

EXHIBIT C

October 17, 2011, Notice of Violation



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • FAX (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Edmund G. Brown Jr.
Governor

October 17, 2011

Napa Valley Cast Stone
Attn: Mark Akey
1111 Green Island Rd
American Canyon, CA 94503
(via makey@nvessystems.com)

Subject: NOTICE OF VIOLATION and required corrective actions for failure to protect stormwater at industrial facility

**Facility: Napa Valley Cast Stone
1111 Green Island Rd
American Canyon, CA 94503
WDID No. 2 28I019243**

Dear Mark Akey:

Water Board staff recently inspected the industrial facility indicated above and found violations of the Industrial General Storm Water Permit, Order No. 97-03-DWQ¹. The details of the violations, as well as other inspection findings, are spelled out in the attached inspection form and photographs. You are required to correct the violations and send us photographs and a brief written description of your corrective actions.

Our inspection form is broken into four components:

- File review,
- Site map (for the purpose of noting where observations were made and photos taken),
- Prohibited non-stormwater discharge observations, and
- Stormwater Pollution Prevention Plan (SWPPP) implementation / Best Management Practice (BMP) observations.

Violations are noted with a “V” in the second column of each table; also noted there is a reference to the permit requirement violated.

Consequences for not correcting violations of the Permit

Because you are currently in violation of the above-referenced requirements, you are subject to monetary administrative civil liabilities. Be advised that the Water Board staff considers both implementation speed and the effectiveness of corrective measures when deciding whether to take formal enforcement actions, including whether to assess administrative civil liabilities.

¹ Permit: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

Failure to return to compliance with the Permit is a violation of CWC Section 13385(a)(2), for which the Board may impose civil liability in the amount not to exceed \$10,000 per day of each violation, plus \$10 per gallon in excess of 1,000 gallons per discharge. The days of violation count starts with the date of the inspection unless we have other substantiating evidence for an earlier start date.

Additional notes

If you need guidance, the California Stormwater Quality Association (CASQA) publishes a handbook for Industrial Stormwater Best Management Practices². The CASQA handbook is one of many online resources that describe industry standard BMPs. Please note that the Regional Water Board can not specify means of compliance. It is your responsibility to select and correctly implement an appropriate suite of BMPs. Use of the CASQA handbook or other similar guidance documents may help you achieve compliance, but it does not guarantee compliance.

If you have any questions regarding this letter, please contact Cecil Felix at (510) 622-2343 or by email at cfelix@waterboards.ca.gov.

Please respond by e-mail to r2stormwater@waterboards.ca.gov to let us know that you received this document.

Sincerely,



Digitally signed by
Christine Boschen
Date: 2011.10.17 15:00:41
-07'00'

Christine Boschen
Section Leader,
Watershed Management Division

Encl.: 9/22/2011 Inspection Report
9/22/2011 Inspection Photo Log

cc: Lou Leet, City of American Canyon via lleet@cityofamericancanyon.org

² CASQA BMP Handbook: <http://www.cabmphandbooks.com/Industrial.asp>

**State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region**

INDUSTRIAL STORM WATER INSPECTION REPORT

SITE INFORMATION

2 281019243 12/30/04 3271, 3272 concrete block and brick, concrete products
WDID NUMBER NOI PROCESSING DATE SIC CODE(S) TYPE(S) OF INDUSTRIAL ACTIVITY

Napa Valley Cast Stone 1111 Green Island Rd. American Canyon 95403 4 acres
FACILITY NAME ADDRESS CITY ZIP FACILITY SIZE

Mark Akey facility manager 707-373-0999 makey@nvessystems.com
OWNER OF SITE REPRESENTATIVE PRESENT DURING INSPECTION TITLE PHONE NUMBER EMAIL

INSPECTION LOGISTICS

9/22/11 0930 1130 clear
DATE ARRIVAL TIME DEPARTURE TIME WEATHER CONDITIONS

INSPECTION PRE-ANNOUNCED: YES NO PICTURES TAKEN: YES NO SAMPLES COLLECTED: YES NO

PURPOSE OF INSPECTION

ROUTINE COMPLIANCE ASSESSMENT

COMPLAINT/REFERRAL FOLLOW-UP

NOTICE OF TERMINATION REQUESTED

MONITORING REDUCTION REQUESTED

Facility Closed (date _____)
and completely cleaned

No Exposure Certification

Light industry (SIC code(s) _____)
and no exposure (see checklist in Attachment A)

Sampling and Analysis Reduction

No stormwater discharge because site
 drains to sanitary drains to treatment pond

PREVIOUS INSPECTION/ENFORCEMENT FOLLOW-UP

Permit not required for this industry
(SIC code(s) _____)

Compliance due date _____

Regulated by another NPDES permit that covers
Stormwater discharge

OTHER REASON FOR INSPECTION (PLEASE
SPECIFY): Did not submit 2010-11 Annual Report. Did not
respond to NOV-Early Settlement Offer

New Facility Operator

INSPECTOR'S RECOMMENDATION / INTERNAL TRACKING

Outcome of inspection

ISSUE NOTICE TO COMPLY

ISSUE NOTICE OF VIOLATION

APPROVE NOTICE OF TERMINATION

APPROVE MONITORING REDUCTION

SITE IN COMPLIANCE

Recommendation for follow up or reinspection

REINSPECT ON: date : within next 2 months _____

REFER TO LOCAL AGENCY FOR FOLLOW UP

OTHER (describe in notes section)

NOTES:

Discharger rep acknowledged late report, indicating that he believed that the report was submitted by his consultant. He indicated that he did not check with his consultant that the report was submitted. See attached communication summary for additional detail.

Significant violations noted, including inadequate BMPs and ongoing discharges of pollutants to the storm drain system.

Cecilio Felix and Michelle Rembaum-Fox
INSPECTOR NAME

SIGNATURE

10/4/11
REPORT DATE

**State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region**

INDUSTRIAL STORM WATER INSPECTION REPORT

WDID: 2 28I019243

Line Number	“V” if in violation	File Review (FR) Questions	(Y/N)	Notes
FR 1		Does the facility have a site map? (Request a copy) <i>If no map, draw one on provided page to be used for the site walk.</i>	Y	See Photo 1
FR 2		Does the site map identify the following:		
FR 3		Drainage paths, storm drains, discharge points	Y	
FR 4		Impervious areas	Y	
FR 5	V	Locations with direct exposure, leaks, or spills	N	Need to identify each area on map
FR 6	V	Industrial activity areas	N	Need to identify all mixing, product storage, waste storage areas on map
FR 7	V	<i>Additional specific comments regarding the map</i>		Need to identify BMPs for each pollutant source area on map
FR 8		Does the facility have a SWPPP?	Y	
FR 9		Is the SWPPP site-specific and coordinated with the site map?	Y	
FR 10		Does the SWPPP identify the specific members (and responsibilities) of the Pollution Prevention Team?	Y	
FR 11	V	Does the SWPPP discuss Industrial Processes, Material Handling and Storage Areas, Dust and Particulate Generating Activities, Significant Spills and Leaks, Non-Storm Water Discharges, and Soil Erosion?	N	Need to provide more detailed descriptions of pollutant sources, associated activities, and BMPs to address pollutants.
FR 12		<i>Additional specific comments regarding the SWPPP</i>		

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INDUSTRIAL STORM WATER INSPECTION REPORT

WDID: 2 281019243

Line Number	“V” if in violation	File Review (FR) Questions	(Y/N)	Notes
FR 13	V	Does the facility have readily available monitoring records for the past five years?	N	Only one record provided with current SWPPP. See Photo 2. Others records were on-site, but not kept with the SWPPP, these other records were not reviewed.
FR 14		Spot check the 12 months of monitoring records:		
FR 15		Has the discharger visually inspected, quarterly , for unauthorized non-storm water discharges?	NE	
FR 16		Has the discharger visually inspected storm water discharges in one storm event per month during the wet season?	NE	
FR 17		Do the above records indicate person conducting the sampling, date and time, observation and corrective actions if needed?	NE	
FR 18		Has the discharger collected storm water samples during the first storm event of the year and one other storm event after?	NE	
FR 19		Which constituents were sampled and analyzed?	NE	
FR 20		Are any on-site monitoring devices used? If yes,	NE	
FR 21		➤ For which constituents?		
FR 22		➤ Does the discharger have calibration and maintenance records for each on-site monitoring device used?		
FR 23		<i>Additional specific comments regarding the monitoring records</i>		

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INDUSTRIAL STORM WATER INSPECTION REPORT

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Site Map – Remember to take photographs as you walk the site and mark the location on the map: take wide shots that depict general area as well as specific shots of discharges, pollutants, or BMPs. If raining, take shots showing flow of storm water through the site. Also, mark on site map area corresponding to each line completed in the inspection form.

See attached site map.

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INDUSTRIAL STORM WATER INSPECTION REPORT

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Prohibited Non-Storm Water Discharges (*anything other than fire hydrant flushing; potable water sources; drinking fountain water; atmospheric condensates; irrigation drainage; landscape watering; springs; ground water; foundation or footing drainage; and sea water infiltration where the sea waters are discharged back into the sea water source) ***Use additional page(s) as needed.***

Row Number	Mark "V" if in violation	Directly observed prohibited non-storm water discharge (Yes or No)	Evidence present of prohibited non-storm water discharge (Yes or No)	Photo(s) taken (Yes or No)	Location and Description (mark site map with row number)
NS - 1	V	Y	Y	Y	Discharge of water, cement, and sediment related to concrete mixing operations into storm drain. Overflow of open water container. Discharge shown in Photos 13, 14, 15. Source of discharge is mixing area shown in Photo 12.
NS -					
NS -					
NS -					

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INDUSTRIAL STORM WATER INSPECTION REPORT

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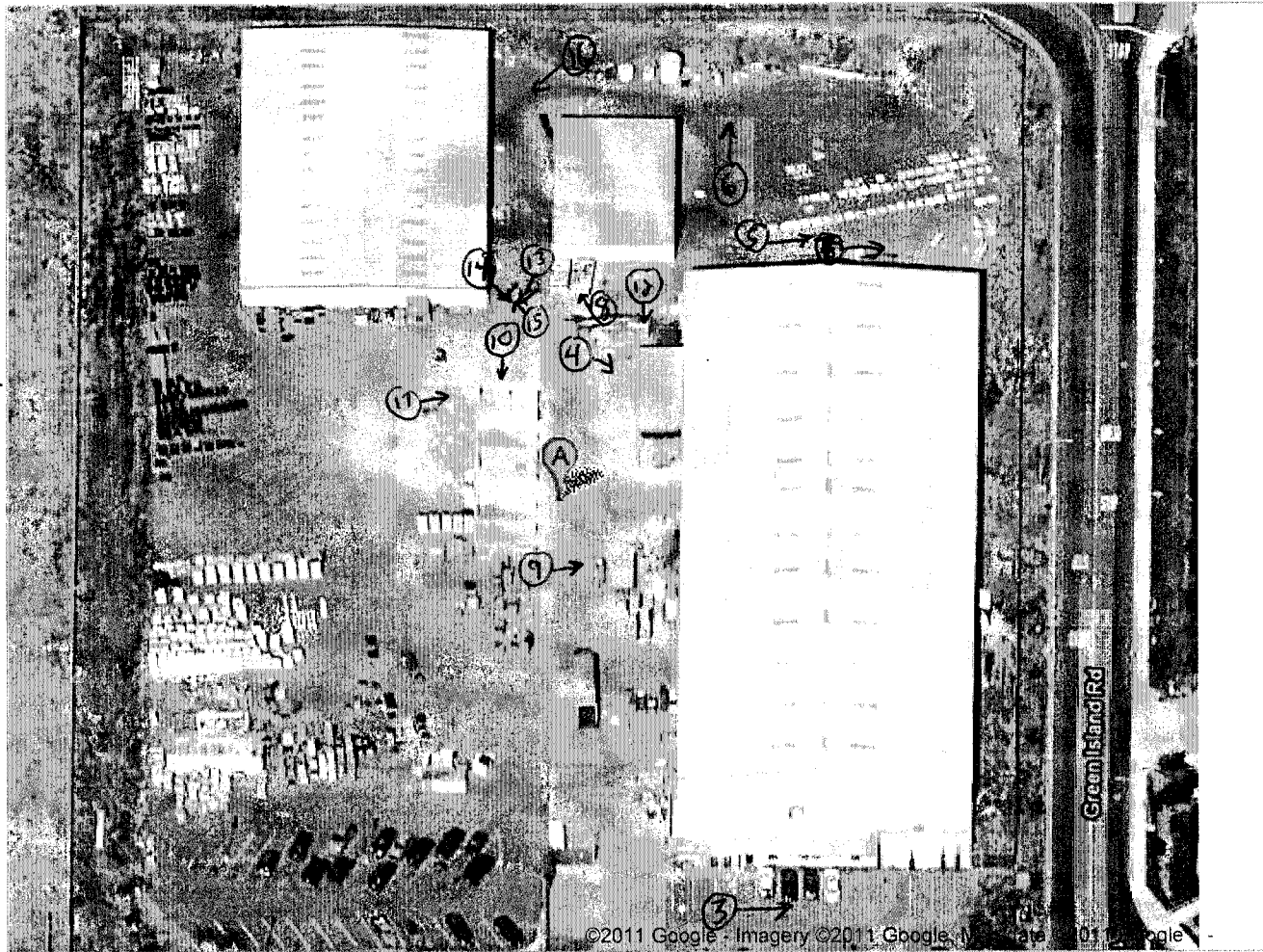
Reduction or Prevention of Pollutants in Storm Water by Achieving “Best Available Technology/Best Conventional Technology”;
Implementation of adequate SWPPP and BMPs –

In the Row Number Column, please mark the number with one of the following prefixes:								
Material Handling, Storage (MH,S)		Dust and Particulate Generating Activities (D,P)			Industrial Processes (IP) Soil Erosion (SE)		Other (O)	
Row Number	Mark “V” if in violation	Pollutant description and location	Isolated from storm water (Y/N)	Captured/ contained (Y/N)	Treated and/or routed to sanitary (Y/N)	General House-keeping and Maintenance (Good/Bad)	Photo(s) taken (Y/N)	Notes
MH,S - 1 Area E/5-6	V	Concrete-related sediment and cement	N	N	N	bad	Y	Accumulation of sediment and cement in parking areas. See Photo 3
MH,S- 2 Area A-C/3-6	V	Concrete-related sediment and cement	N	N	N	bad	Y	Accumulation of sediment and cement on pavement throughout mixing and handling areas. Stormwater washes the material into the storm drains. See Photos 3-16.
MH,S - 3 Area B-C/4	V	Concrete-related sediment and cement	N	N	N	bad	Y	Accumulation of sediment and cement around outdoor mixing area. No sedimentation controls preventing migration beyond area. See Photo 9
MHS - 4 Area B-C/3-4	V	Concrete waste; liquid waste	N	N	N	bad	Y	No containment of waste materials. See Photo 10, 11.
MH, S - 5 Area B-4-6	V	General refuse	N	N	N	bad	Y	Accumulation of litter at north end of main building. See Photo 7. Accumulation of debris around dumpster. See Photo 8.

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

SITE MAP - NAPA VALLEY CAST STONE



A
B
C
D
E

1 | 2 | 3 | 4 | 5 | 6 | 7
N
↑

④ LOCATION / DIRECTION OF INSPECTION POINTS

INSPECTION MADE ON 9/22/11

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region

INDUSTRIAL STORM WATER INSPECTION REPORT

COMMUNICATION SUMMARY

WDID: 2281019243 Date: 9/22/11

Water Board Staff (WB) Present
Name: Cecilia Felix
Michelle Rembaum - Signed: [Signature] *Michelle Rembaum*

Facility Representative (FR) Present
Name: Mark Akey Signed: [Signature]

Title: Managing partner / facility mgr.

Phone: (707) 373-0999

Email: makey@~~ab~~rvessystems.com

- CSF ✓ WB left contact information with Facility Representative.
- CSF ✓ WB provided copies of previously sent enforcement documents.
List items: _____
- CSF ✓ WB explained purpose of inspection and enforcement documents.
- CSF ✓ WB verified responsible party and/or duly authorized representative.
(WB) (FR)

Send Follow-up Correspondence to:
 Above Named Facility Representative, and/or
 Other Responsible Party or Duly Authorized Representative Listed Below:

Name: _____

Title: _____

Phone: _____

Email: _____

Address, if different than facility address:

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region

INDUSTRIAL STORM WATER INSPECTION REPORT

Facility Name Napa Valley Cast Stone Date 9/22/11

Inspector Name Cecilia Felix Facility Contact Name Mark Akey
Hickie Kumbourgo Frog

Facility representative's explanation for why the Annual Report was late/not submitted; person to contact if rep did not know explanation:

Mark Akey ^(owner) cited slowdown in economy: 2100 employees reduced to 20 in past year. Didn't single in past year: "didn't have time". Napa Env Health Dept. ^(Daryl Choate) visited, advised on stormwater permit, what's needed. E

County notified Mark of violations, Mark is currently following up with ~~documentation~~ req'd reporting.

County did not identify any discharge violations, BMP issues. ~~At~~ ^{Env.} Frog is consultant, does

sampling. Mark is not sure if report was turned in by Frog. I indicated that we have no record of submitted. As we met Mark called Frog to see if

report was submitted. He indicated the report would be submitted ^{following} on 1/15. Mark said they didn't pay

Frog's bills, thus ~~the~~ Frog did not generate report for submittal. Mark indicated the company is financially strapped, thus the ~~to~~ non-payment to Frog.

**Napa Valley Cast Stone
1111 Green Island Rd
American Canyon, CA 94503**

WDID No.: 2 28I019243

Inspected 9/22/2011

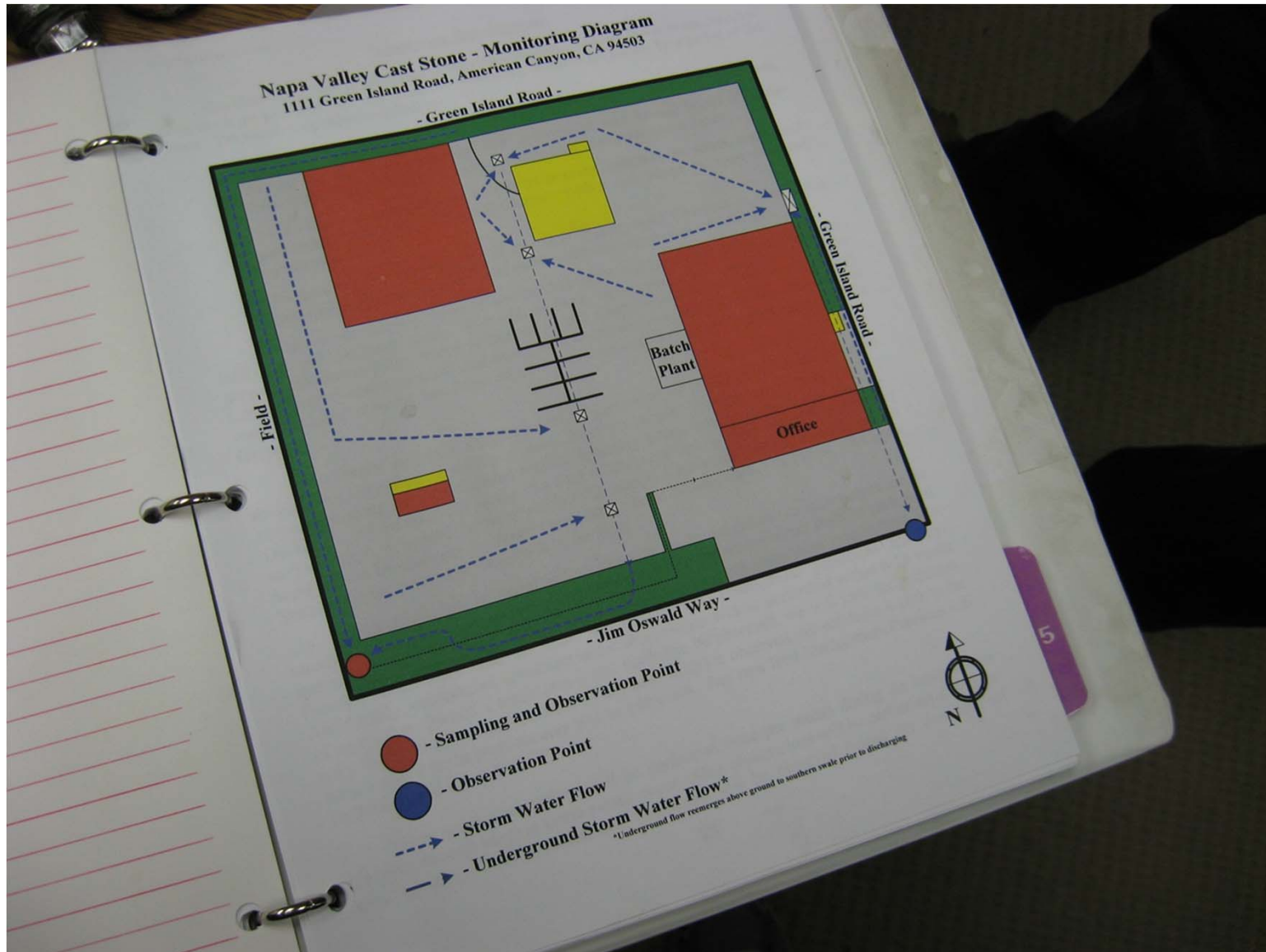



Photo 1

Napa Valley Cast Stone
1111 Green Island Rd
American Canyon, CA 945

WDID# - 2 281019243
Initial plan by:
Frog Environmental
PO Box 1368
San Pedro, CA 90733
1-877-FROG-ENV



BMP Inspection Report for Prevention of Storm Water Pollution

AREA INSPECTED	POLLUTION IN EXPOSED AREAS	DESCRIPTION OF POLLUTANTS (I.E. METAL CHIPS, OIL SPOTS, TRACKING, RESIDUES, ETC.)	CORRECTIVE ACTION NEEDED (I.E. INCREASE SWEEPING, CLEAN UP, COVER, ETC.)						
Indoor Production and Batch Plant	Yes / No / NA	Scattered sediment @ batch plant	Increase sweeping						
Outdoor Work Area	Yes / No / NA								
Outdoor Storage	Yes / No / NA	Scattered debris, sediment	Increase sweeping, better covered bunkers, rock mats						
Covered Storage	Yes / No / NA								
Roll-Offs and Washouts	Yes / No / NA	Scattered sediment	Increase sweeping						
Loading / Unloading	Yes / No / NA								
Operational Equipment	Yes / No / NA								
Product Wash and Wastewater Treatment	Yes / No / NA								
Miscellaneous Storage	Yes / No / NA	Scattered debris	Increase sweeping						
Corrective action needed									
Discharge Points	Discharge or evidence of a discharge?								
Southwest (Sample Point)	Yes / No / NA								
Southeast Office	Yes / No / NA	sediment clear debris ground							
Observe All Drop Inlets On Site	Yes / No / NA								
Monitoring Plan Available?	Records Complete?	Monthly Observations (Dates Completed)							
Yes / No	Yes / No / NA	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY

Inspector, Title
Napa Valley Cast Stone

Additional Comments:
Jongreen Frog Env Consultant 2/2/11
Date
Mark, be sure to complete Oct-Jan monthly observations in 2010-11 Monitor binder (p.21-22)
Thank!

Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15

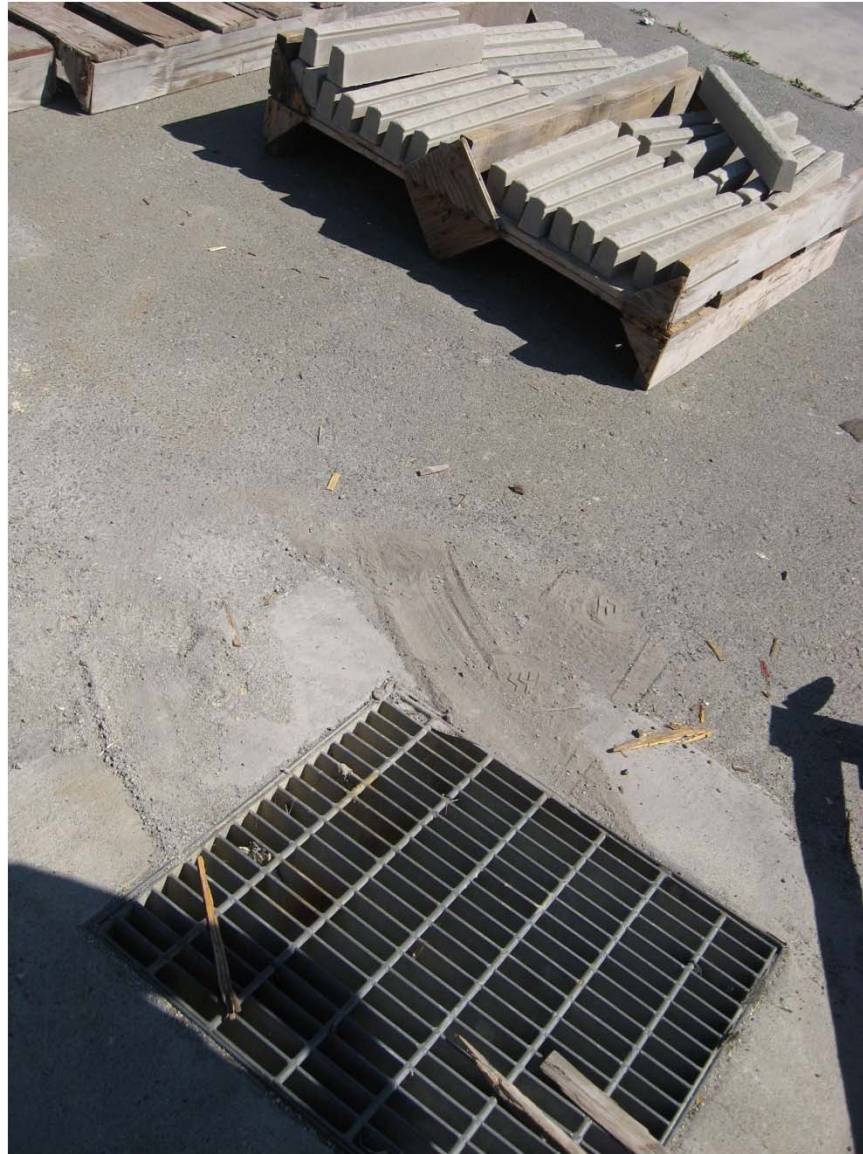


Photo 16