

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

October 30, 2015

John Tyrell
General Manager
Oceanside Marine Centre
1550 Harbor Drive, North
Oceanside, CA 92054
jestermh@att.net

Certified Mail – Return Receipt Requested
Article Number: 7010 1060 0000 4953 0778

In reply refer to / attn:
245792:kschwall

Subject: Notice of Violation No. R9-2015-0076, Oceanside Marine Centre, General Boatyard Permit, Order No. R9-2013 0026, NPDES No. CAG719001

Mr. Tyrell:

Enclosed is Notice of Violation (NOV) No. R9-2015-0076 issued to Oceanside Marine Centre 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 are 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.

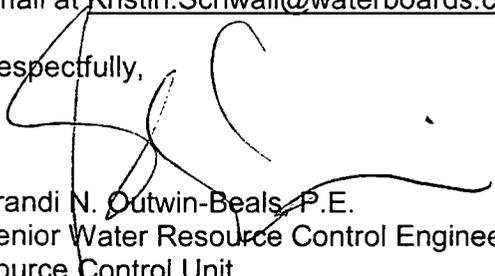
Please provide a written response by **December 15, 2015** that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

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: 245792:kschwall.

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. R9-2015-0076

cc: Aladdin Masry, ABC Environmental, abcenviro@hotmail.com

Tech Staff Info & Use	
Reg. Measure ID	388929
Place ID	245792
Order No.	R9-2013-0026
WDID	9 000000111
NPDES No.	CAG719001
Violation ID	970480
Enforcement ID	400811

San Diego Regional Water Quality Control Board

October 30, 2015

NOTICE OF VIOLATION
No. R9-2015-0076

John Tyrell
General Manager
Oceanside Marine Centre
1550 Harbor Drive, North
Oceanside, CA 92054
jestermh@att.net

Oceanside Marine Centre, Inc.

Violations of Order No. R9-2013-0026

Oceanside Marine Centre
245792:kschwall

Oceanside Marine Centre, 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.

Oceanside Marine Centre, 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 Develop, Implement, and Maintain a Storm Water Pollution Prevention Plan (SWPPP)

- a. **Pursuant to section X.B of General Boatyard Permit:** The Discharger shall continue to implement the SWPPP from the previous NPDES Permit and develop, implement, and maintain a SWPPP consistent with the requirements of Attachment H of this Order by 90 days from the effective date of this General Permit.

- b. Pursuant to section B of Attachment H to General Boatyard Permit:** The San Diego Water Board may notify a Discharger of any deficiencies found in the review of the SWPPP.
- c. Pursuant to section III.A.1 of Attachment E to General Boatyard Permit:** The Discharger shall monitor industrial storm water discharges during two qualifying storm events per year for volume of discharge, oil and grease, total suspended solids (TSS), chemical oxygen demand (COD), settleable solids, pH, copper, lead, zinc, tributyltin (TBT), and chronic toxicity.
- d. Evidence:** An adequate SWPPP containing the storm water monitoring required by the General Boatyard Permit has not been submitted to date.

 - i. Oceanside Marine Centre submitted a SWPPP on December 31, 2013. The December 2013 SWPPP said that storm water samples would be analyzed in accordance with a previous monitoring and reporting program contained in Order No. 2000-215.
 - ii. By letter dated July 3, 2014, the San Diego Water Board notified the Discharger that the SWPPP was not consistent with the requirements of the General Boatyard Permit.
 - iii. By letter dated July 29, 2014, the Discharger submitted a SWPPP Addendum (2014 SWPPP Addendum). This storm water monitoring section of the 2014 SWPPP Addendum lacked sufficient detail to evaluate the proposal, lacked any reference to the current General Boatyard Permit, and required monitoring for acute toxicity rather than chronic toxicity as required by the General Boatyard Permit.
 - iv. By letter dated November 3, 2014, the Discharger proposed a temporary storm water monitoring plan which did reference the current General Boatyard Permit, but did not include monitoring of storm water for COD, settleable solids, pH, TBT, or chronic toxicity as required by the General Boatyard Permit.
 - v. The Discharger submitted a storm water toxicity report dated January 20, 2015, which included a requirement for storm water samples to be monitored for acute toxicity but not chronic toxicity as required by the General Boatyard Permit.
 - vi. Oceanside Marine Centre submitted a SWPPP on July 26, 2015. The SWPPP said that storm water samples would be analyzed in accordance with a previous monitoring and reporting program contained in Order No. 2000-215.

2. Failure to Monitor Storm Water for Chronic Toxicity

- a. **Pursuant to section III.A.1 of Attachment E to General Boatyard Permit:** The Discharger shall monitor industrial storm water discharges during two qualifying storm events per year for volume of discharge, oil and grease, TSS, COD, settleable solids, pH, copper, lead, zinc, TBT, and chronic toxicity.
- b. **Evidence:** The Discharger submitted a storm water toxicity report dated January 20, 2015, which included a requirement for storm water samples to be monitored for acute toxicity but not chronic toxicity as required by the General Boatyard Permit.

3. 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 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 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:** Oceanside Marine Centre 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 letters dated July 29, September 19, and October 21, 2014, the Discharger stated that it is not possible to sample marine sediments in the man-made rocky cover around the outfalls within a 2-3 yard radius. The San Diego Water Board understands that there is no sediment in the rocky rip rap directly adjacent to the facility, but there is likely to be sediment in the harbor beyond the rocky rip rap.

- iii. The July 29, 2014, SWPPP Addendum includes a receiving water sample report for acute toxicity, but not chronic toxicity as required by the General Boatyard Permit. No other receiving water monitoring information has been submitted.

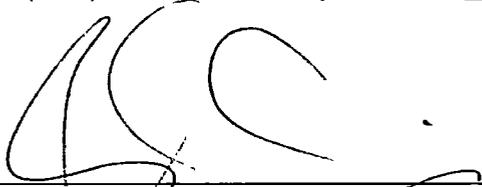
B. Summary of Potential Enforcement Options

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 245792:kschwall. For questions or comments, please contact Kristin Schwall by phone at (619) 521-3368, or by email at Kristin.Schwall@waterboards.ca.gov.



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