
Lahontan Regional Water Quality Control Board

August 1, 2014

Robert Krilich Jr.
Krilich Companies Inc.
1000 Royce Blvd.
Oakbrook Terrace, Illinois 60181

CERTIFIED MAIL: 7009 0820 0001 6638 7942

SECOND NOTICE OF VIOLATION OF NPDES MARINA GENERAL PERMIT REQUIREMENTS AND INVESTIGATIVE ORDER NO. R6T-2014-0068 FOR THE TAHOE KEYS MARINA, EL DORADO COUNTY, WDID NO. 6A091807005

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff inspected the Tahoe Keys Marina on July 22, 2014 and again on July 30, 2014. Copies of the respective inspection reports are attached and made a part of this Order.

The July 22, 2014 inspection was performed as part of the Water Board's routine inspection program to verify the facility compliance with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Hydrologic Unit*, Board Order No. R6T-2011-0024 (Marina General Permit). The July 28, 2014 inspection was performed to evaluate unauthorized grading of a neighboring land parcel owned by the California Tahoe Conservancy and to follow up on certain violations observed during the July 22, 2014 inspection.

VIOLATIONS

This Notice of Violation is to inform you of violations of the Marina General Permit based on the information obtained during Water Board staff's July 22 and 28, 2014 inspections. Violations occur for each day for each permit requirement that is not met. The following violations were documented during the July 22 and 28, 2014 inspections.

1. Failure to maintain copies on site of the Inspection Logs, pursuant to Permit Sections VII.C.3.a.v and Attachment E section III.A, C, and D.
Minimum number of violations: 1
2. Failure to maintain copies on site of the Weekly Printouts of the National Weather Station prediction reports, pursuant to Permit section VII.C.3.a.iv.b.
Minimum number of violations: 1
3. Failure to maintain copies on site of the daily record-keeping of the rain gage readings, pursuant to Permit section VII.C.3.a.iv.b.
Minimum number of violations: 1

4. Failure to maintain copies on site of all monitoring results, pursuant to Permit section VII.C.3.a.v.
Minimum number of violations: 1
5. Failure to maintain on site a copy of the SWPPP, pursuant to Permit section VII.C.3.a.v.
Minimum number of violations: 1
6. Failure to maintain on site a copy of the permit, pursuant to Permit section VII.A.10.
Minimum number of violations: 1
7. Failure to maintain adequate supplies of emergency spill materials, as evidenced by Robert Spinnato's statement during the inspection that the marina was deficient in emergency spill material supplies. Mr. Spinnato provided documentation that additional materials would not be delivered until July 25, 2014 at the earliest – three days later. The failure to maintain adequate emergency spill supplies violates section I.A.13.d of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
Minimum number of violations: 3
8. Failure to properly dispose soiled absorbent pads pursuant to section I.A.13.e of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit). Photo No. 4 of the July 22, 2014 inspection report documents a fuel-soaked rag that was still in use to collect drips from a gasoline fuel nozzle.
Minimum number of violations: 1
9. Failure to maintain and operate a sewage pump out facility, as required by Section I.A.1 of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit). Robert Spinnato stated during the July 22, 2014 inspection report that the pump out facility was not operational for about a month, excluding an approximate two-week period (assume at least 14 days of violation prior to and including July 22, 2014). On July 28, the sewage pump-out remained non-operational, and Mr. Spinnato stated that the unit would not be operational until July 29, 2014 (an additional seven days of violation).
Minimum number of violations: 21
10. Failure to maintain on site storm water runoff BMPs, as required by Section VII.C.3.b.i. of the Marina General Permit. The boat ramp drain was clogged, as evidenced by Photos Nos. 10 through 13 of the July 22, 2014 inspection report. Documentation has not been received indicating the boat ramp drain has been repaired by the date of the July 28, 2014 inspection.
Minimum number of violations: 7

11. Failure to perform all maintenance activities under cover, in bermed areas, as required by section III.D.1.g of Attachment G of the Permit. (Attachment G to the Marina General Permit is incorporated by section VII.A.11 of the Marina General Permit.) The July 22, 2014 inspection report documented the occurrence of boat maintenance activity occurring within the boat dock area.

Minimum number of violations: 1

12. Failure to clean up anti-freeze and silicon spills in areas close to marina waters as required by Appendix B of the marina's SWPPP. The Business Plan contained in Appendix B discusses the containment procedures for spill releases. For releases to soil, item C.3 states, "...excavate all soils found to be contaminated, store material on thick plastic sheeting surrounded by straw bales, disposal to be provided by EPA authorized hauler." The spills were observed on July 22, 2014. The antifreeze spill was still present during the July 28, 2014 inspection.

Minimum number of violations: 1

At least 40 instances of violations are noted above. Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected.

ORDER FOR TECHNICAL REPORT

Pursuant to Water Code section 13267, you are required to submit a technical report containing the following information to this office by **September 2, 2014**. Attached with this Order is a Fact Sheet that contains information regarding the submission of technical reports.

The technical report required by this Order is necessary to investigate and document all actions taken to comply with the Marina General Permit in order to protect the water quality of Lake Tahoe, a federally-designated Outstanding National Resource Water. The need for this investigation outweighs the burden on the Tahoe Keys Marina to produce the information for verifying that all actions have been taken to comply with the Marina General Permit and that a threat of discharge of hazardous materials, sewage, and sediments into Lake Tahoe has been eliminated.

1. A signed statement that all information noted in Violations Nos. 1 through 6, above, is maintained on site within the offices of the Tahoe Keys Marina.
2. A signed statement and bill of lading verifying the date of delivery to the Tahoe Keys Marina facility for all necessary emergency spill supplies.
3. Signed documentation certifying the appropriate disposal of fuel-soaked rags and antifreeze-contaminated materials. Additionally, submit signed certification that all antifreeze-contaminated materials have been appropriately excavated.

4. Signed documentation certifying satisfactory on-site operations of the sewage pump out unit. Also submit signed documentation documenting the period of time the on-site sewage pump-out was not operational.
5. Signed documentation certifying the date and describing all actions for appropriately maintaining the boat ramp drain and disposing collected materials from the drain.
6. Documentation of consistent procedures, signage, security, and other mechanisms to prevent maintenance activities from occurring in areas other than designated maintenance areas.

The Water Board, under the authority given by California Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized City representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality, or will be provided upon request.

POTENTIAL ADMINISTRATIVE CIVIL LIABILITY

This Notice and Order informs you of violations of the Marina General Permit so that you may take immediate actions to comply with requirements. The Water Board is authorized to impose administrative civil liability for such violations on a daily basis for each violation (California Water Code sections 13350 and 13385).

the Marina General Permit. Non-compliance with the Marina General Permit and this Order may result in additional enforcement action, including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to \$10,000 for each day in which each violation of the Marina General Permit occurs pursuant to California Water Code section 13385(c). Pursuant to California Water Code section 13268, failure to satisfactorily submit the required technical report described above may result in the imposition of administrative civil liability up to \$1,000 per violation per day. Please be advised that the number of days of violation may continue to accrue until each instance of violation has been satisfactorily corrected.

The Water Board reserves the right to take any further enforcement action authorized by law.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a) (2), Chapter 3, Title 14 of the California Code of Regulations. The submission of technical information does not constitute a project with environmental impacts.

Please contact Eric J. Taxer at (530) 542-5434, or Scott C. Ferguson at (530) 542-5432, if you have any questions regarding this Notice and Order.



LAURI KEMPER
ASSISTANT EXECUTIVE OFFICER

- Attachments:
1. July 22, 2014 Inspection Report
 2. July 28, 2014 Inspection Report
 3. 13267 Fact Sheet

Cc (w/attachments): Jay Kniep
Ken Kasman, TRPA
Weldon Wulstein, Agent for Service of Process, Tahoe Keys Marina and Yacht Club, LLC
Jean Merkelbach, Tahoe Keys Marina and Yacht Club, LLC -
(C/O Sierra Sotheby's International Realty)
Robert Spinnato, General Manager, Tahoe Keys Marina
Donna and Robert Krilich, Krilich Companies Inc.

COMPLIANCE INSPECTION REPORT

ROUTING: SF
CH

FILE/WDID #: 6A091807005

BOARD ORDER NO: R6T-2011-0024
NPDES NO: CAG616003
(For Tahoe Keys Marina Portion)

PRE-INSPECTION REVIEW

DISCHARGER 1: Tahoe Keys Marina
DISCHARGER 1 CONTACT: Robert Spinnato
DISCHARGER 1 PHONE NUMBER: 530-307-8686
DISCHARGER 1 ADDRESS: Tahoe Keys Marina
2435 Venice Drive East
South Lake Tahoe, CA 96150

CATEGORY: 3C
TYPE: MUN/IND

DISCHARGER 2: California Tahoe Conservancy
DISCHARGER 2 CONTACT: Patrick Wright, Executive Director
DISCHARGER 2 PHONE NUMBER: (530) 542-5580
DISCHARGER 2 ADDRESS: 1061 Third Street
South Lake Tahoe, CA 96150

CATEGORY: 3C
TYPE: Unpermitted

FACILITY NAME: Tahoe Keys Marina & Yacht Club
FACILITY ADDRESS: 2435 Venice Drive, Suite 100
South Lake Tahoe, CA 96150

TREATMENT/DISPOSAL: Storm Water BMPs and Industrial BMPs for Marina

DATE OF LAST INSPECTION: July 22, 2014 (For Tahoe Keys Marina Portion)
PROBLEMS NOTED:

1. Failure to maintain copies on site of the Inspection Logs, pursuant to Permit Sections VII.C.3.a.v and Attachment E section III.A, C, and D.
2. Failure to maintain copies on site of the Weekly Printouts of the National Weather Station prediction reports, pursuant to Permit section VII.C.3.a.iv.b
3. Failure to maintain copies on site of the daily record-keeping of the rain gage readings, pursuant to Permit section VII.C.3.a.iv.b
4. Failure to maintain copies on site of all monitoring results, pursuant to Permit section VII.C.3.a.v.
5. Failure to maintain on site a copy of the SWPPP, pursuant to Permit section VII.C.3.a.v.

6. Failure to maintain on site a copy of the permit, pursuant to Permit section VII.A.10
7. Failure to maintain adequate supplies of emergency spill materials, as evidenced by Mr. Spinnato's statement that they were out of materials. The failure to maintain adequate emergency spill supplies violates section I.A.13.d of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
8. Failure to properly dispose soiled absorbent pads (see Photo No. 4) pursuant to section I.A.13.e of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
9. Failure to maintain and operate a sewage pump out facility, as required by Section I.A.1 of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
10. Failure to maintain on site storm water runoff BMPs, as required by Section VII.C.3.b.i. of the Marina General Permit. The boat ramp drain was clogged (Photos Nos. 10-13).
11. Failure to perform all maintenance activities under cover, in bermed areas, as required by section III.D.1.g of Attachment G of the Permit. (Attachment G to the Marina General Permit is incorporated by section VII.A.11 of the Marina General Permit.)
12. Failure to clean up anti-freeze and silicon spills in areas close to marina waters as required by Appendix B of the marina's SWPPP. The Business Plan contained in Appendix B discusses the containment procedures for spill releases. For releases to soil, item C.3 states, "...excavate all soils found to be contaminated, store material on thick plastic sheeting surrounded by straw bales, disposal to be provided by EPA authorized hauler."

FIELD OBSERVATIONS

INSPECTOR: Eric J. Taxer, WRCE
Bud Amorfini, EG (For Conservancy Land Portion only)

DATE: July 28, 2014
TIME: 3:40 p.m. to 4:10 p.m.

DISCHARGER 1 REP: Robert Spinnato, General Manager, Harbor Master
Tahoe Keys Marina

DISCHARGER 2 REP: Shawn Butler,
Program Supervisor/Senior Environmental Planner
California Tahoe Conservancy
(530) 543-6034; shawn.butler@tahoe.ca.gov

REMARKS:

Weather was warm, somewhat cloudy with a chance of thunderstorms, and a slight breeze. All photos were taken with a Sony Cyber-Shot DSC-5700 by Eric Taxer, WRCE.

Cove East Site:

Bud Amorfini and I arrived at the site of where unauthorized grading had occurred on California Tahoe Conservancy (CTC) land located adjacent to the Tahoe Keys Marina. The grading had occurred on Friday, July 25, 2014. I learned about the grading from an article published in the Lake Tahoe News website on Saturday, July 26, 2014. The Tahoe Keys Marina had graded a portion of the neighboring CTC land (roughly 11,000 square feet in size as estimated by the TRPA and reported in the news article) to accommodate parking for attendees at a special event over the weekend. The purpose of the visit was to observe the extent of the grading and evaluate the CTC's response to implement immediate temporary sediment and erosion controls.

When we arrived on site, Bud Amorfini recognized Shawn Butler from the CTC, who also happened to be at the site (not a planned meeting). Mr. Butler informed us that Robert Spinnato had told him additional rock was being delivered to reduce potential sediment tracking from the graded area onto the paved marina area (See Photo No. 1). This area would potentially drain toward the boat ramp and into the marina, or it would drain to existing storm drains with direct discharges into the marina.

Mr. Butler stated that CTC crews would be delivering straw wattle fiber rolls to install along the edge of the graded area bordering the paved marina parking area, and on the northeast side of the graded area (perpendicular to the border with the marina). Mr. Amorfini and I concurred with Mr. Butler that this should be adequate because there is a slight depression within the area that was graded. Any rainfall that doesn't percolate would largely be contained within this area. Any runoff would flow in the direction where the fiber rolls would be installed. Mr. Butler further added that the entire area would be wetted for dust control.

I reminded Mr. Butler of a prior phone conversation we had earlier in the day where I requested him to provide me with a written narrative explaining what had happened and how it happened. He stated that a CTC senior staff person, Bruce Eisner, and the CTC legal counsel were the individuals who had previously met with the Tahoe Keys Marina staff last week to discuss land use issues, but that they were unavailable to respond to me by the end of the day. He stated they would get back to me the following day.

Mr. Butler stated that the CTC is developing long-term stabilization measures for the site. Their plan is to apply a layer of mulch, till it into existing soil, re-vegetate the area, and irrigate the new vegetation. He stated that the CTC intends to implement the long term plan within a week or so.

I noted that Robert Spinnato told me last week on my inspection that the Tahoe Keys Marina is coordinating with the CTC to pave this very same area, and I inquired if this area was indeed scheduled to be paved. Mr. Butler stated that paving this area is still under negotiation.

I asked Mr. Butler if this area was classified as stream environment zone or if it was under another classification, and he wasn't sure. Mr. Amorfini commented that such a disturbance would not be regulated by the Lahontan Water Board's small construction general permit because we typically defer such permitting authority within the Tahoe basin to the Tahoe Regional Planning Agency.

At 3:55 p.m., CTC crews delivered fiber roll wattles and a water truck for dust control to the site.



Photo No. 1. Looking northeast at graded area. Marina parking and boat ramp is on left. Existing graveled area abuts border between fenced area and parking lot.



Photo No. 2. Looking east northeast at graded area.



Photo No. 3. Looking east at graded area.



Photo No. 4. Looking east northeast at graded area.



Photo No. 5. Looking east northeast at graded area, CTC crews arriving to install BMPs.

Tahoe Keys Marina Site:

At 4:00 p.m., I went to the Tahoe Keys Marina office to inform Robert Spinnato that I was on site. Mr. Amorfini did not accompany me at this point.

I informed Mr. Spinnato that I was on site regarding the unauthorized grading at the Cove East site and that I would also follow up on a few things from last week. When I inquired if the sewage pump-out was operational yet, Mr. Spinnato replied that it will be working tomorrow. I commented that's what he told me last week during my July 22nd inspection, and he said he was still having problems with getting the right parts delivered. I asked about the invoices he was going to send me (as agreed during my July 22nd inspection), and he thought his administrative staff had already done that. I said no, they had not. I asked if he received my emails requesting copies of the invoices and inquiring whether the sewage pump-out was operational. He said he did receive them. He asked me if I got a copy of the police report (regarding the office break-in), and I said I had not. Mr. Spinnato stated he would email the applicable invoices and the police report to me by the end of the following day (end of July 29). As of the date of this report, Mr. Spinnato has not provided that information.

I commented on the unauthorized grading issue of the Cove East site, and noted that the CTC will be providing a written narrative explaining their version of what occurred and what was agreed upon. I told Mr. Spinnato that he can also send me his narrative of events. He replied that it was just a misunderstanding. He stated that he and the CTC had talked about the long-term use of the Cove East parcel for parking after it is paved (with stormwater BMPs installed). As an afterthought he asked the CTC representatives about additional parking for the wooden boat show (that occurred over the weekend), and they apparently were talking about two separate sites. Mr. Spinnato stated that the CTC was discussing a site with wood on it, and the only site with wood on it was the one he graded. Mr. Spinnato stated there was no written agreement, just verbal agreement. He added that because they didn't charge anyone to park on the graded Cove East site there was no profit or economic benefit to the Tahoe Keys Marina.

Mr. Spinnato stated he'll make it [the graded site] right, but that by next spring it [the graded Cove East site] will be paved for a parking lot anyway. I asked if all the other BMPs in the existing parking lot will be upgraded at that time, and he said yes, that they will all build upon each other.

We walked out to the sewage pump-out station and Mr. Spinnato showed me the work that was underway to repair it (See Photo Nos. 6 and 7). Mr. Spinnato went to meet the folks delivering gravel (he was taking the additional step to lay additional gravel on the edge of the marina paved area along the site that was graded without authorization). I walked to the area where I observed the antifreeze spill last week during my July 22nd inspection. The gravel area was still stained (See Photos Nos. 8 and 9). I found Mr. Spinnato and brought this to his attention. Mr. Spinnato deployed two individuals to dig out the gravel while I was there (he instructed them to put the gravel in a bucket to be disposed of separately). I observed the crew digging out the gravel when I left the site at 4:10 p.m.



Photo No. 6. Sewage Pump-Out, located on northwest side of Fresh Ketch restaurant. Repairs had been made to facility earlier in the day, per Robert Spinnato.

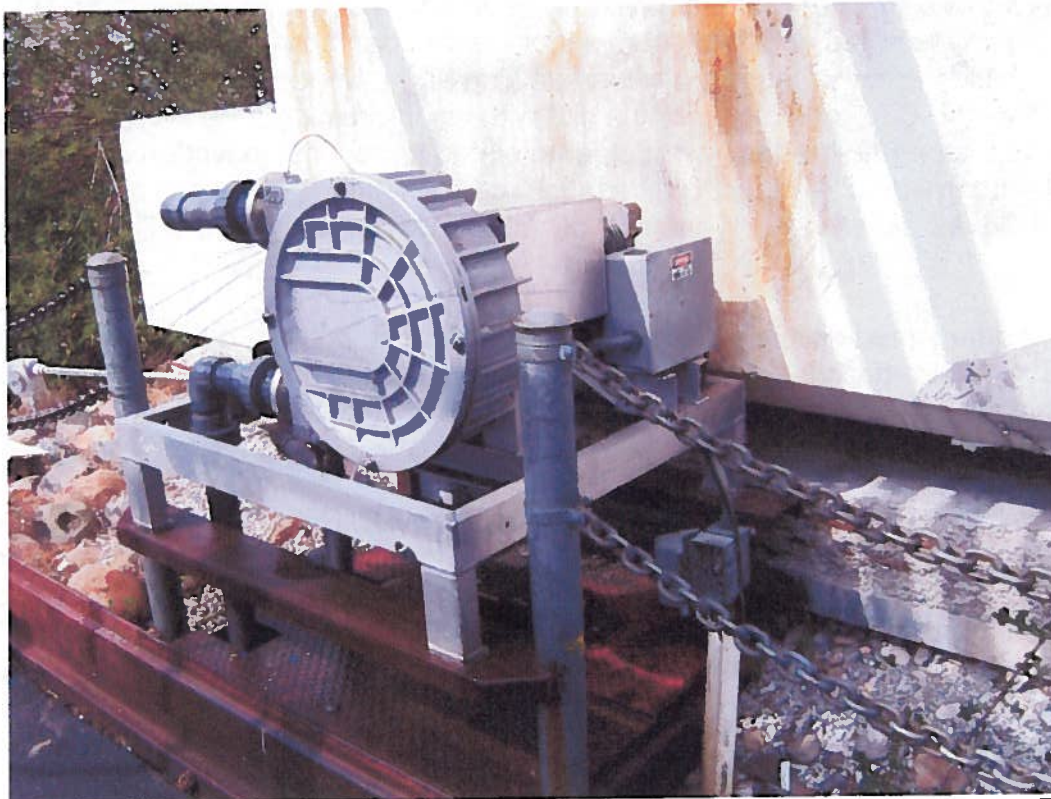


Photo No. 7. Sewage Pump-Out, located on northwest side of Fresh Ketch restaurant. Repairs had been made to facility earlier in the day, per Robert Spinnato.



Photo No. 8. Antifreeze-stained gravel in drain rock on northwest corner of maintenance building. Looking southeast, marina bulkhead is immediately to the right of photo



Photo No. 9. Antifreeze-stained gravel in drain rock on northwest corner of maintenance building. Looking east northeast, marina bulkhead is immediately behind me.

CONDITIONS IN VIOLATION:

The following violations were documented during the inspection.

1. Continued failure of the Tahoe Keys Marina to maintain and operate a sewage pump out facility, as required by Section I.A.1 of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
2. Continued failure of the Tahoe Keys Marina to clean up anti-freeze spill in an area close to marina waters. Section III.D.4.c of Attachment G of the Permit requires Tahoe Keys Marina to implement, "Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases." (Attachment G to the Marina General Permit is incorporated by section VII.A.11 of the Marina General Permit.) The Marina's Storm Water Pollution Prevention Plan (SWPPP) notes that non-stormwater releases may be associated with drips from parked vehicles, and the response to spills or releases includes, "...excavate all soils found to be contaminated, store material on thick plastic sheeting surrounded by straw bales, disposal to be provided by EPA authorized hauler." [Appendix B, Item C.3 of the SWPPP]

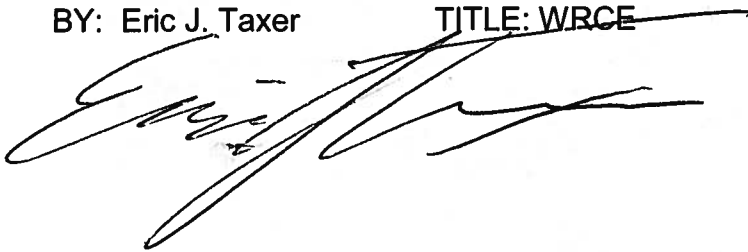
ACTION SUGGESTED:

1. Coordinate stabilization activities of Cove East site with CTC.
2. Note continued sewage pump-out and antifreeze cleanup issues in NOV to Tahoe Keys Marina.

BY: Eric J. Taxer

TITLE: WRCE

DATE: July 30, 2014



7/30/14

COMPLIANCE INSPECTION REPORT

ROUTING: SF
CH

FILE/WDID #: 6A091807005

BOARD ORDER NO: R6T-2011-0024
NPDES NO: CAG616003

PRE-INSPECTION REVIEW

DISCHARGER: Tahoe Keys Marina
DISCHARGER CONTACT: Robert Spinnato
DISCHARGER PHONE NUMBER: 530-307-8686
DISCHARGER ADDRESS: Tahoe Keys Marina
2435 Venice Drive East
South Lake Tahoe, CA 96150

CATEGORY: 3C
TYPE: MUN/IND

FACILITY NAME: Tahoe Keys Marina & Yacht Club
FACILITY ADDRESS: 2435 Venice Drive, Suite 100
South Lake Tahoe, CA 96150

TREATMENT/DISPOSAL: Storm Water BMPs and Industrial BMPs for Marina

DATE OF LAST INSPECTION: May 5, 2014 (complaint inspection)
PROBLEMS NOTED: Discharge of Styrofoam debris continues to potentially create a nuisance condition.

DATE LAST SMR SUBMITTED: December 13, 2013
PROBLEMS NOTED: The following table summarizes the violations that were documented in a July 22, 2014 Notice of Violation that was issued to the Tahoe Keys Marina owners and operator.

Item No.	Violation Description	Permit Section Violated	Number of Violations
<i>Violation Type: Deficient Reporting</i>			
1.	Failure to Conduct Visual Inspections	Attachment E, Section III.A.	6
2.	Insufficient Site Map	Attachment G, Section III.B.3.	1
3.	Weather Reports Missing from Visual Inspections	Attachment E, Section III.A.2.	4
4.	Missing Turbidity Holding Time Exceedance Report	Attachment E, Section V.B.5.	1
<i>Violation Type: Monitoring Violations</i>			

5.	Monitoring Locations	Attachment E, Section IV.2.a-e.	1
6.	Insufficient Storm Water Effluent Samples	Attachment E, Section IV.A.1.a.	23
7.	Insufficient Re-Sampling After an Exceedance	Attachment E, Section IV.A.1.b.	2
8.	Holding Time Exceedance	Attachment D, Section III.A and B.	1
9.	Insufficient Benchmark Limit Sampling	Attachment E, Section IV.A.1.c.	12
10.	Marina Surface Water monitoring Plan Second Sampling Event Not Conducted	Attachment E, Section I.V.B.2. Table E-3	11
11.	Marina Surface Water Monitoring Plan pH Sampling Missing	Attachment E, Section I.V.B.2. Table E-3	2
12.	Marina Surface Water Monitoring Plan Oil & Grease, TPH-Gasoline, TPH-Diesel Sampling Not Conducted	Attachment E, Section I.V.B.2. Table E-3	3
13.	Insufficient Re-Sampling after Benchmark Limit Exceedances	Section V.D. Table 4	7
Violation Type: Effluent Violations			
14.	Total Nitrogen Effluent Exceedance	Section V.A.1. Table 3	1
15.	Total Iron Effluent Exceedance	Section V.A.1. Table 3	1
TOTAL INSTANCES OF VIOLATION:			76

FIELD OBSERVATIONS

INSPECTOR: Eric J. Taxer, WRCE
Tobi Tyler, WRCE

DATE: July 22, 2014
TIME: 11:10 a.m. to 1:10 p.m.

DISCHARGER REP: Robert Spinnato TITLE: General Manager, Harbor Master

REMARKS:
Weather was warm and mostly sunny with slight wind from the north/northwest. All photos were taken with a Sony Cyber-Shot DSC-5700 by Eric Taxer, WRCE.

We met Robert Spinnato at his office at 11:10 a.m. Mr. Spinnato asked why we were there, and we stated we were conducting a normal annual inspection. Tobi Tyler stated

that she had left a message with Jay Kniep, their water quality consultant, the previous afternoon and that we had anticipated he would be at the site to meet us, or he would at least let the Keys Marina staff know that an inspection would be occurring. Regardless, Mr. Spinnato expressed concern that he be given advance warning, and we reiterated that while we are not required to (and often do not announce inspections), we had indeed attempted to provide such a notice. I suggested that we at least look at the files in the office and give Mr. Kniep additional time to join us to tour us on the facility (Mr. Kniep never showed up).

Mr. Spinnato indicated that Jay Kniep keeps the inspection logs (monthly visual logs and the annual report), the weekly weather prediction printouts, the daily record keeping of the rain gage, and all monitoring results in his office. This information is not kept at the facility, contrary to permit requirements. [As an aside, I previously informed Jay Kniep during an inspection on July 11, 2014 at the Lakeside Marina that all marina facilities must have copies of their respective records kept on site. Mr. Kniep made sure that such records were on site at four subsequent inspections where he is a consultant.] Mr. Spinnato could not readily locate a copy of the Storm Water Pollution Prevention Plan (SWPPP) and the permit, so I suggested that we tour the facility while his staff continues to search for those documents.

We began the tour of the facility by heading northwest from the marina office to the harbor, along the northwest side of the Fresh Ketch restaurant. The fueling pumps, sewage pump out, and rain gage are all located within this area. We immediately observed the rain gage, and noted that after all the rain that had occurred over the weekend, it was empty. Mr. Spinnato noted that because of its position on the post (see Photo No. 1), it doesn't collect rain very well.



Photo 1. Rain gage located west of Fresh Ketch near Fuel Pump, looking West



Photo 2. Diesel Pump, looking southwest.



Photo 3. Gas pump, looking north west. Rain gage is on the white post to the right of the pump.

We then turned our attention to the fueling pumps. The gasoline nozzle had an oil-rag wrapped around it to collect incidental drips. However, the rag appeared to be completely saturated and of no use. Mr. Spinnato said that they were out of oil-absorbent pads, and that new materials were on order. (At the end of the inspection, he provided us with Invoice No. 12081 from Hytec Environmental showing that additional materials had been ordered. The Form is Attached, but it shows that the order was placed on July 22, 2014 – the date of the inspection, and that materials would not be delivered until July 25, 2014. Mr. Spinnato stated that the order was placed the day prior, July 21, but that it has the July 22nd date on it because that is when they called to get a copy of the invoice.) However, some oil boom materials were in stock in other areas of the marina, but no absorbent pads. More booms and pads were on order.



Photo 4. Gasoline-soaked absorbent material around pump dispenser.

We next inspected the sewage pump out facility, which is located across the walkway and southeast of the fuel pumps. Mr. Spinnato stated that the pump-out has been non-operational sporadically for approximately a month (he was able to get it to work for about two weeks during this non-operational period). Mr. Spinnato indicated that he hopes to get it operational by the following day - July 23, 2014. At the end of the inspection, Mr. Spinnato discussed the difficulties he has had over the past month to secure supplies and replacement parts, noting that they have to be special ordered, and that when he gets an order that is incorrect the process slows even further. He stated he will provide documentation of what has been ordered.

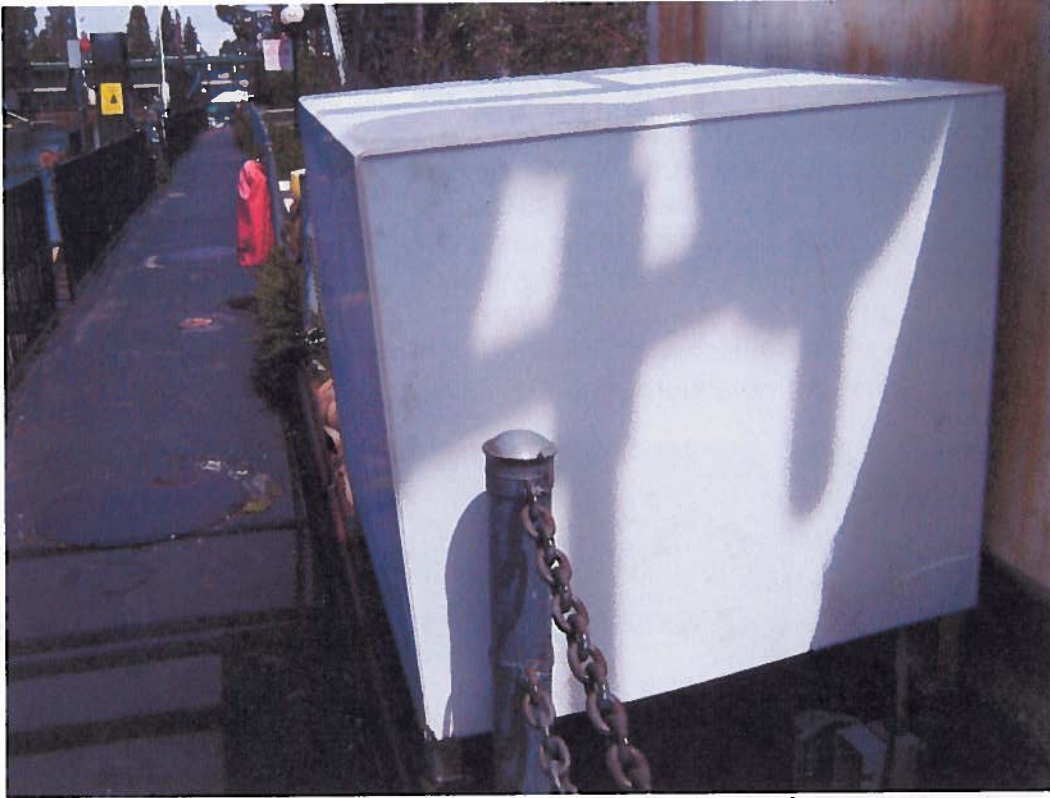


Photo 5. Sewage Pump Out facility, looking northeast.



Photo 6. Sewage Pump Out facility, looking northeast. Silicon lubricant has spilled on rocks/rack below from ongoing maintenance activities to get it operational again.

We observed pieces of Styrofoam still in the water, which was the subject of a complaint from last spring. Mr. Spinnato stated that crews are out every morning to collect all floating materials (Styrofoam, garbage, aquatic plant materials, etc.) around the docks. He stated that this is a constant activity as material is continually blown into the harbor areas.



Photo 7. Extraneous styrofoam in harbor, between bulkhead and dock on the northwest side of the Fresh Ketch restaurant, near the area of the fuel pumps.

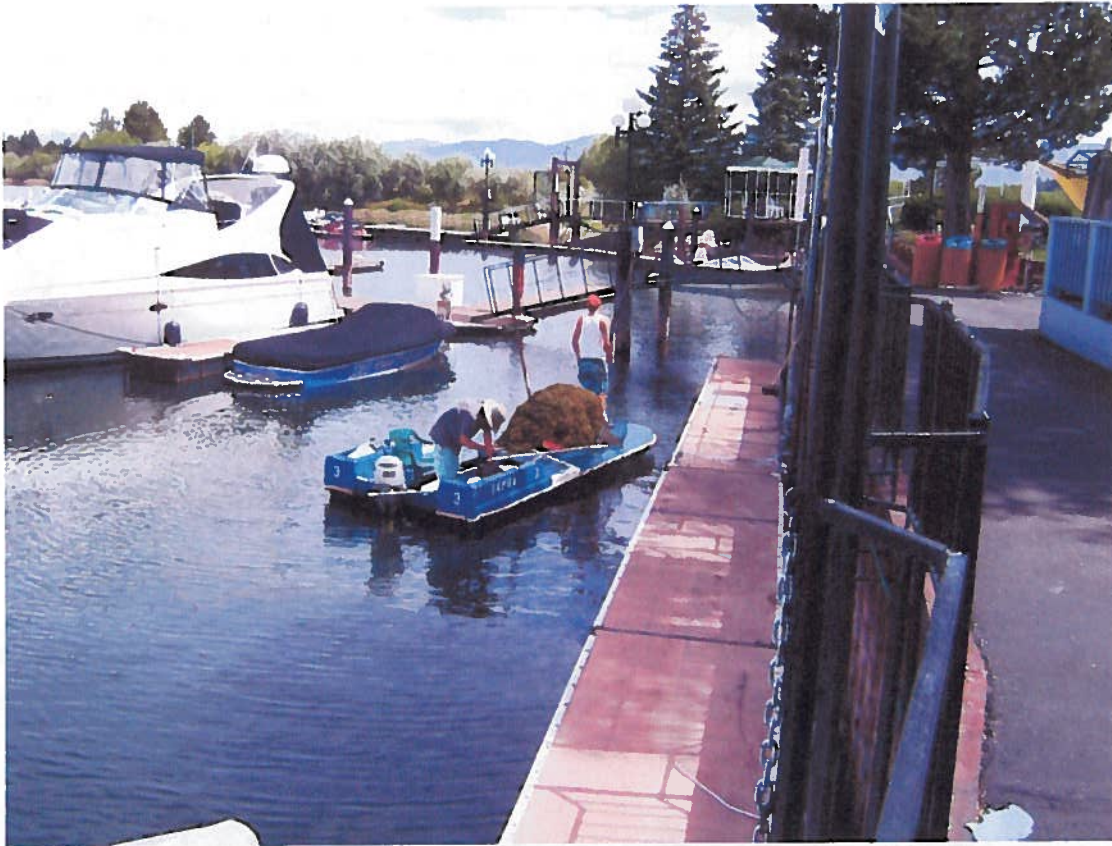


Photo 8. Crew harvesting floating materials (mostly vegetative), located on the northeast side of the Fresh Ketch restaurant, looking toward boat launch area.



Photo 9. Crew harvesting floating materials (mostly vegetative), located on the northeast side of the Fresh Ketch restaurant.

We walked over to the boat launch area. The slotted drain was clogged, full of water, and full of sediment. Vegetation was growing out of it. Mr. Spinnato stated that the drain is not cleaned out very often because it is welded down. He also stated that this, along with the rest of the parking lot, will be reconstructed in the future, and all BMPs will be retrofitted at that time. Mr. Spinnato stated that he has a meeting with the California Tahoe Conservancy on Thursday, July 24th, to discuss retrofit plans and the incorporation of some of the existing and adjacent Conservancy land in the project. He also noted that the Tahoe Regional Planning Agency (TRPA) is requiring the retrofit to be completed in 2015 as a condition of their existing marina permit from the TRPA.



Photo 10. Clogged slotted drain along boat ramp, located on northeast side of the marina, looking toward the west side of the ramp.



Photo 11. Clogged slotted drain along boat ramp, located on northeast side of the marina, along the west side of the ramp facing the Lake.



Photo 12. Clogged slotted drain along boat ramp, located on northeast side of the marina, along the west side of the ramp.



Photo 13. Clogged slotted drain along boat ramp, located on northeast side of the marina. Looking toward the east side of the ramp.

We walked along the dock on the most north east side of the marina. Mr. Spinnato observed an individual performing boat maintenance within the dock (the individual stated he was working on the boat's carburetor, and he had a shirt identifying him as being with a repair service company). Mr. Spinnato told the individual that performing maintenance within the harbor is against the marina's policies. Walking back toward the marina from the dock, we encountered a man with a wagon full of cleaning supplies. Mr. Spinnato told him cleaning the boats in the harbor is against marina policy, and the man commented that the receptionist at the marina office had told him it was ok. He stated that he has had a business for several years cleaning boats in the marina, and only uses environmentally-safe products. Mr. Spinnato told him it was against marina policy. [Note: Section III.D.1.g of Attachment G of the Marina General Permit requires all cleaning and maintenance activity to be under cover and in bermed areas to contain runoff.]

We walked back toward the Fresh Ketch restaurant, and observed the drop inlet and slotted drain at the entrance to the restaurant. This collects storm water runoff from the parking area located to the east of the restaurant. Mr. Spinnato stated that the drop inlet was constructed in the past without an oil/water separator, and it drains directly into the Marina on the northeast side of the restaurant. He stated that they place oil-absorbent pads in the drop inlet to help remove any residual petroleum product in the runoff, and they clean the drop inlet out every six weeks. Ms. Tyler asked if the restaurant staff ever hose off the restaurant mats into these drains. Mr. Spinnato replied that no, they use the storage/maintenance area for the restaurant that he showed us next.

We observed the storage/maintenance area for the restaurant, which is where floor mats are hosed off, etc. The area, which is on the south side of the restaurant building,

has a floor drain which is plumbed directly to the local sewer system. We commented that there wasn't a lot of room for washing mats in this area and Mr. Spinnato agreed with us, noting the presence of boxes and other items.



Photo 14. Restaurant maintenance/storage area.

We observed the drop inlet located by the laundry facility, located on the southwest side of the marina office building. Mr. Spinnato stated that this drain does not have an oil/water separator. From here we walked to the Maintenance Barn, which is located southwest of the office building. Parked between the office and maintenance buildings was a truck dripping antifreeze onto a rock-lined area that discharges into a storm drain. See Photo No. 15. Mr. Spinnato stated that he would get this immediately cleaned up.



Photo 15. Truck dripping antifreeze onto drain rock along bulkhead, between maintenance and office buildings.

A fishing charter business is located on the southeast corner of the maintenance building. A drain to collect parking lot runoff is located just outside this facility. During the May, 2014, inspection, the drain had been dug up to determine why it continued to back up. The drain inlet had been replaced, and Mr. Spinnato told us that they discovered that the drain had been constructed many years ago with no outlet. He indicated that this is another item that will be addressed when the parking lot will be improved. He also indicated that the maintenance building will be moved to the far southwest side of the marina (where the dredge pond is currently located) in 12 to 24 months, and they are currently evaluating potential uses for the existing maintenance building space.



Photo 16. Drain area on southeast side of Maintenance Building, facing in a southwest direction. Mr. Spinnato is on the left, Tobi Tyler is on the right. New drain rock had been installed where the area had previously been excavated to determine why this area had been clogging.

We continued walking in a southwest direction toward the boat lift unit. The boat lift is located in the southeast corner of the marina area. The area appeared to be clean and free from any evidence of spills. Drain rock is placed under the lift facility, behind the bulk head wall of the marina. This area had previously been designated for boat washing activities. However, Mr. Spinnato commented that boats are no longer washed in this area.

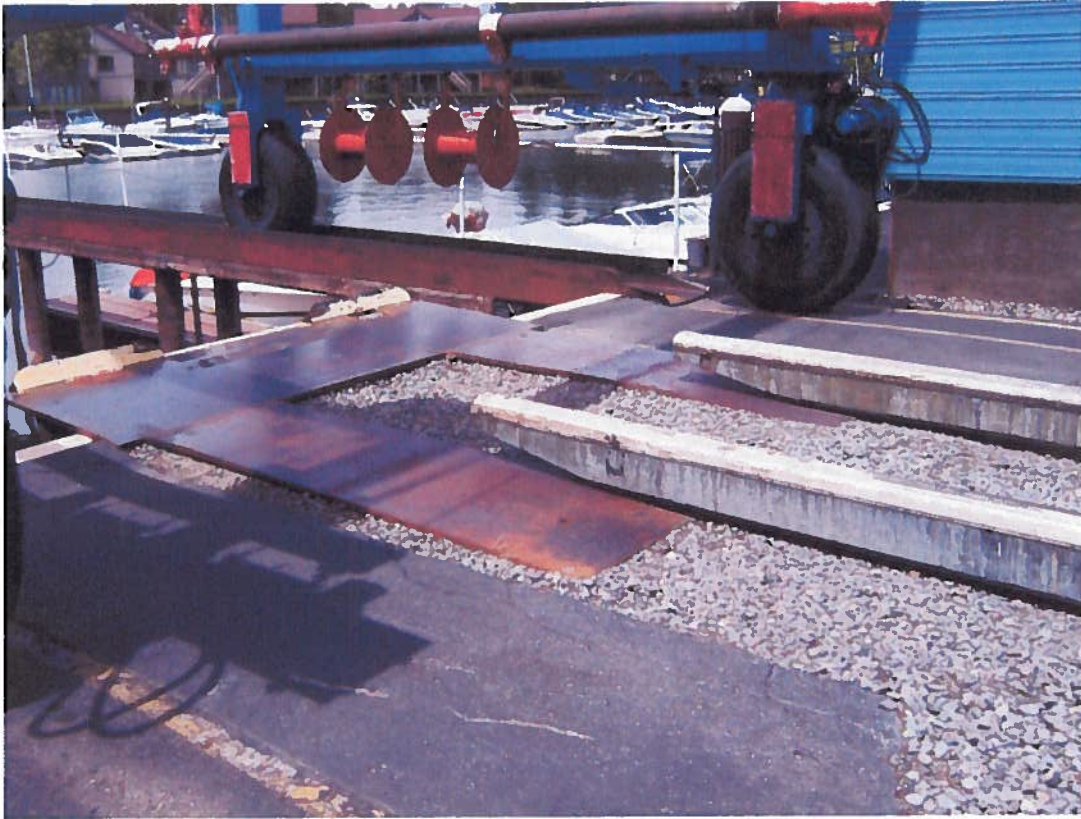


Photo 17. Drain rock behind bulk head at the boat lift unit. Facing northwest.



Photo 18. Drain rock behind bulk head at the boat lift unit. Facing northeast. Robert Spinnato is pictured on the right.



Photo 19. Bulk head of boat lift, facing east.



Photo 20. Ramp area on southwest side of boat lift, facing northeast toward maintenance building. (Fishing Charter business is in the small building to the right of the maintenance building, and the drain from Photo No. 16 is to the right of the small building)

From the boat lift area, we walked west along the southern portion of the marina property. This is the area where boats are stored during the winter season. The area had piles of pallets, plywood, trex deck material (re-purposed from the Tahoe Keys Homeowners Association's docks to resurface the docks within the Tahoe Keys Marina), scrap metal, dried barrel containers of asphalt (from when the parking lot was resurfaced last fall, according to Mr. Spinnato), and other materials. No spills were observed, but the area was generally unkempt and had the appearance of a scrap yard. Mr. Spinnato stated that metal recyclers are scheduled to come out later this summer to remove scrap metal material that is of no further use.



Photo 21. Southern area of marina where boats are stored, facing west. The entrance to the existing dredge pond area is in the center of the photograph.

The storm drain system for the parking lot runoff in this area was observed. Mr. Spinnato stated that since this is a newer installation, it is the only storm collection system that has an oil/water/sand separator system. The discharge from the system is to a surface pond that is located south of the storm drain inlet. The pond was nicely vegetated, and the pond overflows into the marina during extreme high flow events or when excess snow melt is pumped out from the existing dredge pond area. Mr. Spinnato stated that the pond (and existing vegetation) is cleaned out approximately every five years to maintain the pond's capacity. The area appeared functional, and no problems were observed.



Photo 22. Storm drain inlet to collect surface runoff from boat storage area. Facing east.



Photo 23. Manhole covers for the stormwater treatment system vault, located south to the drain inlet. Facing south.



Photo 24. Discharge pipe (rust colored pipe in foreground) from stormwater treatment vault into the stormwater pond. Facing southeast.



Photo 25. Stormwater pond. Overflow stand pipd is located at the end of the pond. Facing Northeast.

We concluded the inspection back in the Marina office. Mr. Spinnato's staff was unable to locate a current copy of the SWPPP (a 2011 copy was on file, but it was not the current SWPPP) and a copy of the permit. Mr. Spinnato stated that there had been a break-in into the office approximately six weeks prior. He stated that records were stolen, approximately \$3000 was stolen from a safe, and concrete had been splattered in his office. He stated that a police report had been filed. [I subsequently sent Mr. Spinnato an electronic mail requesting a copy of the police report or a case number so that I could download the report from the City of South Lake Tahoe's Police Department's website. A call to the Police Department using the facility address had not turned up any reportable event at the site.]

Ms. Tyler and I reviewed the violations we observed at the facility. I stated that these would be addressed by us with an enforcement letter of some sort. I also stated that we had issued a Notice of Violation to all listed property owners, citing the violations that were noted in their Annual Report. Mr. Spinnato asked that we remove Jean Merkelbach from future mailings, since she is not a property owner. I responded that Ms. Merkelbach is listed as a property owner through the Assessor's Office, via a search on Parcel Quest. Ms. Tyler stated that she would send Mr. Spinnato a form for the owners to submit to us to change the property ownership list.

Mr. Spinnato commented that the prior owner is not Ray Carreau, that there was an intermediate ownership between Mr. Carreau and the current property owners. The intermediate person received the marina property as a result of a court-ordered settlement, and as part of that settlement sold the property to the current owners for a profit of over \$1,000,000.

Mr. Spinnato provided us with a copy of the invoice to order additional emergency cleanup materials (attached). He also agreed to provide copies of invoices for parts to demonstrate that he had been diligently trying to repair the sewage pump out unit. However, that material has not been provided as of the date of this inspection report.

We concluded the inspection at 1:10 p.m.

CONDITIONS IN VIOLATION:

The following violations were documented during the inspection.

1. Failure to maintain copies on site of the Inspection Logs, pursuant to Permit Sections VII.C.3.a.v and Attachment E section III.A, C, and D.
2. Failure to maintain copies on site of the Weekly Printouts of the National Weather Station prediction reports, pursuant to Permit section VII.C.3.a.iv.b
3. Failure to maintain copies on site of the daily record-keeping of the rain gage readings, pursuant to Permit section VII.C.3.a.iv.b

4. Failure to maintain copies on site of all monitoring results, pursuant to Permit section VII.C.3.a.v.
5. Failure to maintain on site a copy of the SWPPP, pursuant to Permit section VII.C.3.a.v.
6. Failure to maintain on site a copy of the permit, pursuant to Permit section VII.A.10
7. Failure to maintain adequate supplies of emergency spill materials, evidenced by Mr. Spinnato's statement that they were out of materials. The failure to maintain adequate emergency spill supplies violates section I.A.13.d of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
8. Failure to properly dispose soiled absorbent pads (see Photo No. 4) pursuant to section I.A.13.e of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
9. Failure to maintain and operate a sewage pump out facility, as required by Section I.A.1 of the Marina Pollution Prevention Plan (Attachment H to the Marina General Permit, incorporated under section VII.A.11 of the permit).
10. Failure to maintain on site storm water runoff BMPs, as required by Section VII.C.3.b.i. of the Marina General Permit. The boat ramp drain was clogged (Photos Nos. 10-13).
11. Failure to perform all maintenance activities under cover, in bermed areas, as required by section III.D.1.g of Attachment G of the Permit. (Attachment G to the Marina General Permit is incorporated by section VII.A.11 of the Marina General Permit.)
12. Failure to clean up anti-freeze and silicon spills in areas close to marina waters as required by Appendix B of the marina's SWPPP. The Business Plan contained in Appendix B discusses the containment procedures for spill releases. For releases to soil, item C.3 states, "...excavate all soils found to be contaminated, store material on thick plastic sheeting surrounded by straw bales, disposal to be provided by EPA authorized hauler."

ACTION SUGGESTED: Issue a Notice of Violation for the documented violations.

BY: Eric J. Taxer

TITLE: WRCE

DATE: July 25, 2014

ACTION RECOMMENDED:

BY:

TITLE:

DATE:

Attachment: Invoice No. 12081 from Hytec Environmental

Hytec Environmental
 1015 Shary Circle, Unit #16
 Concord, CA 94518
 (800) 336-4499

Invoice

Date	Invoice No.
7/22/2014	12081

Bill To
 Tahoe Keys Marina & Yacht Club, LLC
 Attn: Accounts Payable
 4235 Venice Dr. East
 South Lake Tahoe, Co. 96150

Ship To
 Tahoe Keys Marina & Yacht Club, LLC
 Attn: Heather
 2435 Venice Dr. East # 100
 South Lake Tahoe, CA 96150

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	PHONE #
Heather	Net 10 Days	ARMAS	7/22/2014	Truck	Warehouse	
Item Code	Description	Quantity	Price Each	Amount		
WB510SN	WHITE OIL ONLY BOOMS 5" DIA. X 10 FT. LONG	4	120.00	480.00T		
WPB100M	SOCK & NETTED (4) BOOMS TO A BALE	6	53.00	318.00T		
FREIGHT	MEDIUM WEIGHT WHITE OIL ONLY BONDED PAD 15' x 18" - 100 PCS TO A BALE		120.00	120.00		
	FREIGHT					
	NOTE: ALL ITEMS DELIVERED ON JULY 25 2014					
				Subtotal	\$918.00	
				Sales Tax (8.0%)	\$63.84	
				Total	\$981.84	

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.