

**EXHIBIT D**

June 29, 2012, Late Annual Report Violation of Industrial Stormwater Permit  
And Requirement to Improve BMPs

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## San Francisco Bay Regional Water Quality Control Board

*Certified Mail No.  
Confirmation of Receipt Requested*

June 29, 2012  
WDID 2 28I019243

Napa Valley Cast Stone  
Attn: Mr. Mark Akey  
1111 Green Island Road  
American Canyon, CA 94503

Also sent via email: [MAkey@nvcssystem.com](mailto:MAkey@nvcssystem.com)

**Subject: Late Annual Report Violation of Industrial Stormwater Permit and Requirement to Improve BMPs, Napa Valley Cast Stone, American Canyon, Napa County**

Dear Mr. Akey:

We reviewed the information on financial hardship you provided in response to our offer to settle the late 2010/11 annual report violation. Based on this information, we will not pursue penalty enforcement for this late report as long as Napa Valley Cast Stone submits future annual reports in a timely fashion, and improves, and maintains improvements to, its best management practices (BMPs). Please submit evidence that the improvements described below have been implemented at the Napa Valley Cast Stone facility to the attention of Cecil Felix of my staff by September 1, 2012.

Required BMP improvements include the following:

- Prevent overflow of process water from the settlement basins. This could include a structural control, such as automated overflow protection systems, or a non-structural control, such as consistent inspections at appropriate intervals.
- Relocate the industrial process debris containers away from the stormwater drain inlet.
- Install permanent waterproof fencing (such as a Jersey Barrier) or some equivalent improvement around the debris piles. The current approach of covering the pile with a tarp and installing a fiber roll around the debris storage area is not sufficient to minimize contact of stormwater with the debris.
- Prevent stormwater from mixing with the materials stored in open-air bins.
- Install stormwater filtration mechanisms or otherwise protect all drop inlets
- Ensure pavement at the facility is regularly swept to limit dust and particulates from mixing with stormwater and migrating offsite.

Evidence of these improvements must include, at a minimum, a copy of an updated Stormwater Pollution Prevention Plan and photographic documentation of the required BMP improvements.

We will continue to evaluate Napa Valley Cast Stone for compliance with the Industrial Stormwater Permit based on annual reports and future inspections. Please be advised that violation of the Industrial Stormwater Permit may subject you to enforcement action including fines under the California Water Code.

Please contact Cecil Felix at (510) 622-2343 or [CFelix@waterboards.ca.gov](mailto:CFelix@waterboards.ca.gov) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Mumley', written in a cursive style.

Thomas E. Mumley  
Assistant Executive Officer

Copy via email:

Ms. Christine Boschen: [CBoschen@waterboards.ca.gov](mailto:CBoschen@waterboards.ca.gov)

Mr. Cecil Felix: [CFelix@waterboards.ca.gov](mailto:CFelix@waterboards.ca.gov)

Mr. Brian Thompson: [BRThompson@waterboards.ca.gov](mailto:BRThompson@waterboards.ca.gov)