



North Coast Regional Water Quality Control Board

April 20, 2022

Mr. David Wiggins
Lux Metals, Inc.
90 Ridgeway Way
Santa Rosa, CA 95401
daw14@sonic.net

Certified Mail 7021 0950 0001 6499 7244

Dear Mr. Wiggins:

Subject: Notice of Noncompliance and Notice of Violation for Failure to file a Notice of Intent (NOI) for permit coverage as required by the General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (Industrial Permit, Permit, or IGP)

File: Lux Metals, Inc. WDID No. 1 49NEC008396

Your facility, located at 90 Ridgeway Way in the City of Santa Rosa, is currently regulated under the subject Industrial Permit, and identified by WDID No. 1 49NEC008396 (Facility). Lux Metals is a full-service machine shop specializing in custom metal fabrication and producing sheet metal components for homes and businesses.

On March 28, 2022, Regional Water Board staff inspected the Facility and determined that it is not eligible for No Exposure Certification (NEC) coverage. Per the inspection report that was recently uploaded to SMARTS by Regional Water Board, some of the industrial activities take place outside and industrial materials are stored within the facility's yard.

During the inspection, Regional Water Board staff advised Mr. Wiggins that Manufacturing facilities, (Standard Industrial Classification (SIC) 3999) are subject to requirements of the IGP. Regional Water Board Staff informed Mr. Wiggins that his current enrollment as a NEC facility was incorrect and that the Facility did not qualify for NEC coverage, and directed him to file a Notice of Intent (NOI) for full coverage under the IGP immediately to avoid further violations.

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

To date, NOI documents have not been filed for the Facility. In order to avoid a penalty, within 60 calendar days of the date of this notice, you must file a NOI for full IGP coverage for the subject Facility.

Alleged Violations

As discussed above, and summarized below, Lux Metals is currently in violation of the following requirements and regulations of the California State Water Resources Control Board WQ Order No. 2014-0057-DWQ (Industrial General Permit).

<p>IGP Section XVII.F.2 NEC Permit Registration Documents Required for Initial NEC Coverage</p>	<p>An NEC Checklist prepared by the Discharger demonstrating that the facility has been evaluated; and that none of the following industrial materials or activities are, or will be in the foreseeable future, exposed to precipitation:</p> <ul style="list-style-type: none">a. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed;b. Materials or residuals on the ground or in storm water inlets from spills/leaks;c. Materials or products from past industrial activity;d. Material handling equipment (except adequately maintained vehicles);e. Materials or products during loading/unloading or transporting activities;f. Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants);g. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;h. Materials or products handled/stored on roads or railways owned or maintained by the Discharger;i. Waste material (except waste in covered, non-leaking containers, e.g., dumpsters);j. Application or disposal of processed wastewater (unless already covered by an NPDES permit); and,k. Particulate matter or visible deposits of residuals from roof stacks/vents evident in the storm water outflow.
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Statutory Authority

The Regional Water Board is sending this notice pursuant to California Water Code (Water Code) sections 13399.30 and 13376. We may impose a monetary penalty (administrative civil liability) for failure to obtain coverage under the Permit, or if you do not sufficiently demonstrate that the Permit does not apply to your facility, in an amount not less than \$5,000 per year of noncompliance or fraction thereof, pursuant to Water Code section 13399.33(a)(1).

We may also pursue discretionary penalties under Water Code sections 13385(a)(1) and 13385(c)(1), where administrative civil liabilities are up to a maximum penalty of \$10,000 for each day in which each violation occurs, beginning from the date that the violation first occurred. Alternatively, we may refer such matters to the Office of the Attorney General for prosecution and seek up to \$25,000 per violation per day pursuant to Water Code section 13385(b)(1).

Additional Assistance

SMARTS industrial help guides are available at this web link:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/industrial_help_guides.html

If you need further assistance in using SMARTS, please contact the SMARTS Help Desk at (866) 563-3107.

Any information or supporting documentation not able to be submitted to SMARTS should be sent via email to Northcoast@waterboards.ca.gov and cc the staff listed below in this document.

Compliance with this requirement to file for enrollment in the Permit does not preclude enforcement for other violations of the Water Code and/or the Clean Water Act.

Should you have any questions regarding this matter or the Permit in general, please contact Farzad Kasmaei of my staff at Farzad.Kasmaei@waterboards.ca.gov.

You may also contact me at Heaven.Moore@waterboards.ca.gov. Additionally, we are available to meet with you virtually if you wish to discuss this letter or the IGP requirements in further detail.

Sincerely,

Heaven Moore, P.E.
NPDES Unit

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cc: North Coast Regional Water Quality Control Board

Charles Reed, Charles.Reed@waterboards.ca.gov

Heaven Moore, Heaven.Moore@waterboards.ca.gov

Farzad Kasmaei, Farzad.Kasmaei@waterboards.ca.gov

Nic Sudano, Santa Rosa Environmental Services Division, nsudano@srcity.org