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## North Coast Regional Water Quality Control Board

March 13, 2023

Mr. Dominic Hardin, LRP  
Eel River Scrap and Salvage (Facility)  
850 Riverwalk Dr.  
Fortuna, CA 95540  
[ertands@sbcglobal.net](mailto:ertands@sbcglobal.net)  
[Erts850@yahoo.com](mailto:Erts850@yahoo.com)

Certified Mail No. 7021 0950 0001 6500 0745

Eel River Disposal, Operator  
P.O. Box 266  
Fortuna, CA 95540

White Circle Commerce LLC., Property owner  
P.O. Box 322  
Fortuna, CA 95540

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/IGP) for the Eel River Scrap and Salvage

**File:** Eel River Scrap and Salvage, 850 Riverwalk Dr., Fortuna, Humboldt County, WDID No. 1 12I017276

As the operator of the Eel River Scrap and Salvage, you are hereby given notice that you have violated the following sections of the Industrial General Permit:

- Section X.B, Stormwater Pollution Prevention Plan (SWPPP), Implementation and Revision
- Section X.C, SWPPP, Performance Standards
- Section X.D, SWPPP, Planning and Organization, Pollution Prevention Team

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

- Section X.E, Site Map
- Section X.F, List of Industrial Materials
- Section X.H, Minimum BMPs, Subsection 1.a through g
- Section XI.A, Visual Observation
- Section XI.B, Sampling and Analysis
- Section XII.C.1. Level 1 ERA<sup>1</sup> Evaluation
- Section XII.C.2 Level 1 ERA Report
- Section XII.D.1, Level 2 ERA Action Plan
- Section XII.D.2, Level 2 ERA Technical Report
- Section XVI, Annual Report
- Section XXI.K, Electric Signature and Certification Requirements

These provisions are included in detail in Attachment A.

## **Background**

Regional Water Board staff inspected the Facility in 2019 and observed several Best Management Practice (BMP) deficiencies. Also, the hard copies of documents and reports such as stormwater training log and monthly visual observation reports were not available on-site during the previous inspection. Also, the Discharger was notified to meet the sampling frequency requirements<sup>2</sup> and submit the sampling results via Ad Hoc reports in Stormwater Multiple Application and Report Tracking System (SMARTS).

Due to several annual NAL exceedances, the Facility is currently no longer in baseline status for multiple analytical parameters including Total Suspended Solids (TSS), Oil and Grease, Zinc, Lead, Iron, Copper, Chemical Oxygen Demand (COD), Magnesium and Aluminum.

## **Alleged Violations**

- 1) Per Section X.B through E of the IGP, all Storm Water Pollution Prevention Plan (SWPPP) elements shall be included and be revised whenever necessary to reflect current conditions of the site. Also, the Discharger is required to implement the SWPPP and retain a copy of the SWPPP onsite. The Facility entered level 1 and level 2 for TSS, Oil and Grease and multiple metals during the past reporting years. However, a site evaluation has not been done by a QISP<sup>3</sup> and no level 1 and level 2 ERAs have not been submitted via SMARTS as required by IGP.

Furthermore, the site map requirements have not been met in accordance with Section X.E of the IGP. Per the Facility's information uploaded into SMARTS, the SWPPP has not been updated since 2015 to include the required and most updated Facility information. Additionally, the elements shown and required by the SWPPP

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<sup>1</sup> Exceedance Response Action

<sup>2</sup> A minimum of 4 samples during each reporting year

<sup>3</sup> Qualified Industrial Stormwater Practitioner

are not implemented. A copy of the SWPPP was not available on-site during the inspection.

Furthermore, the site map does not reflect the current condition of the site and doesn't include the sampling points, drainage areas, and the locations of structural control measures such as oil/water separator system. The Discharger is required to include a list of all industrial materials, the Pollution Prevention Team information such as responsibilities, duties, and activities of each team members in accordance with Section X.F of the IGP requirements. This information has not been fully provided as required.

- 2) Per Section X.H.1.a through g of the IGP, which covers good housekeeping, preventative maintenance, spill prevention and response, material handling and waste management, employee training program, and quality assurance and record keeping must all be fully implemented as minimum BMPs. These required elements are not implemented at the Facility.

Significant amount of scrap metals and wastes were observed on the ground without any BMP installation. Scrap metals are kept inside of the broken, rusty, and uncovered dumpsters or bins exposed to rain. Oil sheens were observed at several locations on the surface of stormwater runoff and hydrocarbon spills were seen on the ground. No drip pans or absorbent materials were utilized to address these spills. Facility's employees are not trained by a QISP to implement the Industrial Stormwater Permit requirements. Also, the Discharger does not implement management procedures to ensure that appropriate staff implements all elements of the SWPPP, including the Monitoring Implementation Plan.

- 3) Per Section XI.A of the IGP, monthly visual observation must be conducted by the Discharger, and the reports must be retained on-site. However, no monthly visual observation reports were available on-site during the inspection.
- 4) Per Section XI.B.2 of the IGP, a minimum of four samples shall be collected during each reporting year. However, only two samples were collected during 2019-20 reporting year and three samples during 2020-21 reporting year. The Discharger is required to submit all sampling and analytical results for all individual or Qualified Combined Samples via SMARTS within 30 days of obtaining all results for each sampling event in accordance with Section XI.B.11. As of the date of this inspection memo, no sampling results have been submitted for the 2022-23 reporting year.
- 5) Per Section XII of the IGP, the Discharger must submit the level 1 and level 2 ERA technical reports. However, the Discharger has failed to hire a QISP to conduct a site evaluation, prepare and submit the required reports via SMARTS.
- 6) 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 using the standardized format and checklists in SMARTS. However, the Discharger has failed to submit the 2021-22 annual report. Also, the annual report for the reporting year

2020-21 annual report was submitted late on August 4, 2021. Also, one of the Ad Hoc report<sup>4</sup> for the 2020-21 reporting year has never been certified and submitted by Legally Responsible Person (LRP).

- 7) Per Section XXI.K.2 of the IGP, when a new LRP or Duly Authorized Representative is designated, the Discharger shall ensure that the appropriate revisions are made via SMARTS. In unexpected or emergency situations, it may be necessary for the Discharger to directly contact the State Water Board's Storm Water Section to register for SMARTS account access in order to designate a new LRP. During the inspection, the Regional Water Board staff was informed that the Facility had been transferred from Harry Hardin, existing LRP in SMARTS, to Dominic and Dino Hardin in May 2022.

### Report submittal

- a. Past due level 1 and level 2 ERA reports must be submitted ASAP but no later than **May 1, 2023**. The updated SWPPP and site map must be uploaded to SMARTS prior to **May 1, 2023**. The Discharger must notify the North Coast Regional Water Board via email when the required reports are submitted.
- b. Past due 2021-22 annual report must be submitted ASAP but no later than **March 31, 2023**.
- c. The Discharger must proceed with the corrective actions to address the BMP deficiencies that were observed during the inspection. The Discharger is required to prepare a report to include descriptive photos indicating that all BMP deficiencies have been fully addressed. The Report must be submitted via SMARTS prior to **May 1, 2023**.

### Potential Liabilities

We encourage you to take immediate steps to correct the violations and fully comply with the IGP. Please note that the existing conditions, as observed and documented in the inspection report documenting the February 8, 2023 inspection, may represent continuing violations, and are subject to administrative liabilities assessed for each day of 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 a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office.

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<sup>4</sup> Event ID No. 1153915

Administrative civil liabilities may be assessed by the Regional Water Board on a daily basis in the amount up to \$10,000 for each day a violation occurs, in addition to up to \$10 per gallon of waste discharged, pursuant to California Water Code section 13385.

If you have questions about this Notice of Violation (NOV) letter, please contact Regional Water Board Staff Farzad Kasmaei at [Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov).

You may also contact Heaven Moore at [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov) . Additionally, we are available to meet with you if you wish to discuss this letter or the facility permit requirements in further detail.

Sincerely,

Heaven Moore, P.E.  
NPDES Unit

**Enclosures**

Attachment A – Regulatory Citations

Attachment B – February 8, 2023, Facility Stormwater Inspection Report

**cc: North Coast Regional Water Quality Control Board**

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### Attachment A – Regulatory Citations

Regulatory Section	Citation
<p>Industrial General Permit Section X.B SWPPP Implementation and Revision, Subsection B.1 and B.2</p>	<p>The Discharger shall:</p> <ol style="list-style-type: none"> <li>1. Revise their on-site SWPPP whenever necessary;</li> <li>2. Certify and submit via SMARTS their SWPPP within 30 days whenever the SWPPP contains significant revision(s)</li> </ol>
<p>Industrial General Permit Section X.C SWPPP Performance Standard</p>	<ol style="list-style-type: none"> <li>1. The Discharger shall ensure a SWPPP is prepared to:               <ol style="list-style-type: none"> <li>a. Identify and evaluate all sources of pollutants that may affect the quality of industrial storm water discharges and authorized NSWDS;</li> <li>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,</li> <li>c. Identify and describe conditions or circumstances which may require future revisions to be made to the SWPPP.</li> </ol> </li> <li>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.</li> </ol>

Regulatory Section	Citation
Section X.D, SWPPP, Planning and Organization, Subsection 1, Pollution Prevention Team	<p>1. Pollution Prevention Team</p> <p>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"> <li>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;</li> <li>b. The responsibilities, duties, and activities of each of the team members; and,</li> <li>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).</li> </ul>
Section X.E, Site Map	<ul style="list-style-type: none"> <li>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;</li> <li>c. Locations and descriptions of structural control measures<sup>11</sup> that affect industrial storm water discharges, authorized NSWDS, and/or run-on</li> </ul>
Section X.F, List of Industrial Materials	<p>The Discharger shall ensure the SWPPP includes a list of industrial materials handled at the facility, and the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency.</p>

Industrial General Permit  
Section X. SWPPP,  
Subsection H.1.a through  
g

d. Good Housekeeping:  
The Discharger shall:

- i. 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;
- ii. Minimize or prevent material tracking;
- iii. Minimize dust generated from industrial materials or activities;
- iv. Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;
- v. Cover all stored industrial materials that can be readily mobilized by contact with storm water;

e. Preventative Maintenance:

- i. Identify all equipment and systems used outdoors that may spill or leak pollutants;
- ii. Observe the identified equipment and systems to detect leaks, or identify conditions that may result in the development of leaks;
- iii. Establish an appropriate schedule for maintenance of identified equipment and systems; and,
- iv. Establish procedures for prompt maintenance and repair of equipment, and maintenance of systems when conditions exist that may result in the development of spills or leaks.

c. Spill and Leak Prevention and Response  
The Discharger shall:

- i. Establish procedures and/or controls to minimize spills and leaks;

Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the storm water conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly;

iii. Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures; and,

iv. Identify and train appropriate spill and leak response personnel.

d. Material Handling and Waste Management

i. Prevent or minimize handling of industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event;

ii. Contain all stored non-solid industrial materials or wastes (e.g., particulates, powders, shredded paper, etc.) that can be transported or dispersed by the wind or contact with storm water;

iii. Cover industrial waste disposal containers and industrial material storage containers that contain industrial materials when not in use;

iv. Divert run-on and storm water generated from within the facility away from all stockpiled materials;

v. Clean all spills of industrial materials or wastes that occur during handling in accordance with the spill response procedures (Section X.H.1.c); and,

vi. Observe and clean as appropriate, any outdoor material or waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

f. Employee Training Program

The Discharger shall:

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,

Regulatory Section	Citation
	<p>and monitoring activities. If a Discharger enters Level 1 status, appropriate team members shall be trained by a QISP;</p> <ul style="list-style-type: none"> <li>ii. Prepare or acquire appropriate training manuals or training materials;</li> <li>iii. Identify which personnel need to be trained, their responsibilities, and the type of training they shall receive;</li> <li>iv. Provide a training schedule; and,</li> <li>v. Maintain documentation of all completed training classes and the personnel that received training in the SWPPP.</li> </ul> <p>g. Quality Assurance and Record Keeping The Discharger shall:</p> <ul style="list-style-type: none"> <li>i. Develop and implement management procedures to ensure that appropriate staff implements all elements of the SWPPP, including the Monitoring Implementation Plan;</li> <li>ii. Develop a method of tracking and recording the implementation of BMPs identified in the SWPPP; and</li> <li>iii. Maintain the BMP implementation records, training records, and records related to any spills and clean-up related response activities for a minimum of five (5) years (Section XXI.J.4).</li> </ul>

Regulatory Section	Citation
Section XI.A, Visual Observation	<p>1. Monthly Visual Observations</p> <p>a. At least once per calendar month, the Discharger shall visually observe each drainage area for the following:</p> <ul style="list-style-type: none"> <li>i. The presence or indications of prior, current, or potential unauthorized NSWDS and their sources;</li> <li>ii. Authorized NSWDS, sources, and associated BMPs to ensure compliance with Section IV.B.3; and,</li> <li>iii. Outdoor industrial equipment and storage areas, outdoor industrial activities areas, BMPs, and all other potential source of industrial pollutants.</li> </ul> <p>b. The monthly visual observations shall be conducted during daylight hours of scheduled facility operating hours and on days without precipitation.</p> <p>c. The Discharger shall provide an explanation in the Annual Report for uncompleted monthly visual observations.</p>
Industrial General Permit Section XI. Monitoring, Subsection B.2 and B.11	<p>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>The Discharger shall submit all sampling and analytical results for all individual or Qualified Combined Samples via SMARTS within 30 days of obtaining all results for each sampling event.</p>

Regulatory Section	Citation
Section XII.C.1. Level 1 ERA Evaluation	<p data-bbox="592 235 968 264">1. Level 1 ERA Evaluation</p> <p data-bbox="592 310 1751 378">a. By October 1 following commencement of Level 1 status for any parameter with sampling results indicating an NAL exceedance, the Discharger shall:</p> <p data-bbox="592 418 1766 487">b. Complete an evaluation, with the assistance of a QISP, of the industrial pollutant sources at the facility that are or may be related to the NAL exceedance(s); and,</p> <p data-bbox="592 527 1873 703">c. Identify in the evaluation the corresponding BMPs in the SWPPP and any additional BMPs and SWPPP revisions necessary to prevent future NAL exceedances and to comply with the requirements of this General Permit. Although the evaluation may focus on the drainage areas where the NAL exceedance(s) occurred, all drainage areas shall be evaluated.</p>

Regulatory Section	Citation
<p>Section XII.C.2 Level 1 ERA Report</p>	<p>2. Level 1 ERA Report</p> <p>a. Based upon the above evaluation, the Discharger shall, as soon as practicable but no later than January 1 following commencement of Level 1 status :</p> <p>i. Revise the SWPPP as necessary and implement any additional BMPs identified in the evaluation;</p> <p>ii. Certify and submit via SMARTS a Level 1 ERA Report prepared by a QISP that includes the following:</p> <p>1) A summary of the Level 1 ERA Evaluation required in subsection C.1 above; and,</p> <p>2) A detailed description of the SWPPP revisions and any additional BMPs for each parameter that exceeded an NAL.</p> <p>iii. Certify and submit via SMARTS the QISP's identification number, name, and contact information (telephone number, e-mail address).</p> <p>b. A Discharger's Level 1 status for a parameter will return to Baseline status once a Level 1 ERA report has been completed, all identified additional BMPs have been implemented, and results from four (4) consecutive QSEs that were sampled subsequent to BMP implementation indicate no additional NAL exceedances for that parameter.</p>

Regulatory Section	Citation
<p>Section XII.D.1, Level 2 ERA Action Plan</p>	<p>1. Level 2 ERA Action Plan</p> <p>a. Dischargers with Level 2 status shall certify and submit via SMARTS a Level 2 ERA Action Plan prepared by a QISP that addresses each new Level 2 NAL exceedance by January 1 following the reporting year during which the NAL exceedance(s) occurred. For each new Level 2 NAL exceedance, the Level 2 Action Plan will identify which of the demonstrations in subsection D.2.a through c the Discharger has selected to perform. A new Level 2 NAL exceedance is any Level 2 NAL exceedance for 1) a new parameter in any drainage area, or 2) the same parameter that is being addressed in an existing Level 2 ERA Action Plan in a different drainage area.</p> <p>b. The Discharger shall certify and submit via SMARTS the QISP's identification number, name, and contact information (telephone number, e-mail address) if this information has changed since previous certifications.</p> <p>c. The Level 2 ERA Action Plan shall at a minimum address the drainage areas with corresponding Level 2 NAL exceedances.</p> <p>d. All elements of the Level 2 ERA Action Plan shall be implemented as soon as practicable and completed no later than 1 year after submitting the Level 2 ERA Action Plan.</p> <p>e. The Level 2 ERA Action Plan shall include a schedule and a detailed description of the tasks required to complete the Discharger's selected demonstration(s) as described below in Section D.2.a through c.</p>
<p>Section XII.D.2, Level 2 ERA Technical Report</p>	<p>2. Level 2 ERA Technical Report</p> <p>On January 1 of the reporting year following the submittal of the Level 2 ERA Action Plan, a Discharger with Level 2 status shall certify and submit a Level 2 ERA Technical Report prepared by a QISP.</p>

Regulatory Section	Citation
Section XVI, Annual Report	<p><b>A.</b> 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>B.</b> The Discharger shall include in the Annual Report:</p> <ol style="list-style-type: none"> <li>1. A Compliance Checklist that indicates whether a Discharger complies with, and has addressed all applicable requirements of this General Permit;</li> <li>2. An explanation for any non-compliance of requirements within the reporting year, as indicated in the Compliance Checklist;</li> <li>3. An identification, including page numbers and/or sections, of all revisions made to the SWPPP within the reporting year; and,</li> <li>4. The date(s) of the Annual Evaluation.</li> </ol>
Section XXI.K, Electric Signature and Certification Requirements	<ol style="list-style-type: none"> <li>1. All Permit Registration Documents (PRDs) for NOI and NEC coverage shall be certified and submitted via SMARTS by the Discharger's Legally Responsible Person (LRP). All other documents may be certified and submitted via SMARTS by the LRP or by their designated Duly Authorized Representative.</li> <li>2. When a new LRP or Duly Authorized Representative is designated, the Discharger shall ensure that the appropriate revisions are made via SMARTS. In unexpected or emergency situations, it may be necessary for the Discharger to directly contact the State Water Board's Storm Water Section to register for SMARTS account access in order to designate a new LRP.</li> <li>3. Documents certified and submitted via SMARTS by an unauthorized or ineligible LRP or Duly Authorized Representative are invalid.</li> </ol>

**Attachment B: February 8, 2023, Facility Stormwater Inspection Report**