



North Coast Regional Water Quality Control Board

December 11, 2023

Mr. Richard Kingsborough, President Certified Mail No.: 7021-0950-0001-6500-2145
Atlas Tree and Landscape Wood Waste Reduction Yard
5900 Pruitt Avenue
Windsor, CA 95492
rich@atlas-tree.com

SOCO Investment, Property Owner
P.O. BOX 1878
Windsor, CA 95492

Anvil Builder
1550 park Avenue
Emeryville, CA 94608

Certified Mail No.: 7021-0950-0001-6500- 2152

Dear Mr. Kingsborough:

Subject: **Notice of Violation** of the Clean Water Act and State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Stormwater Discharges Associated with Industrial Activities (Amended 2018) (Industrial General Permit) for the Atlas Tree and Landscape Wood Waste Reduction Yard

File: Atlas Tree and Landscape Wood Waste Reduction Yard, 5900 Pruitt Avenue, Windsor, Sonoma County, WDID No. 1 49I028845

The Atlas Tree and Landscape Wood Waste Reduction Yard is hereby given notice that it has violated the State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Stormwater Discharges Associated with Industrial Activities (Amended 2018) (Industrial General Permit). The violation is discussed in detail below.

Background

According to Stormwater Multiple Application and Report Tracking System (SMARTS), the Atlas Tree and Landscape Wood Waste Reduction Yard (Discharger) operates the

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Atlas Tree and Landscape Wood Waste Reduction Yard

3.25-acre facility (Facility) within the industrial Shiloh Business Park area owned by SOCO Investment LLC in the Town of Windsor, Sonoma County. Industrial activities consist of storing wood waste, loading/unloading of wood, grinding, screening, and chipping.

The Regional Water Board staff notified the Discharger via email that they had the three outstanding invoices and four past due annual reports.

On September 6, 2023, Regional Water Board staff inspected the Facility and observed several violations of the Industrial General Permit (IGP) requirements as described in the inspection memo.

On November 17, 2023, during a phone conversation with Ms. Lacey Tompioner, who was listed in SMARTS as Facility staff, who informed staff that she was no longer associated with the Facility and notified the Regional Water Board staff that the Facility was purchased by Anvil Builder and provided the contact information for the current Facility Staff.

The Regional Water Board reached out to the current Facility Staff using the provided email addresses on the same day. On December 6, 2023, the violations were discussed with the Facility staff via phone.

Alleged Violations

As the operator of the Facility, the Atlas Tree and Landscape Wood Waste Reduction Yard is hereby given notice that it has violated the following sections of the Industrial General Permit:

1. Section II. Receiving General Permit Coverage, Subsection B, Coverages
2. Section X. SWPPP, Subsection B, SWPPP Implementation and Revisions
3. Section X. SWPPP, Subsection C, SWPPP Performance and Standards
4. Section X. SWPPP, Subsection D.1, Pollution Prevention Team
5. Section X. SWPPP, Subsection E., Site Map
6. Section X. SWPPP, Subsection H.1.a., Minimum BMPs – Good Housekeeping
7. Section X. SWPPP, Subsection H.1.f., Minimum BMPs – Employee Training Program
8. Section XI. Monitoring, Subsection A, Visual Observations
9. Section XI. Monitoring, Subsection B, Sampling and Analysis
10. Section XVI. Annual Report

These violations may subject the Atlas Tree and Landscape Wood Waste Reduction Yard to administrative liability pursuant to California Water Code section 13385.

These provisions are included in detail in Attachment A.

Violation 1: Coverages

Per Subsection II.c of the IGP, the Discharger shall pay the appropriate Annual Fee in accordance with California Code of Regulations, title 23, section 2200 et seq.

After obtaining the IGP coverage 2020, the Discharger failed to pay for the annual NOI coverage. The State Water Board has previously notified the Discharger of the three (3) outstanding invoices for 2021, 2022 and 2023 fiscal years.

Violation 2: SWPPP Implementation and Revisions

Per Subsection X.B of the IGP, the Discharger shall revise the SWPPP whenever necessary and submit it via SMARTS.

The current SWPPP has not been revised since 2020 and it is incomplete and does not reflect current site conditions. Also, no information about the Pollution Prevention Team has been provided in the SWPPP.

Furthermore, according to the existing SWPPP, no discharge/sampling points were identified. No discharge even during continuous storm event is very unlikely. Based on the Regional Water Board staff observation, this Facility is not considered as a no discharge Facility, and there are potential discharge points. A site evaluation must be conducted and the SWPPP must be revised to include any potential sample/discharge points.

Violation 3: SWPPP Performance and Standards

Per Subsection X.C. of the IGP, the SWPPP must be prepared in accordance with all applicable SWPPP of the section. A copy of the SWPPP shall be maintained at the facility. Also, the Discharger must identify and describe conditions or circumstances which may require future revisions to be made to the SWPPP.

The SWPPP is out of date, does not meet all applicable requirements, and must be revised. No hard copy of the SWPPP was available on-site during the inspection.

Violation 4: Pollution Prevention Team

Per Subsection X.D.1 of the IGP, each facility must have a Pollution Prevention Team established and responsible for assisting with the implementation of the requirements.

No information was provided under this section in the SWPPP.

Violation 5: Site Map

Per Subsection X.E.3, the Discharger shall include the following information on the site map: the stormwater drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas, the flow direction of each drainage area, on-facility surface water bodies, and any sampling or discharge locations must be shown.

Per the uploaded site map, the Discharger has not indicated the drainage areas and water flow directions. Also, the Discharger has claimed that the Facility has been designed as a no discharge facility; however, no calculations or supportive documents have been provided. No structural control measures were observed on-site during the inspection to contain the Facility runoff.

Also, wood chips/waste deposition adjacent to off-site drain inlets indicates that these inlets receive a portion of the Facility's runoff. Furthermore, inspection observations indicate that the Facility may have more than one drainage area. As a result, the existing site map does not reflect the current condition of the site and it needs to be updated after a site evaluation is conducted by the Discharger.

Violation 6: Good Housekeeping

Per Section X.H.1.a of the IGP, the Discharger shall observe 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 or storm water run-on to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly.

Wood chips and wood waste was observed throughout the entire Facility and off site which indicates that good housekeeping is not implemented effectively.

Violation 7: Employee Training Program

Per Subsection X.H.1.f. of the IGP, The Discharger must ensure that all team members implementing the various compliance activities of this General Permit are properly trained to implement the requirements of this General Permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, visual observations, and monitoring activities.

During the inspection, the Regional Water Board staff noted that the yard operator was not aware of the IGP requirements and BMP implementation and maintenance. Also, the Discharger shall maintain documentation of all completed training classes and the personnel that received training in the SWPPP.

Violation 8: Visual Observation

Per Subsection XI.A.1 of the IGP, monthly visual observation must be conducted, and the Discharger shall provide an explanation in the Annual Report for any uncompleted monthly visual observations.

No visual observation report was available on-site or in SMARTs. Also, no explanation was provided for any uncompleted monthly visual observations since the Discharger failed to submit multiple annual reports.

Violation 9: Sampling and Analysis

Per Subsection XI.B.2 of the IGP, a minimum of four samples must be collected during each Qualifying Storm Events (QSEs).

No monitoring was submitted to SMARTS via the ad hoc reports since 2020. No calculation or supportive documents have been provided demonstrating that this Facility is a no discharge Facility.

Violation 10: Annual Report

Per Section XVI of the IGP, the Discharger shall certify and submit via SMARTS an Annual Report no later than July 15th following each reporting year.

The Discharger failed to submit any annual reports since the IGP coverage was obtained in 2020.

Enforcement

We encourage you to take steps to correct the violations identified as soon as possible to protect water quality and to minimize Facility's exposure to additional liability. Many of the existing conditions, as observed and documented in the Inspection Memo, may represent continuing violations, and are subject to administrative liabilities assessed for each day for each violation beginning with the first day of violation.

Correcting the conditions of non-compliance at the Facility does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as issuing a cleanup and abatement order or time schedule order, seeking administrative civil liabilities, and referring this matter to the California Attorney General's office for enforcement.

Administrative civil liabilities may be assessed by the Regional Water Board for up to \$10,000 for each day a violation occurs for each violation, including up to \$10 per gallon

Atlas Tree and Landscape Wood Waste Reduction Yard

of waste discharged minus 1,000 gallons not cleaned up, pursuant to Water Code section 13385.

If you have questions about this Notice of Violation (NOV), please contact Regional Water Board Staff Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov or Senior Water Resource Control Engineer Heaven Moore at Heaven.Moore@waterboards.ca.gov. Additionally, we are available to meet with you if you wish to discuss this letter or the permit requirements in further detail. For any legal questions, please contact Nathan Jacobsen, Attorney IV with the Regional Water Quality Control Board at Nathan.Jacobsen@waterboards.ca.gov.

Sincerely,

Heaven Moore, P.E.
NPDES Unit

Enclosures

Attachment A – Regulatory Citations

Attachment B – September 6, 2023 Inspection Memo

cc: North Coast Regional Water Board

Claudia Villacorta, Regional Water Quality Control Board (RWQCB),

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Attachment A – Regulatory Citations

Regulatory Section	Citation
<p>Violations 1: Industrial General Permit Section II. Coverages, Subsection B.c</p>	<p>The Discharger shall pay the appropriate Annual Fee in accordance with California Code of Regulations, title 23, section 2200 et seq.</p>
<p>Violation 2: Industrial General Permit Section X. SWPPP, Subsection B, SWPPP Implementation and Revisions</p>	<p>All Dischargers are required to implement their SWPPP by July 1, 2015 or upon commencement of industrial activity. The Discharger shall:</p> <ol style="list-style-type: none"> 1. Revise their on-site SWPPP whenever necessary; 2. Certify and submit via SMARTS their SWPPP within 30 days whenever the SWPPP contains significant revision(s)
<p>Violation 3: Industrial General Permit Section X. SWPPP, Subsection C, SWPPP Performance and Standards</p>	<ol style="list-style-type: none"> 1. The Discharger shall ensure a SWPPP is prepared to: <ol style="list-style-type: none"> a. Identify and evaluate all sources of pollutants that may affect the quality of industrial storm water discharges and authorized NSWDS; b. Identify and describe the minimum BMPs (Section X.H.1) and any advanced BMPs (Section X.H.2) implemented to reduce or prevent pollutants in industrial storm water discharges and authorized NSWDS. BMPs shall be selected to achieve compliance with this General Permit; and, c. Identify and describe conditions or circumstances which may require future revisions to be made to the SWPPP. 2. The Discharger shall prepare a SWPPP in accordance with all applicable SWPPP requirements of this Section. A copy of the SWPPP shall be maintained at the facility.

Regulatory Section	Citation
<p>Violation 4: Industrial General Permit Section X. SWPPP, Subsection D.1, Pollution Prevention Team</p>	<p>1. Pollution Prevention Team Each facility must have a Pollution Prevention Team established and responsible for assisting with the implementation of the requirements in this General Permit. The Discharger shall include in the SWPPP detailed information about its Pollution Prevention Team including:</p> <ul style="list-style-type: none"> a. The positions within the facility organization (collectively, team members) who assist in implementing the SWPPP and conducting all monitoring requirements in this General Permit; b. The responsibilities, duties, and activities of each of the team members; and, c. The procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, or other absences).
<p>Violation 5: Industrial General Permit Section X. SWPPP, Subsection E, Site Map</p>	<p>The Discharger shall include the following information on the site map:</p> <ul style="list-style-type: none"> a. The facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's industrial storm water discharges and authorized NSWDDs; b. Locations of storm water collection and conveyance systems, associated discharge locations, and direction of flow. Include any sample locations if different than the identified discharge locations
<p>Violation 6: Industrial General Permit Section X. SWPPP, Subsection H.1.a.</p>	<p>Good Housekeeping: The Discharger shall Observe 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 or storm water run-on to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly.</p>

Regulatory Section	Citation
<p>Violation 7: Industrial General Permit Section X. SWPPP, Subsection H.1.f. Employee Training Program</p>	<p>Employee Training Program The Discharger shall:</p> <ul style="list-style-type: none"> i. Ensure that all team members implementing the various compliance activities of this General Permit are properly trained to implement the requirements of this General Permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, visual observations, and monitoring activities. ii. Prepare or acquire appropriate training manuals or training materials; iii. Identify which personnel need to be trained, their responsibilities, and the type of training they shall receive; iv. Provide a training schedule; and, v. Maintain documentation of all completed training classes and the personnel that received training in the SWPPP.
<p>Violation 8: Industrial General Permit Section XI. Monitoring, Subsection A.1., Monthly Visual Observation</p>	<p>Monthly Visual Observations:</p> <ul style="list-style-type: none"> a. At least once per calendar month, the Discharger shall visually observe each drainage area for the following: <ul style="list-style-type: none"> i. The presence or indications of prior, current, or potential unauthorized NSWDS and their sources; ii. Authorized NSWDS, sources, and associated BMPs to ensure compliance with Section IV.B.3; and, iii. Outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential source of industrial pollutants. b. The monthly visual observations shall be conducted during daylight hours of scheduled facility operating hours and on days without precipitation. c. The Discharger shall provide an explanation in the Annual Report for uncompleted monthly visual observations.

Regulatory Section	Citation
<p>Violation 9: Industrial General Permit Section XI. Monitoring, Subsection B.2, Sampling and Analysis</p>	<p>The Discharger shall collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).</p>
<p>Violation 10: Industrial General Permit Section XVI. Annual Report</p>	<p>A. The Discharger shall certify and submit via SMARTS an Annual Report no later than July 15th following each reporting year using the standardized format and checklists in SMARTS.</p> <p>B. The Discharger shall include in the Annual Report:</p> <ol style="list-style-type: none"> 1. A Compliance Checklist that indicates whether a Discharger complies with, and has addressed all applicable requirements of this General Permit; Industrial General Permit Order Order 2014-0057-DWQ 60 2. An explanation for any non-compliance of requirements within the reporting year, as indicated in the Compliance Checklist; 3. An identification, including page numbers and/or sections, of all revisions made to the SWPPP within the reporting year; and, 4. The date(s) of the Annual Evaluation.

Attachment B – September 6, 2023 Inspection Memo