

AMENDING RESOLUTION NO. 677, ORDERING
DONLAN J. ARQUES TO CEASE AND DESIST
VIOLATION OF REQUIREMENTS OF RESOLUTION
NO. 592

ORDER NO. 72-29

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- A. This Regional Board adopted Resolution No. 592 prohibiting sewage discharges to Richardson Bay within the corporate limits of the City of Sausalito and within an area bound by the westerly corporate limits of Sausalito on the east, Sausalito Canal on the north, and U.S. Highway 101 on the west and south on September 17, 1964.
- B. On June 17, 1965 this Board adopted Resolution No. 677, finding that Donlan J. Arques was the owner of certain property on which boats, arks, yachts, houseboats, rafts, or dwellings were moored or rested which were discharging sewage in violation of Resolution No. 592 and ordering Donlan Arques to cease and desist from said violations.
- C. On June 27, 1972 at 9:30 a.m. in the Alameda County Public Works Building Auditorium, 399 Elmhurst Street, Hayward, after due notice to the discharger and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- D. Boats, arks, yachts, houseboats, rafts, or dwellings remain on property owned by Donlan Arques and continue discharging sewage in violation of Resolution No. 592.

IT IS HEREBY ORDERED THAT

- A. Sections XI, XII, XIII, and XIV of Resolution No. 677 are hereby amended to read:
 - XI Donlan J. Arques is hereby ordered to cease and desist from discharging wastes in violation of Resolution No. 592.
 - XII Appropriate corrective action to prevent the violation of the Board's Resolution No. 592 shall be completed according to the following time schedule:

- A. Begin construction of marina facilities described in Regional Board files and Bay Conservation and Development Commission Permit No. 5-71 as Arques Marina by August 30, 1972.
- B. Complete construction of marina facilities described as Arques Marina, Gate 5 and Center portions by July 30, 1973.
- C. Complete construction of marina facilities described as Arques Marina Gate 6 portion and sewer all houseboats and/or dwellings on the property of Donlan J. Arques by December 15, 1973.

XIII Donlan Arques is required to provide reports to the Board by September 15, 1972, February 15, 1973, August 15, 1973, and December 30, 1973 under penalty of perjury, on compliance with the above time schedule.

XIV If, in the opinion of the Executive Officer, Donlan Arques fails to comply with the provisions of this order, the Executive Officer is directed to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.

I, Fred H. Dierker, Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Board at a meeting held on June 27, 1972.

Executive Officer