SM 2540D	50	HT mg/L	1	11/7/2012
Trace Metals Digestion	EPA 200.2	Complete			10/29/2012
Total Phosphorous as P	EPA 365.3	0.15	mg/L	0.010	10/31/2012
Nitrate Nitrogen	EPA 300.0	0.11	mg/L	0.10	10/25/2012
Nitrite Nitrogen	EPA 300.0	<0.10	mg/L	0.10	10/25/2012
Total Kjeldahl Nitrogen	EPA 351.2	1.9	mg/L	0.10	11/7/2012
Total Nitrogen	Calc.	2.0	mg/L	0.070	11/7/2012
Turbidity (Nephelometric)	EPA 180.1	120	NTU	2.5	10/25/2012
Electrical Conductivity	SM 2510B	2300	µmhos/cm	1	11/7/2012
Oil & Grease (gravimetric)	EPA 1664	4.7	N mg/L	1.0	11/1/2012
Aluminum	EPA 200.7	2.9	mg/L	0.045	10/30/2012
Calcium	EPA 200.7	23	mg/L	0.50	10/30/2012
Iron	EPA 200.7	2.8	M mg/L	0.010	10/30/2012
Magnesium	EPA 200.7	2.2	mg/L	0.50	10/30/2012
Zinc	EPA 200.7	0.21	mg/L	0.010	10/30/2012

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Customer Sample ID: SBC - A
 WETLAB Sample ID: 1210520-003

Collect Date/Time: 10/24/2012 11:50
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Copper	EPA 200.8	0.076	mg/L	0.025	12/7/2012
Lead	EPA 200.8	0.0063	mg/L	0.0025	11/8/2012

Customer Sample ID: SBC - B
 WETLAB Sample ID: 1210520-004

Collect Date/Time: 10/24/2012 12:10
 Receive Date: 10/24/2012 03:15

Parameter	Method	Results	Units	Reporting Limit	Date Analyzed
Hardness, Total (mg/L as CaCO ₃)	SM 2340B	43	mg/L as CaCO ₃	3.3	10/30/2012
pH	SM 4500-H+ B	6.63	pH Units		10/24/2012
Total Suspended Solids (TSS)	SM 2540D	100	HT mg/L	1	11/7/2012
Trace Metals Digestion	EPA 200.2	Complete			10/29/2012
Total Phosphorous as P	EPA 365.3	0.099	mg/L	0.010	10/31/2012
Nitrate Nitrogen	EPA 300.0	0.090	mg/L	0.010	10/25/2012
Nitrite Nitrogen	EPA 300.0	0.012	mg/L	0.010	10/25/2012
Total Kjeldahl Nitrogen	EPA 351.2	6.4	mg/L	1.0	11/7/2012
Total Nitrogen	Calc.	6.5	mg/L	0.070	11/7/2012
Turbidity (Nephelometric)	EPA 180.1	81	NTU	2.5	10/25/2012
Electrical Conductivity	SM 2510B	120	µmhos/cm	1	11/7/2012
Oil & Grease (gravimetric)	EPA 1664	5.8	B mg/L	1.0	11/5/2012
Aluminum	EPA 200.7	0.76	mg/L	0.045	10/30/2012
Calcium	EPA 200.7	12	mg/L	0.50	10/30/2012
Iron	EPA 200.7	4.7	SC mg/L	0.010	10/30/2012
Magnesium	EPA 200.7	3.0	mg/L	0.50	10/30/2012
Zinc	EPA 200.7	0.62	mg/L	0.010	10/30/2012
Copper	EPA 200.8	2.0	mg/L	0.50	12/7/2012
Lead	EPA 200.8	0.073	mg/L	0.0025	11/8/2012

Western Environmental Testing Laboratory QC Report

QCBatchID	QCType	Parameter	Method	Result	Units
QC12100990	Blank 1	Nitrite Nitrogen	EPA 300.0	<0.025	mg/L
QC12100990	Blank 2	Nitrite Nitrogen	EPA 300.0	<0.025	mg/L
QC12100992	Blank 1	Nitrate Nitrogen	EPA 300.0	<0.010	mg/L
QC12100992	Blank 2	Nitrate Nitrogen	EPA 300.0	<0.010	mg/L
QC12101042	Blank 1	Turbidity (Nephelometric)	EPA 180.1	<0.10	NTU
QC12101126	Blank 1	Aluminum	EPA 200.7	<0.045	mg/L
		Calcium	EPA 200.7	<0.50	mg/L
		Iron	EPA 200.7	<0.010	mg/L
		Magnesium	EPA 200.7	<0.50	mg/L
		Zinc	EPA 200.7	<0.010	mg/L
QC12101127	Blank 1	Aluminum	EPA 200.7	<0.045	mg/L
		Calcium	EPA 200.7	<0.50	mg/L
		Iron	EPA 200.7	<0.010	mg/L
		Magnesium	EPA 200.7	<0.50	mg/L
		Zinc	EPA 200.7	<0.010	mg/L
QC12101128	Blank 1	Aluminum	EPA 200.7	<0.045	mg/L
		Calcium	EPA 200.7	<0.50	mg/L
		Iron	EPA 200.7	<0.010	mg/L
		Magnesium	EPA 200.7	<0.50	mg/L
		Zinc	EPA 200.7	<0.010	mg/L
QC12101129	Blank 1	Aluminum	EPA 200.7	<0.045	mg/L
		Calcium	EPA 200.7	<0.50	mg/L
		Iron	EPA 200.7	<0.010	mg/L
		Magnesium	EPA 200.7	<0.50	mg/L
		Zinc	EPA 200.7	<0.010	mg/L
QC12110017	Blank 1	Total Phosphorous as P	EPA 365.3	<0.010	mg/L
QC12110017	Blank 2	Total Phosphorous as P	EPA 365.3	<0.010	mg/L
QC12110017	Blank 3	Total Phosphorous as P	EPA 365.3	<0.010	mg/L
QC12110077	Blank 1	Oil & Grease (gravimetric)	EPA 1664	<1.0	mg/L
QC12110146	Blank 1	Oil & Grease (gravimetric)	EPA 1664	1.1	mg/L
QC12110197	Blank 1	Total Kjeldahl Nitrogen	EPA 351.2	<0.100	mg/L
QC12110197	Blank 2	Total Kjeldahl Nitrogen	EPA 351.2	<0.100	mg/L
QC12110244	Blank 1	Electrical Conductivity	SM 2510B	<1	µmhos/cm
QC12110287	Blank 1	Copper	EPA 200.8	<0.0050	mg/L
		Lead	EPA 200.8	<0.0025	mg/L
QC12110333	Blank 1	Total Suspended Solids (TSS)	SM 2540D	<1	mg/L

QCBatchID	QCType	Parameter	Method	Result	Actual	% Recovery	Units
QC12100962	LCS 1	pH	SM 4500-H+ B	7.01	7.00	100	pH Units
QC12100962	LCS 2	pH	SM 4500-H+ B	7.02	7.00	100	pH Units
QC12100990	LCS 1	Nitrite Nitrogen	EPA 300.0	0.464	0.500	93	mg/L
QC12100992	LCS 1	Nitrate Nitrogen	EPA 300.0	1.99	2.00	99	mg/L
QC12101042	LCS 1	Turbidity (Nephelometric)	EPA 180.1	5.41	5.00	108	NTU
QC12101126	LCS 1	Aluminum	EPA 200.7	0.972	1.00	97	mg/L
		Calcium	EPA 200.7	9.77	10.0	98	mg/L
		Iron	EPA 200.7	0.978	1.00	98	mg/L
		Magnesium	EPA 200.7	9.84	10.0	98	mg/L

QCBatchID	QCType	Parameter	Method	Result	Actual	% Recovery	Units
QC12101127	LCS 1	Zinc	EPA 200.7	1.01	1.00	101	mg/L
		Aluminum	EPA 200.7	1.01	1.00	101	mg/L
		Calcium	EPA 200.7	10.3	10.0	103	mg/L
		Iron	EPA 200.7	1.00	1.00	100	mg/L
		Magnesium	EPA 200.7	9.90	10.0	99	mg/L
QC12101128	LCS 1	Zinc	EPA 200.7	1.02	1.00	102	mg/L
		Aluminum	EPA 200.7	1.01	1.00	101	mg/L
		Calcium	EPA 200.7	10.3	10.0	103	mg/L
		Iron	EPA 200.7	1.00	1.00	100	mg/L
		Magnesium	EPA 200.7	9.90	10.0	99	mg/L
QC12101129	LCS 1	Zinc	EPA 200.7	1.02	1.00	102	mg/L
		Aluminum	EPA 200.7	1.00	1.00	100	mg/L
		Calcium	EPA 200.7	10.3	10.0	103	mg/L
		Iron	EPA 200.7	1.01	1.00	101	mg/L
		Magnesium	EPA 200.7	9.94	10.0	99	mg/L
QC12110017	LCS 1	Total Phosphorous as P	EPA 365.3	0.504	0.500	101	mg/L
QC12110077	LCS 1	Oil & Grease (gravimetric)	EPA 1664	17.2	20.0	86	mg/L
QC12110146	LCS 1	Oil & Grease (gravimetric)	EPA 1664	20.2	20.0	101	mg/L
QC12110197	LCS 1	Total Kjeldahl Nitrogen	EPA 351.2	0.731	0.690	106	mg/L
QC12110244	LCS 1	Electrical Conductivity	SM 2510B	1445	1412	102	µmhos/cm
QC12110287	LCS 1	Copper	EPA 200.8	0.0091	0.010	91	mg/L
		Lead	EPA 200.8	0.0096	0.010	96	mg/L
QC12110333	LCS 1	Total Suspended Solids (TSS)	SM 2540D	200	200	100	mg/L

QCBatchID	QCType	Parameter	Method	Duplicate Sample	Sample Result	Duplicate Result	Units	RPD
QC12100962	Duplicate	pH	SM 4500-H+ B	1210517-001	7.80	7.71	pH Units	1 %
QC12100962	Duplicate	pH	SM 4500-H+ B	1210517-012	5.66	5.76	pH Units	2 %
QC12100962	Duplicate	pH	SM 4500-H+ B	1210516-001	3.27	3.31	pH Units	1 %
QC12101042	Duplicate	Turbidity (Nephelometric)	EPA 180.1	1210518-001	61.4	61.2	NTU	<1%
QC12110244	Duplicate	Electrical Conductivity	SM 2510B	1210518-001	172	171	µmhos/cm	1 %
QC12110333	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1210518-002	544	592	HT mg/L	8 %
QC12110333	Duplicate	Total Suspended Solids (TSS)	SM 2540D	1211081-002	<1.00	<1.00	mg/L	<1%

QCBatchID	QCType	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS % Rec.	MSD % Rec.	RPD
QC12100990	MS 1	Nitrite Nitrogen	EPA 300.0	1210520-001	<0.010	0.228	0.236	0.250	mg/L	91	94	3 %
QC12100992	MS 1	Nitrate Nitrogen	EPA 300.0	1210520-001	<0.010	0.936	0.968	1.00	mg/L	94	97	3 %
QC12101126	MS 1	Aluminum	EPA 200.7	1210520-001	0.306	1.50	1.55	1.00	mg/L	119	124	3 %
		Calcium	EPA 200.7	1210520-001	14.8	24.3	24.8	10.0	mg/L	95	100	2 %
		Iron	EPA 200.7	1210520-001	0.160	1.18	1.21	1.00	mg/L	102	105	3 %
		Magnesium	EPA 200.7	1210520-001	8.04	17.5	17.8	10.0	mg/L	95	98	2 %
		Zinc	EPA 200.7	1210520-001	<0.010	1.04	1.05	1.00	mg/L	104	105	1 %
		QC12101127	MS 1	Aluminum	EPA 200.7	1210520-002	9.98	SC 21.5	21.5	1.00	mg/L	NC
Calcium	EPA 200.7	1210520-002		31.4	M 44.5	44.4	10.0	mg/L	NC	NC	NC	
Iron	EPA 200.7	1210520-002		7.35	SC 10.7	10.7	1.00	mg/L	NC	NC	NC	
Magnesium	EPA 200.7	1210520-002		4.29	15.0	15.0	10.0	mg/L	107	107	<1%	
Zinc	EPA 200.7	1210520-002		0.311	1.33	1.32	1.00	mg/L	102	101	1 %	
QC12101128	MS 1	Aluminum	EPA 200.7	1210520-003	2.90	6.27	6.29	1.00	mg/L	337	339	<1%
		Calcium	EPA 200.7	1210520-003	22.7	33.2	34.1	10.0	mg/L	105	114	3 %
		Iron	EPA 200.7	1210520-003	2.76	M 4.23	4.27	1.00	mg/L	NC	NC	NC

QC Batch ID	QC Type	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS % Rec.	MSD % Rec.	RPD
QC12101129	MS 1	Magnesium	EPA 200.7	1210520-003	2.16	11.8	11.9	10.0	mg/L	96	97	1%
		Zinc	EPA 200.7	1210520-003	0.208	1.20	1.22	1.00	mg/L	99	101	2%
		Aluminum	EPA 200.7	1210520-004	0.756	2.44	2.62	1.00	mg/L	168	186	7%
		Calcium	EPA 200.7	1210520-004	12.2	22.7	23.1	10.0	mg/L	105	109	2%
		Iron	EPA 200.7	1210520-004	4.68	SC 6.07	6.35	1.00	mg/L	NC	NC	NC
		Magnesium	EPA 200.7	1210520-004	2.96	12.4	12.5	10.0	mg/L	94	95	1%
		Zinc	EPA 200.7	1210520-004	0.622	1.56	1.60	1.00	mg/L	94	98	3%
QC12110017	MS 1	Total Phosphorous as P	EPA 365.3	1210520-001	0.032	0.491	0.485	0.500	mg/L	92	91	1%
QC12110017	MS 2	Total Phosphorous as P	EPA 365.3	1210561-002	<0.100	0.531	0.529	0.500	mg/L	93	92	<1%
QC12110197	MS 1	Total Kjeldahl Nitrogen	EPA 351.2	1211035-001	2.40	SC 3.03	3.56	0.690	mg/L	NC	NC	NC
QC12110287	MS 1	Copper	EPA 200.8	1210520-001	<0.0050	0.0144	0.0166	0.010	mg/L	137	160	14%
		Lead	EPA 200.8	1210520-001	<0.0025	0.0092	0.0093	0.010	mg/L	89	90	1%

Lahontan Regional Water Quality Control Board

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

Chris Brogna, General Manager
Sierra Boat Company
P.O. Box 69
Carnelian Bay, CA 96140
Chris@sierraboat.com

Settlement Offer No. R6T-2016-0047
NPDES Permit No. CAG616003

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), Sierra Boat Company (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 Violation (NOV), which is incorporated 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 **\$9,000** (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:

Lahontan@waterboards.ca.gov

When submitting the completed Acceptance and Waiver, please include "Sierra Boat Company EPL Acceptance" and the "WDID No. 6A318901008" 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), and the State Water Resources Control Board's Enforcement Policy, 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. Prior to an execution by the Water Board's Executive Officer, this Acceptance and Waiver will be published as required by law for public comment.

If no comments are received within the public comment 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, 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, shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$9,000** liability shall be paid by a cashiers or certified check for **\$9,000** made out to the "State Water Pollution Cleanup and Abatement Account" referencing the Settlement Offer number. 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.

Sierra Boat Company

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