
North Coast Regional Water Quality Control Board

January 7, 2021

Certified Mail 7016 2710 0000 2653 3319

Mr. Harry Hardin
Arcata Scrap and Salvage, Inc.
192 South G Street
Arcata, CA 95521
ertands@sbcglobal.net
jcookstorm@yahoo.com

Dear Mr. Hardin:

Subject: **Notice of Violation** of State Water Resources Control Board Order No. 2014-0057- DWQ *General Permit for Storm Water Discharges Associated with Industrial Activities* (Industrial General Permit)

File: Arcata Scrap and Salvage Inc., 192 South G Street, Arcata, CA
Humboldt County, WDID # 1 121028461

Your facility, located at 192 South G Street in Arcata, is regulated under the subject General Permit and identified by WDID No. 1 121028461. The industrial operation consists of recycling scrap and waste materials; SIC code 5093. On November 6, 2019, you (permittee) signed a Notice of Intent (NOI) enrolling the facility for coverage under the Industrial General Permit (Order No. 2014-0057-DW). In signing the NOI, you certified to the State of California that you read the Industrial General Permit and will comply all requirements specified in the Industrial General Permit (IGP).

As specified in the IGP, the permittee is required to develop a Storm Water Pollution Prevention Plan (SWPPP), in which the permittee must identify potential sources of pollution and describe specific Best Management Practices (BMPs) that shall be implemented to eliminate or reduce storm water pollution from the facility. Also, the IGP requires the permittee to develop a Monitoring Program and Reporting Requirements to evaluate the effectiveness of the SWPPP in reducing or eliminating the discharge of pollutants in the storm water discharge.

Background/Alleged Violations

Regional Water Board staff inspected this facility in 2019 after you purchased this property. At that time, staff observed a significant amount of junk materials that you

indicated had been left from the previous owner and staff directed that you clean up the facility and install/implement the applicable BMPs, as discussed in the inspection report. Staff uploaded the inspection report to SMARTS, and enclosed a copy herein as attachment A for your reference.

On November 17, 2020, North Coast Regional Water Quality Control Board staff, Farzad Kasmaei (hereafter, Regional Water Board Inspector or staff), visited the facility, with consent granted by Ms. Megan Guarducci and Mr. Zack Greenlee to inspect and take photographs of the site. The purpose of the Regional Water Board inspection was to determine compliance with the IGP during a storm event. Mr. Kasmaei walked through the facility and then notified Mr. Greenlee about the BMP deficiencies and alleged violations that he had observed during the inspection.

Based on the inspection observations made on-site made on-site the following violations of requirements established in Order No. 2014-0057-DWQ:

BMP violations:

- Poor housekeeping practices were observed within the facility yard that had significant amount of the scrap metals, debris and plastic wastes on the ground exposed to rain without BMPs in place. This is violation of the General Permit Section X.H.
- Material handling and waste management is not implemented to prevent or minimize handling of industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event. This is a violation of the General Permit Section X.H.
- Containers and dumpsters containing scrap materials are stored outdoors without overhead coverage exposed to rain. This is a violation of the General Permit Section X.H.
- Erosion and sediment control BMPs are not implemented/installed throughout the facility to address the sedimentation issue to avoid migration of sediment off-site.

Sampling and Analysis violation:

- The facility is a participant of a storm water compliance group that is required to collect a minimum of two samples during each reporting year. The Permittee collected only one sample during the reporting year 2019-20, and uploaded the following statement to SMARTS as a reason for not collecting a minimum of 2 samples: "A second sample was not collected from the facility due to temporary limitations of operational hours due to the emergency COVID-19 shelter-in-place orders. A qualifying storm event was not observed during operations hours between March 2020 and June 2020."

Per updated Water Board website (https://www.waterboards.ca.gov/resources/covid-19_updates/#compliance), all essential tasks including sampling collection requirements must be performed during the Covid-19 emergency. Collecting one sample only within the reporting year 2019-20 is not acceptable.

To come into compliance with the permit, the permittee is required to immediately implement the following:

- Ensure that the impervious areas are free of sediment and debris.
- Provide overhead coverage for all containers (bins and dumpsters) containing scrap materials.
- Ensure that housekeeping practices are implemented throughout the facility. All outdoor areas associated with industrial activity; including storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials must be evaluated to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly.
- Ensure that adequate sediment and erosion control BMPs are implemented/installed throughout the facility to address the sedimentation issue.
- Establish a designated sampling point within the Drainage Area B. Reassess the facility to ensure all drainage areas are monitored and the sampling point(s) provide a good representation of storm water runoff from the site. Also, Update the SWPPP for any new changes and submit a SWPPP amendment via SMARTS.

Finally, note that results uploaded to SMARTS regarding the single 2019-20 sampling event conducted on December 22, 2019 showed concentrations of Total Suspended Solids (TSS), Aluminum (Al), Zinc (Zn), and Iron (Fe) in stormwater that exceeded the permit benchmark level. During the November 2020 inspection, staff observed no source control BMPs and no minimum BMPs specified on the inspection report (excluding a single absorbent sock surrounding a stormwater inlet off the property). Implementation of the requirements above should serve to reduce the potential for stormwater runoff generated onsite from becoming contaminated by pollutants including those identified in the December 2019 stormwater sample. However, if samples collected following implementation of these recommendations show continued exceedances of benchmark levels, additional BMPs may be warranted.

By February 7, 2021, the permittee is required to submit a written response, with photographic evidence, identifying the measures taken to comply with the above items, that corrective actions are being monitored, and you have amended and certified your SWPPP accordingly (as needed). The response must be uploaded to SMARTS and a confirmation email shall be sent to:

Farzad Kasmaei
Farzad.Kasmaei@waterboards.ca.gov

Future Enforcement Actions

The Regional Water Board reserves its right to take any further enforcement action authorized by law, which may include a cleanup and abatement order, time schedule order, administrative civil liability, and/or referral to the California Attorney General for enforcement.

Furthermore, failure to timely address the violations of the Clean Water Act or Industrial General Permit may subject you to administrative civil liability of up to \$10,000 per day per violation, pursuant to Water Code section 13385.

If you have questions about what is required of you to correct the violations and water quality concerns associated with the facility, please contact Regional Water Board staff Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov.

You may also contact Ms. Heaven Moore at Heaven.Moore@waterboards.ca.gov. Additionally, I am available to meet with you if you wish to discuss this letter or the Industrial General Permit requirements in further detail.

Sincerely,

Heaven Moore, P.E.
Senior Water Resources Control Engineer - NPDES Unit

210107_FK_er_Finalized NOV letter

Enclosure:

Attachment A – November 17, 2020 Facility Stormwater Inspection Report

cc: North Coast Regional Water Quality Control Board

Charles Reed, Charles.Reed@Waterboards.ca.gov
Heaven Moore, Heaven.Moore@waterboards.ca.gov
Diana Henrioulle, Diana.Henrioulle@waterboards.ca.gov
Farzad Kasmaei, Farzad.Kasmaei@Waterboards.ca.gov

Humboldt County Public Works Department

Hank Seemann, hseemann@co.humboldt.ca.us

Attachment A – November 17, 2020 Facility Stormwater Inspection Report

North Coast Regional Water Quality Control Board

Industrial Stormwater Inspection Review Checklist

FACILITY INFORMATION		
Facility Name: Arcata Scrap and Salvage Inc.		
Facility WDID: 1 121028461		
Facility Address: 192 South G Street, Arcata, Humboldt County		
SIC Codes and Type of Industrial Activities: 5093 - Scrap and Materials		
Legally Responsible Party: Harry Hardin		
Operator: Arcata Scrap and Salvage Inc.		
Facility Status: Level 1 for Total Suspended Solids (TSS), Iron (Fe) & Aluminum (Al) & Zinc (Zn)		
Compliance Group: Yes		
History of Compliance: During a 2019 inspection, Regional Water Board staff observed BMP deficiencies, and staff provided the discharger through a verbal notice and inspection report with direction to clean up the site and install/implement adequate BMPs prior to the wet season in 2020.		
INSPECTION INFORMATION		
Inspection Date: November 17, 2020	Start time: 3:10 PM	End time: 4:00 PM
Inspector Name: Farzad Kasmaei		
Weather: Post and pre-storm inspection- no rain during the inspection		
Type of Inspection: B Type compliance		
Purpose of Inspection: Follow-up compliance inspection during wet season		
Parties Present During Inspection: Zack Greenlee		

WDID #: 1 12I028461

Inspection Date: 11/17/2020

Was Consent Provided for:
Inspection: Yes, by Zack Greenlee & Megan Guarducci **Photos:** Yes, by Zack Greenlee & Megan Guarducci

Document Review in SMARTS

Permit Requirements	Are Permit Requirements Met	Comments	Permit Reference
Submitted Annual Reports for all reporting years	Yes		Sections XVI & X
Develop and/or promptly update site map	Yes		Section X.E
Perform monthly visual storm water discharge observations	ND		Sections XI.A.1 & 3
Sampling & Analysis (4 samples within a reporting year)	No	Per SMARTS, this facility is a participant of a storm water compliance group that requires to collect two samples during each reporting year. The dischargers collected only one sample during the reporting year 2019-20, and uploaded the following statement to SMARTS as a reason for not collecting a minimum of 2 samples: "A second sample was not collected from the facility due to temporary limitations of operational hours due to the emergency COVID-19 shelter-in-place orders. A qualifying storm event was not observed during operations hours between March 2020 and June 2020."	Sections XI.B XI.A.2 & 3

WDID #: 1 12I028461

Inspection Date: 11/17/2020

Permit Requirements	Are Permit Requirements Met	Comments	Permit Reference
Identify and update pollution prevention team	Yes		Section X.D
NAL exceedances	Yes	The facility's status has been recently changed to level 1.	Section XII
Level 1 ERA submitted (if applicable)	Yes	Level 1 ERA technical report is due January 1, 2021, for TSS, Fe, Al and Zn exceedances.	Section XII.C
Level 2 ERA submitted (if applicable)	NA		Section XII.D.1-2

Inspection Findings:

The table below helps assess the facility's compliance with the requirements of the Industrial General Permit. Please reference the Industrial General Permit and monitor the facility regularly to ensure the entire facility is in compliance during all weather conditions. All photos referenced in this section can be found in the photos section of this report.

- Yes = Facility is in compliance with permit condition.
- No = Facility is in violation of permit condition.
- Not Determined (ND) = Compliance with permit requirement was not assessed.
- Not Applicable (NA) = The permit requirement does not currently apply to the facility.

SWPPP & BMPS (On-site observation)	Compliance Status	Comments	Permit Reference	Photos
Develop and Retain Updated SWPPP On-Site (including the required reports)	ND		Sections I.I, X.B, & X.C.2	

WDID #: 1 12I028461

Inspection Date: 11/17/2020

SWPPP & BMPS (On-site observation)	Compliance Status	Comments	Permit Reference	Photos
Good Housekeeping	No	Stored industrial materials that can be readily mobilized by contact with storm water are not covered. A significant amount of waste, debris and scrap metals is stored outside inappropriately. Site clean-up is not implemented.	Section X.H.1.a	4, 5, 6, 7 & 8
Preventative Maintenance	Yes	No evidence of spills was observed throughout the facility. However, there is a potential leak from the oil and greasy industrial materials that were stored outside directly on the ground with no secondary containment and exposed to rain.	Section X.H.1.b	
Spill Prevention & Response	Yes	No evidence of spills was observed throughout the facility. However, there is a potential leak from the oil and greasy industrial materials that were stored outside directly on the ground with no secondary containment and exposed to rain.	Section X.H.1.c	
Material Handling and Waste Management	No	There is a significant amount of scrap metals and junk materials stored outside on the ground exposed to rain with no BMPs.	Section X.H.1.d	4, 5, 6, 7 & 8

WDID #: 1 12I028461

Inspection Date: 11/17/2020

SWPPP & BMPS (On-site observation)	Compliance Status	Comments	Permit Reference	Photos
Erosion & Sediment Control	No	No adequate sediment and erosion control BMPs were observed throughout the facility.	Section X.H.1.e	
Structural (advanced) BMPs Installed and Maintained	NA		Section X.H.2	
Employee Training Program	ND		Section X.H.1.f	

WDID #: 1 12I028461

Inspection Date: 11/17/2020

Attachment(s):

1. Photos
2. Site map

Photos:



Picture 1- View of the equipment stored outside adjacent to the truck scale and exposed to rain.

WDID #: 1 121028461

Inspection Date: 11/17/2020



Picture 2 – View of non-watertight dumpster that is being placed on the ground with an inappropriate cover. Picture taken by Farzad Kasmaei.



Pictures 3a, 3b – View of metal parts that are stored outside in the bins with no covers (lids) and exposed to rain. Source control is not implemented. Pictures taken by Farzad Kasmaei.

WDID #: 1 12I028461

Inspection Date: 11/17/2020



Picture 4 – View of a huge scrap metal stockpile stored directly on the ground and exposed to rain. No BMPs implemented/installed throughout the facility to eliminate or at least minimize the exposure of industrial material/equipment to rain.

WDID #: 1 12I028461

Inspection Date: 11/17/2020



Picture 5 – View of debris, trash and scrap metals stored outside directly on the ground with no cover. Source control and housekeeping practices are not implemented throughout the facility. Picture taken by Farzad Kasmaei.

WDID #: 1 12I028461

Inspection Date: 11/17/2020



Picture 6 – View of wood, plastic wastes and scrap metals at the northeast side of the facility. Picture taken by Farzad Kasmaei.

WDID #: 1 12I028461

Inspection Date: 11/17/2020



Picture 7 – View of the stored rusty metals by the parked excavator.

WDID #: 1 12I028461

Inspection Date: 11/17/2020



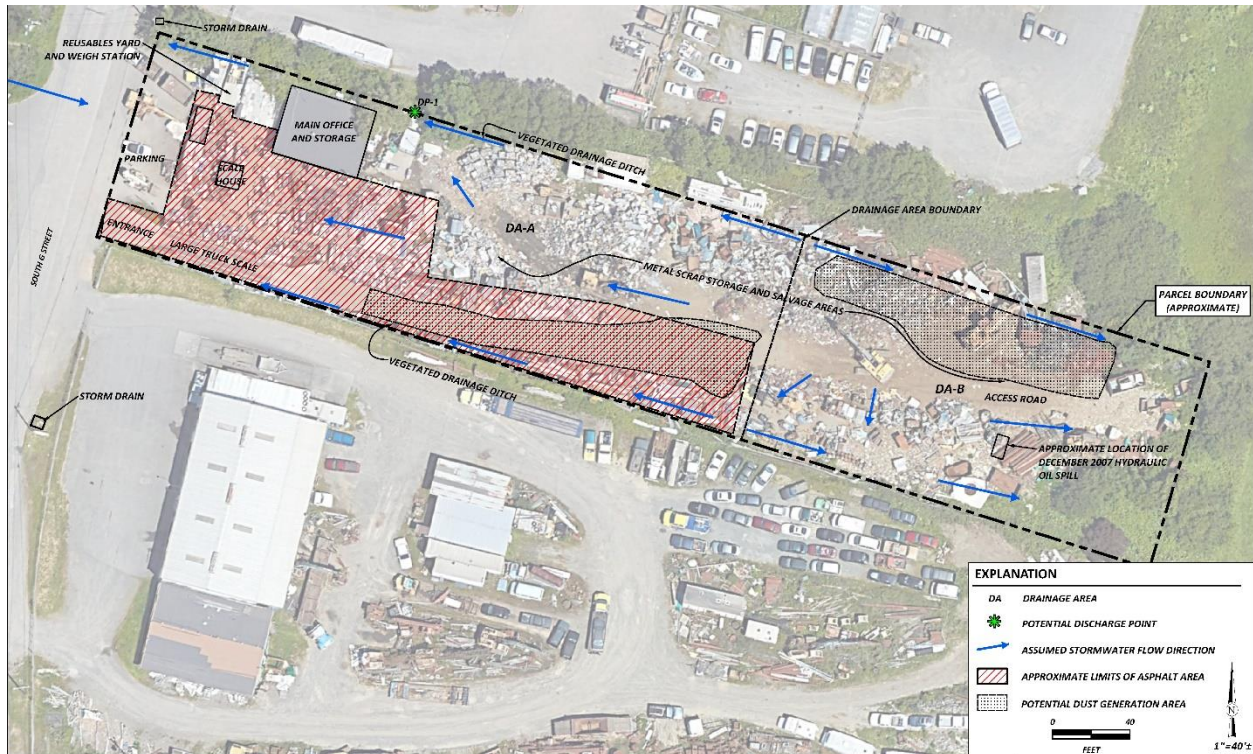
Picture 8 – View of junk materials exposed to rain with no BMPs. No material handling, waste management and housekeeping practices are implemented throughout the facility. Picture taken by Farzad Kasmaei.



Pictures 9a, 9b – Views of sampling point on the northwest side of the facility adjacent to the main office. The samples are collected from a shallow trench where the runoff leaves the site on its way being discharged into an off-site drop inlet (DI). DI is protected with an absorbent sock. **Site Map:**

WDID #: 1 12I028461

Inspection Date: 11/17/2020



Picture 10 – Site Map showing the sampling point on the northwest side of the facility.

Conclusion:

Regional Water Board staff inspected this facility in 2019 after this property was purchased by the current discharger. At that time, staff observed a significant amount of junk materials that had been left from the previous owner and staff directed the discharger to clean up the facility and install/implement the applicable BMPs, as discussed in the inspection report.

Staff conducted the November 17, 2020, unannounced inspection, as a follow-up right after a storm event to evaluate whether adequate BMPs are implemented/installed throughout the facility. Although a large amount of the materials has been hauled away since the last inspection, there was still a significant amount of scrap metal and trash observed outside stored directly on the ground and exposed to rain with no BMPs.

The facility’s status has been recently changed to level 1 for TSS, Al, Zn and Fe exceedances. However, no adequate BMPs and source control are implemented to address the pollutants of concern.

No housekeeping practices, material handling and waste management and sediment/erosion control BMPs were implemented/installed throughout the facility. Staff

Industrial General Permit No. CAS000001

WDID #: 1 12I028461

Inspection Date: 11/17/2020

recommends that the discharger immediately clean up the site and implement corrective actions to address all BMP deficiencies.