



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

October 30, 2015

C. F. Koehler
Director
Koehler Kraft
2302 Shelter Island Drive
San Diego, CA 92106

Certified Mail – Return Receipt Requested
Article Number: 7010 1060 0000 4953 0129

In reply refer to / attn:
235175:kschwall

**Subject: Notice of Violation No. R9-2015-0077, Koehler Kraft, General Boatyard Permit,
Order No. R9-2013-0026, NPDES No. CAG719001**

Mr. Koehler:

Enclosed is Notice of Violation (NOV) No. R9-2015-0077 issued to Koehler Kraft for violations of Order No. R9-2013-0026, *General Waste Discharge Requirements for Discharges from Boatyards and Boat Maintenance and Repair Facilities Adjacent to Surface Waters within the San Diego Region* (General Boatyard Permit), issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations may be subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by **December 15, 2015** that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

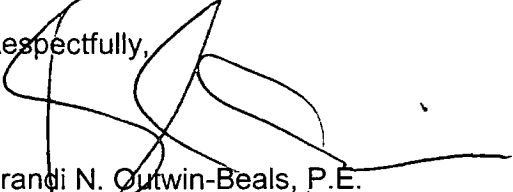
Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: 235175:kschwall.

HENRY ABARBANEL, PH.D, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, California 92108-2700 | www.waterboards.ca.gov/sandiego

For questions or comments, please contact Kristin Schwall by phone at (619) 521-3368, or by email at Kristin.Schwall@waterboards.ca.gov.

Respectfully,

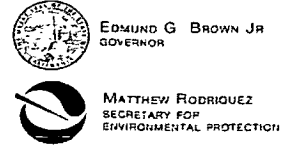


Brandi N. Outwin-Beals, P.E.
Senior Water Resource Control Engineer
Source Control Unit

Enclosure: Notice of Violation No. R9-2015-0077

cc: Kelly Korkko, Koehler Kraft, Info@koehlerkraft.com

Tech Staff Info & Use	
Reg. Measure ID	388922
Place ID	235175
Order No.	R9-2013-0026
WDID	9 000000474
NPDES No.	CAG719001
Violation ID	970464
Enforcement ID	400810



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October 30, 2015

**NOTICE OF VIOLATION
No. R9-2015-0077**

C. F. Koehler
Director
Koehler Kraft
2302 Shelter Island Drive
San Diego, CA 92106

Koehler Kraft Company, Inc.

Violations of Order No. R9-2013-0026

Koehler Kraft
235175:kschwall

Koehler Kraft Company, Inc. is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Koehler Kraft Company, Inc. (Discharger) is in violation of San Diego Water Board Order No. R9-2013-0026, *General Waste Discharge Requirements for Discharges from Boatyards and Boat Maintenance and Repair Facilities Adjacent to Surface Waters within the San Diego Region* (General Boatyard Permit).

A. Summary of Violations

1. Failure to Submit a Sediment and Receiving Water Monitoring Plan or a Category 2 Engineering Report

- a. **Pursuant to section V.A. of Attachment E to the General Boatyard Permit:** Boatyards that discharge water from storms smaller than a 5-year, 24-hour storm are Category 1 and must submit a Sediment and Receiving Water Monitoring Plan within 90 days of the effective date of the General Boatyard Permit.

- b. **Pursuant to section V.B. of Attachment E to the General Boatyard Permit:** Boatyards that only discharge storm water to waters of the United States from a 5-year, 24-hour storm or larger are classified as Category 2 and must submit a Category 2 Engineering Report certifying that the facility is engineered and constructed to only discharge storm water from a 5-year, 24-hour storm or larger to waters of the United States.
- c. **Evidence:** Koehler Kraft has not submitted either the Sediment and Receiving Water Monitoring Plan or the Category 2 Engineering Report.
 - i. The San Diego Water Board notified the Discharger of this violation by letter dated July 3, 2014.
 - ii. By e-mails dated July 8, 2014, October 27, 2014, and May 6, 2015, the San Diego Water Board requested the submission of a report to satisfy this requirement.
 - iii. By e-mail dated November 6, 2014, Koehler Kraft submitted the required Storm Water Pollution Prevention Plan (SWPPP), but not the Sediment and Receiving Water Monitoring Plan or the Category 2 Engineering Report.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, potentially including issuance of a civil liability assessment not to exceed \$10,000 per day of violation pursuant to Water Code section 13385 and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300 and 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the reference number 235175:kschwall. For questions or comments, please contact Kristin Schwall by phone at (619) 521-3368, or by email at Kristin.Schwall@waterboards.ca.gov.



Brandi N. Outwin-Beals, P.E.
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