

Note: This summary has been prepared by the Board's Prosecution Team

ITEM: 6
SUBJECT: Emerald Bay Marine Manufacturing, Inc., Oroville, Butte County
BOARD ACTION: *Consideration of an Administrative Civil Liability Order (ACLO)*

BACKGROUND: Emerald Bay Marine Manufacturing, Inc., (Discharger) owns and operates a manufacturing facility that is primarily engaged in building and repairing boats. The Discharger is required to enroll in State Water Resources Control Board Water Quality Order 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities* (Industrial General Permit), because building and repairing boat activities are identified with Standard Industrial Classification (SIC) number 3732, and are classified under Manufacturing Facilities in Attachment 1 of the Industrial General Permit.

On 16 August 2011, Central Valley Water Board staff inspected the facility and determined it is required to obtain coverage under the Industrial General Permit. Since then, Central Valley Water Board staff has sent four letters to the Discharger, have had numerous phone calls with the Discharger's representatives, attempted to schedule a meeting with the business owner (who failed to attend), and revisited the facility, all in an effort to work with the Discharger to come into compliance and enroll in the Industrial General Permit program.

The Discharger's owner, Mr. William Hill, has sent three letters to the Central Valley Water Board indicating he will not enroll the Discharger in the Industrial General Permit program.

The purpose of this Administrative Civil Liability action is to enforce the Storm Water Enforcement Act of 1998, Water Code, division 7, chapter 5.9 (§ 13399.25 et seq.) and the Industrial General Permit by seeking the Central Valley Regional Water Board to impose a \$5,000 penalty and \$3,450 in staff costs for a total of \$8,450 in administrative civil liability against the Discharger for violating Water Code section 13399.30, subdivision (c)(2).

Prosecution Team's Recommendation: The Prosecution Team recommends that the Board adopt the Administrative Civil Liability Order and impose the \$8,450 civil liability as proposed.

Mgmt. Review BJS
Legal Review LJD

30/31 May 2013 Meeting
Central Valley Regional Water Quality Control Board meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670