

California Regional Water Quality Control Board
San Diego Region

IN THE MATTER OF: Larry Peterson Coronado Cays Community 505 Grand Caribe Causeway Coronado, CA 92118	NOTICE OF VIOLATION NO. R9-2009-0164 FAILURE TO COMPLY WITH CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION NO. 08C-055, FOR CORONADO CAYS HOMEOWNERS ASSOCIATION BOAT DOCK REPAIR AND REPLACEMENT
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YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ALLEGED VIOLATIONS:

Failure to comply with Certification Conditions B.2 through B.8 and C.1 of Clean Water Act Section 401 Water Quality Certification 08C-055.

The Certification was issued by the California Regional Water Quality Control Board, San Diego Region (hereafter Regional Board) on November 7, 2008.

BASIS FOR ALLEGED VIOLATIONS:

Violation of Conditions B.1 through B.8

Conditions B.2 through B.8 require the Coronado Cays HOA track shading effects of the projects, ensure that projects implement BMPs, prevent discharges of wastes to waters of the State/U.S., and conduct Caulerpa taxifolia and eelgrass surveys.

The Coronado Cays HOA has failed to ensure that projects subject to 401 Water Quality Certification 08C-055 were required to meet these project conditions.

Violation of Condition C.1

Condition C.1 requires that the Coronado Cays HOA submit quarterly reports describing both work that was completed the previous quarter, and work that will be completed the following quarter. For upcoming projects, the report shall include: a short description of the projects; maps of existing and proposed conditions; eelgrass and Caulerpa taxifolia pre-construction surveys; and a statement regarding the use and availability of banked shading credits.

The Coronado Cays Homeowners Association (HOA) failed to notify the Regional Board of projects subject to 401 Water Quality Certification 08C-055. On August 17, 2009, the

City of Coronado provided a list of dock project permits issued since November 2008. Based on this list, the Coronado Cays HOA failed to notify the Regional Board of multiple docks projects completed at 43, 44, 59, 60, 61, 62, 65, and 66 Antigua locations. The Coronado Cays HOA also failed to provide 4th quarter 2008 and 1st quarter 2009 reports identifying upcoming and completed projects.

The violations alleged in the enclosed Notice of Violation are serious and may result in further enforcement action against you, including the imposition of administrative civil liability of up to \$5,000 per day per violation pursuant to Water Code section 13350.



David T. Barker, P.E.
Supervising Water Resource Control Engineer

Sept. 15, 2009
DATE