

California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

3536 Rainier Avenue, Stockton, CA 95204

Tel: 209-464-5067, Fax: 209-464-1028, E: deltakeep@aol.com

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 9, 2010

Matt Alonso
General Manager
Paul Ghiglieri
Operations Manager
Pacific International Rice Mills, LLC
845 Kentucky Avenue
Woodland, CA 95695

Kirby J. Kraft
Busch Agricultural Resources
1010 Market Street, 20th Floor
St. Louis, MO 63101

Matt Alonso
General Manager
Paul Ghiglieri
Operations Manager
Pacific International Rice Mills, LLC
P.O. Box 652
Woodland, CA 95776

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act (Clean Water Act)**

Dear Messrs Alonso, Ghiglieri, and Kraft:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act ("Act") that CSPA believes are occurring at Pacific International Rice Mills, LLC, located at 845 Kentucky Avenue in Woodland, California ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Tule Canal, the Sacramento River, the Sacramento-San Joaquin River Delta (the "Delta"), and other California waters. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "PIRM").

This letter addresses PIRM's unlawful discharge of pollutants from the Facility into the City of Woodland storm drain system, the Tule Canal, the Sacramento River, and, ultimately, the Delta. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The Waste Discharge Identification Number ("WDID") for the Facility listed on documents submitted to the Regional

Board is 5A57S001260. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency (“EPA”), and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, CSPA hereby places PIRM on formal notice that, after the expiration of sixty days from the date of this Notice of Violation and Intent to Sue, CSPA intends to file suit in federal court against PIRM, including the responsible managers, directors, or operators, under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)) for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On July 1, 1993, PIRM filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (“NOI”). PIRM certified that the Facility is classified under SIC code 2044 (“Rice Milling”). The Facility collects and discharges storm water from its approximately 14 acre industrial site into at least three storm water discharge locations at the Facility.* The storm water discharged by PIRM is discharged to the City of Woodland storm drain system which flows untreated into the Tule Canal, which empties into the Sacramento River, and then flows to the Delta. The Regional Board has identified waters of the Sacramento River (from Knights Landing to the Delta) as failing to meet applicable water quality standards for mercury, chlordane, DDT, dieldrin, PCBs, and “unknown toxicity.” See http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/final_2008_303d/category5_report.shtml.

The Regional Board has identified beneficial uses of the Central Valley Region’s waters and established water quality standards for the Sacramento River, the Delta and their tributaries, including the Tule Canal, in “The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board, Central Valley Region – The Sacramento River Basin and The San Joaquin River Basin,” generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf. The beneficial uses of these waters include, among others, water contact recreation, non-contact water recreation, municipal and domestic water supply, endangered and threatened species habitat, shellfish harvesting, and fish spawning. Basin Plan at II-1.00 – II-2.00. The non-contact water recreation use is defined as “[u]ses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood

* At present, PIRM appears to have three discharge locations; however, PIRM had four discharge locations until December 2007 and appears to have had five in the past.

of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, ... camping, boating, ..., hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.” *Id.* Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs peoples’ use of the Sacramento River and Delta for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” *Id.* at III-8.01. The Basin Plan also includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.” *Id.* at III-6.00. The Basin Plan provides that “[w]aters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.” *Id.* at III-3.00. The Basin Plan states that “[w]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses. *Id.* at III-5.00. The Basin Plan provides that “[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at III-7.00. The Basin Plan provides that “[t]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.” *Id.* The Basin Plan strictly limits increases in turbidity in Central Valley waters. *Id.* at III-9.00. The Basin Plan states that “[t]he pH shall not be depressed below 6.5 nor raised above 8.5.” *Id.* at III-6.00. The Basin Plan provides that “[w]ater shall not contain...odor-producing substances in concentrations that impart undesirable...odors to domestic or municipal water supplies..., or that cause nuisance, or otherwise affect beneficial uses.” *Id.* at III-7.00. The Basin Plan establishes a standard for electrical conductivity in the Sacramento River and Delta of 0.45 mmhos/cm from April 1 through August 31, as well as less stringent standards for various low flow conditions. Table III-5, p. 2.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). 65 Fed. Reg. 64767 (October 30, 2000). The following benchmarks have been established for pollutants discharged by PIRM: pH – 6.0-9.0 units; total suspended solids (“TSS”) – 100 mg/L; and oil and grease (“O&G”) – 15 mg/L. The State Water Quality Control Board also has proposed adding a benchmark level to the General Permit for specific conductance of 200 µmho/cm.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit.

PIRM has violated and continues to violate the terms and conditions of the General Industrial Storm Water Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand (“BOD”), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board’s Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility’s discharge monitoring locations.

PIRM has discharged and continues to discharge storm water with unacceptable levels of TSS, specific conductivity, oil and grease, and possibly other pollutants in violation of the General Permit. PIRM’s sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed “conclusive evidence of an exceedance of a permit limitation.” *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility include discharges of materials other than storm water and contained concentrations of pollutants in excess of narrative and numeric water quality standards established in the Basin Plan or promulgated by EPA and thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2)

and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit:

Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective	Location (as identified by the Facility)
5/31/2009	Floating Materials Observed		Narrative	Outfall 1
4/24/2009	Floating Materials Observed		Narrative	Outfall 1
4/20/2009	Floating Materials Observed		Narrative	Outfall 1
4/17/2009	Floating Materials Observed		Narrative	Outfall 1
4/9/2009	Floating Materials Observed		Narrative	Outfall 1
4/9/2009	Floating Materials and Suspended Materials Observed		Narrative	Outfall 2
3/31/2009	Floating Materials Observed		Narrative	Outfall 1
3/27/2009	Floating Materials Observed		Narrative	Outfall 1
3/27/2009	Floating Materials Observed		Narrative	Outfall 2
3/27/2009	Floating Materials Observed		Narrative	Outfall 3
3/3/2009	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/25/2009	Floating Materials Observed		Narrative	Outfall 1
2/25/2009	Floating Materials Observed		Narrative	Outfall 2
2/17/2009	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/17/2009	Turbidity Observed		Narrative	Outfall 2
2/5/2009	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/5/2009	Floating Materials and Suspended Materials		Narrative	Outfall 2

	Observed			
2/2/2009	Floating Materials Observed		Narrative	Outfall 1
2/2/2009	Floating Materials Observed		Narrative	Outfall 2
1/22/2009	pH	6.16	6.5 – 8.5	Outfall 1
1/22/2009	pH	6.23	6.5 – 8.5	Outfall 2
1/22/2009	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
1/22/2009	Suspended Materials Observed		Narrative	Outfall 3
1/19/2009	Floating Materials Observed		Narrative	Outfall 1
1/19/2009	Floating Materials Observed		Narrative	Outfall 2
1/19/2009	Floating Materials Observed		Narrative	Outfall 3
1/17/2009	Floating Materials Observed		Narrative	Outfall 1
1/17/2009	Floating Materials Observed		Narrative	Outfall 2
1/10/2009	Floating Materials Observed		Narrative	Outfall 1
1/10/2009	Floating Materials Observed		Narrative	Outfall 2
1/6/2009	Floating Materials Observed		Narrative	Outfall 1
1/6/2009	Floating Materials Observed		Narrative	Outfall 2
12/29/2008	Floating Materials Observed		Narrative	Outfall 1
12/29/2008	Floating Materials and Suspended Materials Observed		Narrative	Outfall 2
12/26/2008	Floating Materials Observed		Narrative	Outfall 1
12/26/2008	Floating Materials Observed		Narrative	Outfall 2
12/15/2008	Floating Materials Observed		Narrative	Outfall 1
12/15/2008	Floating Materials Observed		Narrative	Outfall 2

12/10/2008	Floating Materials Observed		Narrative	Outfall 1
12/10/2008	Floating Materials Observed		Narrative	Outfall 2
12/3/2008	Floating Materials Observed		Narrative	Outfall 1
12/3/2008	Floating Materials Observed		Narrative	Outfall 2
12/3/2008	Floating Materials Observed		Narrative	Outfall 3
11/24/2008	Floating Materials Observed		Narrative	Outfall 1
11/24/2008	Floating Materials Observed		Narrative	Outfall 2
11/24/2008	Floating Materials Observed		Narrative	Outfall 1
11/24/2008	Floating Materials Observed		Narrative	Outfall 2
11/24/2008	Floating Materials Observed		Narrative	Outfall 3
11/17/2008	Floating Materials Observed		Narrative	Outfall 1
11/17/2008	Floating Materials Observed		Narrative	Outfall 2
11/10/2008	Floating Materials and Turbidity Observed		Narrative	Outfall 1
11/10/2008	Floating Materials Observed		Narrative	Outfall 2
11/10/2008	Floating Materials and Turbidity Observed		Narrative	Outfall 3
11/5/2008	Floating Materials Observed		Narrative	Outfall 1
11/5/2008	Floating Materials Observed		Narrative	Outfall 2
10/28/2008	Floating Materials Observed		Narrative	Outfall 1
10/16/2008	Floating Materials Observed		Narrative	Outfall 1
10/16/2008	Floating Materials Observed		Narrative	Outfall 2
7/29/2008	Floating Materials Observed		Narrative	Outfall 1
7/29/2008	Floating Materials		Narrative	Outfall 3

	Observed			
4/26/2008	Floating Materials Observed		Narrative	Outfall 1
4/19/2008	Floating Materials Observed		Narrative	Outfall 1
4/12/2008	Floating Materials Observed		Narrative	Outfall 1
4/12/2008	Floating Materials Observed		Narrative	Outfall 3
4/5/2008	Floating Materials Observed		Narrative	Outfall 1
3/29/2008	Floating Materials Observed		Narrative	Outfall 1
3/22/2008	Floating Materials Observed		Narrative	Outfall 1
3/15/2008	Floating Materials Observed		Narrative	Outfall 1
3/8/2008	Floating Materials Observed		Narrative	Outfall 1
3/8/2008	Floating Materials Observed		Narrative	Outfall 2
3/1/2008	Floating Materials Observed		Narrative	Outfall 1
3/1/2008	Floating Materials Observed		Narrative	Outfall 2
2/23/2008	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/23/2008	Floating Materials Observed		Narrative	Outfall 2
2/16/2008	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/16/2008	Floating Materials Observed		Narrative	Outfall 2
2/9/2008	Floating Materials Observed; Odors Smelled		Narrative	Outfall 1
2/9/2008	Floating Materials Observed		Narrative	Outfall 2
2/9/2008	Floating Materials Observed		Narrative	Outfall 3
2/2/2008	Floating Materials		Narrative	Outfall 1

	Observed			
2/2/2008	Floating Materials Observed		Narrative	Outfall 2
1/26/2008	Floating Materials Observed		Narrative	Outfall 1
1/26/2008	Floating Materials Observed		Narrative	Outfall 2
1/19/2008	Floating Materials Observed		Narrative	Outfall 1
1/19/2008	Floating Materials Observed		Narrative	Outfall 2
1/19/2008	Floating Materials Observed		Narrative	Outfall 3
1/12/2008	Floating Materials Observed		Narrative	Outfall 1
1/12/2008	Floating Materials Observed		Narrative	Outfall 2
1/12/2008	Floating Materials Observed		Narrative	Outfall 3
1/5/2008	Floating Materials Observed		Narrative	Outfall 1
1/5/2008	Floating Materials Observed		Narrative	Outfall 2
1/5/2008	Floating Materials Observed		Narrative	Outfall 3
12/29/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
12/29/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 2
12/29/2007	Floating Materials Observed		Narrative	Outfall 3
12/22/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
12/22/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 2
12/22/2007	Floating Materials Observed		Narrative	Outfall 3
12/6/2007	Turbidity Observed		Narrative	Outfall 1
12/6/2007	Suspended Materials		Narrative	Outfall 2

	Observed			
10/12/2007	Floating Materials and Turbidity Observed		Narrative	Outfall 1
10/12/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 2
10/12/2007	Floating Materials and Turbidity Observed		Narrative	Outfall 3
10/12/2007	Floating Materials and Turbidity Observed		Narrative	Outfall 4
2/22/2007	pH	6.18	6.5 – 8.5	Outfall 2
2/22/2007	Floating Materials and Suspended Materials Observed		Narrative	Outfall 1
2/22/2007	Floating Materials and Oil & Grease Observed		Narrative	Outfall 2
2/22/2007	Turbidity and Oil & Grease Observed		Narrative	Outfall 3
2/22/2007	Floating Materials and Turbidity Observed		Narrative	Outfall 4
12/22/2006	Floating Materials and Turbidity Observed		Narrative	Outfall 1
12/22/2006	Floating Materials and Turbidity Observed		Narrative	Outfall 2
12/22/2006	Floating Materials and Turbidity Observed		Narrative	Outfall 3
12/22/2006	Floating Materials and Turbidity Observed		Narrative	Outfall 4
3/20/2006	Floating Materials Observed		Narrative	Outfall 1
3/20/2006	Floating Materials and Oil & Grease Observed		Narrative	Outfall 2
3/20/2006	Floating Materials, Turbidity, and Oil & Grease Observed		Narrative	Outfall 3
3/20/2006	Floating Materials and Oil & Grease Observed		Narrative	Outfall 4
2/27/2006	Turbidity Observed		Narrative	Outfall 1
2/27/2006	Floating Materials Observed		Narrative	Outfall 3
2/27/2006	Discoloration Observed		Narrative	Outfall 4
1/30/2006	Floating Materials Observed		Narrative	Outfall 1

1/30/2006	Turbidity Observed		Narrative	Outfall 3
1/30/2006	Floating Materials and Turbidity Observed		Narrative	Outfall 4
12/28/2005	Floating Materials and Oil & Grease Observed		Narrative	Outfall 3
12/28/2005	Turbidity Observed		Narrative	Outfall 4
11/28/2005	Floating Materials and Oil & Grease Observed		Narrative	Outfall 1
11/28/2005	Suspended Materials Observed		Narrative	Outfall 2
11/28/2005	Suspended Materials and Discoloration Observed		Narrative	Outfall 4
10/31/2005	Floating Materials Observed		Narrative	Outfall 1
10/31/2005	Floating Materials Observed		Narrative	Outfall 2
4/8/2005	Floating Materials Observed		Narrative	Outfall 1
4/8/2005	Floating Materials Observed		Narrative	Outfall 2
4/8/2005	Floating Materials and Turbidity Observed		Narrative	Outfall 4
3/29/2005	Floating Materials Observed		Narrative	Outfall 1
3/29/2005	Floating Materials and Oil & Grease Observed		Narrative	Outfall 2
3/29/2005	Floating Materials and Oil & Grease Observed		Narrative	Outfall 3
3/29/2005	Floating Materials and Turbidity Observed		Narrative	Outfall 4

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit:

Date	Parameter	Observed Concentration	Benchmark Value	Location (as identified by the Facility)
3/3/2009	TSS	870 mg/L	100 mg/L	Outfall 1
3/3/2009	Oil & Grease	26 mg/L	15 mg/L	Outfall 1
1/22/2009	TSS	560 mg/L	100 mg/L	Outfall 1
12/6/2007	TSS	840 mg/L	100 mg/L	Outfall 1

12/6/2007	Oil & Grease	22 mg/L	15 mg/L	Outfall 1
10/12/2007	TSS	800 mg/L	100 mg/L	Outfall 1
10/12/2007	Specific Conductivity	210 µmho/cm	100 mg/L	Outfall 1
10/12/2007	TSS	120 mg/L	100 mg/L	Outfall 2
10/12/2007	TSS	1000 mg/L	100 mg/L	Outfall 3
10/12/2007	TSS	1500 mg/L	100 mg/L	Outfall 4
2/22/2007	TSS	130 mg/L	100 mg/L	Outfall 3
12/21/2006	TSS	190 mg/L	100 mg/L	Outfall 1
12/21/2006	TSS	120 mg/L	100 mg/L	Outfall 2
12/21/2006	TSS	450 mg/L	100 mg/L	Outfall 3
12/21/2006	TSS	1500 mg/L	100 mg/L	Outfall 4
1/30/2006	TSS	260 mg/L	100 mg/L	Outfall 1
1/30/2006	TSS	530 mg/L	100 mg/L	Outfall 3
1/30/2006	TSS	260 mg/L	100 mg/L	Outfall 4

CSPA's investigation, including its review of PIRM's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, EPA's benchmark values, and the State Board's proposed benchmark for electrical conductivity, indicates that PIRM has not implemented BAT and BCT at the Facility for its discharges of TSS, oil and grease, specific conductivity, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. PIRM was required to have implemented BAT and BCT by no later than October 1, 1992. Thus, PIRM is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the above numbers and observations indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CSPA also alleges that such violations have occurred and will occur on other rain dates, including every significant rain event that has occurred since at least March 9, 2005, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that PIRM has discharged storm water containing impermissible levels of TSS, oil & grease, and specific conductivity in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PIRM is subject to penalties for violations of the General Permit and the Act since March 9, 2005.

B. Failure to Sample and Analyze Storm Events and Mandatory Parameters

With some limited adjustments, facilities covered by the General Permit must sample two storm events per season from each of their storm water discharge locations. General Permit, Section B(5)(a). “Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season.” *Id.* “All storm water discharge locations shall be sampled.” *Id.* “Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual Report why the first storm event was not sampled.” *Id.* Collected samples must be analyzed for TSS, pH, specific conductance, and either TOC or O&G. *Id.* at Section B(5)(c)(i). CSPA’s review of PIRM’s monitoring data indicates that it failed to analyze for pH in the following samples taken on the following dates at the identified storm water discharge locations at the Facility:

Date	Location (as identified by the Facility)
10/12/2007	Outfall 1
10/12/2007	Outfall 2
10/12/2007	Outfall 3
10/12/2007	Outfall 4

Each of the above listed failures to analyze for pH is a violation of General Permit, Section B(5)(c)(i). These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PIRM is subject to penalties for violations of the General Permit and the Act since March 9, 2005.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan (“SWPPP”) no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices (“BMPs”) to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must

include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CSPA's investigation of the conditions at the Facility as well as PIRM's Annual Reports indicate that PIRM has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. PIRM has failed to evaluate the effectiveness of its BMPs, to implement structural BMPs, and to revise its SWPPP as necessary. PIRM has been in continuous violation of Section A and Provision E(2) of the General Permit every day since at least March 9, 2005, and will continue to be in violation every day that PIRM fails to prepare, implement, review, and update an effective SWPPP. PIRM is subject to penalties for violations of the Order and the Act occurring since March 9, 2005.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

PIRM failed to make and report monthly visual observations as required under Section B(4) of the General Permit in January, March, April, May, and November of 2007; and April, May, October, and November of 2006 for a total of nine (9) violations of the General Permit. PIRM also failed to make and report quarterly visual observations of both authorized and unauthorized non-storm water discharges ("NSWDs") as required under Section B(3) of the General Permit during the January to March quarter in 2007, the January to March and October

to December quarters in 2006, and the October to December quarter in 2005 for a total of eight (8) violations of the General Permit. These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PIRM is subject to penalties for violations of the General Permit and the Act since March 9, 2005.

The above referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by PIRM is not representative of the quality of the Facility's various storm water discharges, and/or PIRM failed to sample for "[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities" (Section B(5)(c)(ii)), CSPA, on information and belief, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PIRM is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since March 9, 2005.

E. Failure to File True and Correct Annual Reports.

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9) & (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) & (10) and B(14).

In addition, in 2005 and 2009, PIRM and its agents inaccurately certified in their Annual Reports that the Facility was in compliance with the General Permit. Consequently, PIRM has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time PIRM failed to submit a complete or correct report and every time PIRM or its agents falsely purported to comply with the Act. PIRM is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since March 9, 2005.

IV. Persons Responsible for the Violations.

CSPA puts PIRM, Matt Alonso, Paul Ghiglieri, and Kirby J. Kraft on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts PIRM, Matt Alonso, Paul Ghiglieri, and Kirby J. Kraft on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party.

Our name, address, and contact information is as follows:

Bill Jennings, Executive Director;
California Sportfishing Protection Alliance,
3536 Rainier Avenue,
Stockton, CA 95204
Tel. (209) 464-5067
Fax (209) 464-1028
E-Mail: deltakeep@aol.com

VI. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
David A. Zizmor
Lozeau Drury LLP
1516 Oak Street, Suite 216
Alameda, California 94501
Tel. (510) 749-9102
michael@lozeaudrury.com
david@lozeaudrury.com

Andrew L. Packard
Law Offices of Andrew L. Packard
319 Pleasant Street
Petaluma, California 94952
Tel. (707) 763-7227
andrew@packardlawoffices.com

VII. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4; 73 FR 75340) each separate violation of the Act subjects PIRM to a penalty of up to \$37,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the Act against PIRM and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may

Matt Alonso, Paul Ghiglieri, Kirby J. Kraft
Pacific International Rice Mills
March 9, 2010
Page 17 of 15

be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is written in a cursive, flowing style with a large initial "B".

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

SERVICE LIST

CT Corporation [Registered Agent]
818 West Seventh Street, 2nd floor
Los Angeles, CA 90017

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dorothy R. Rice, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Pamela C. Creedon, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

ATTACHMENT A

Rain Dates, Pacific International Rice Mills, LLC, Woodland, California

February 28, 2005	December 22, 2005	March 25, 2006
March 2, 2005	December 23, 2005	March 26, 2006
March 4, 2005	December 25, 2005	March 28, 2006
March 19, 2005	December 26, 2005	March 29, 2006
March 20, 2005	December 27, 2005	March 30, 2006
March 21, 2005	December 28, 2005	March 31, 2006
March 22, 2005	December 29, 2005	April 1, 2006
March 23, 2005	December 30, 2005	April 2, 2006
March 24, 2005	December 31, 2005	April 3, 2006
March 28, 2005	January 1, 2006	April 4, 2006
March 30, 2005	January 2, 2006	April 5, 2006
April 4, 2005	January 3, 2006	April 6, 2006
April 8, 2005	January 4, 2006	April 7, 2006
April 9, 2005	January 11, 2006	April 8, 2006
April 23, 2005	January 14, 2006	April 9, 2006
April 28, 2005	January 15, 2006	April 10, 2006
May 5, 2005	January 18, 2006	April 11, 2006
May 6, 2005	January 19, 2006	April 12, 2006
May 8, 2005	January 21, 2006	April 13, 2006
May 9, 2005	January 27, 2006	April 14, 2006
May 10, 2005	January 28, 2006	April 15, 2006
May 16, 2005	January 29, 2006	April 16, 2006
May 18, 2005	January 31, 2006	April 17, 2006
May 19, 2005	February 1, 2006	April 23, 2006
May 20, 2005	February 2, 2006	May 20, 2006
June 8, 2005	February 3, 2006	May 22, 2006
June 9, 2005	February 4, 2006	May 23, 2006
June 17, 2005	February 18, 2006	October 5, 2006
September 27, 2005	February 19, 2006	November 3, 2006
October 15, 2005	February 27, 2006	November 13, 2006
October 26, 2005	March 1, 2006	November 14, 2006
October 28, 2005	March 2, 2006	November 16, 2006
October 29, 2005	March 3, 2006	November 22, 2006
November 4, 2005	March 5, 2006	November 27, 2006
November 8, 2005	March 6, 2006	December 11, 2006
November 25, 2005	March 7, 2006	December 12, 2006
November 26, 2005	March 8, 2006	December 14, 2006
November 28, 2005	March 9, 2006	December 15, 2006
November 29, 2005	March 13, 2006	December 27, 2006
December 1, 2005	March 14, 2006	February 7, 2007
December 2, 2005	March 15, 2006	February 8, 2007
December 8, 2005	March 17, 2006	February 9, 2007
December 18, 2005	March 21, 2006	February 10, 2007
December 19, 2005	March 22, 2006	February 11, 2007
December 21, 2005	March 24, 2006	February 13, 2007

ATTACHMENT A

Rain Dates, Pacific International Rice Mills, LLC, Woodland, California

February 22, 2007	January 22, 2008	December 16, 2008
February 23, 2007	January 23, 2008	December 17, 2008
February 24, 2007	January 24, 2008	December 19, 2008
February 26, 2007	January 25, 2008	December 21, 2008
February 27, 2007	January 26, 2008	December 22, 2008
February 28, 2007	January 27, 2008	December 24, 2008
March 1, 2007	January 28, 2008	December 25, 2008
March 21, 2007	January 29, 2008	December 31, 2008
March 27, 2007	January 30, 2008	January 1, 2009
April 11, 2007	January 31, 2008	January 2, 2009
April 14, 2007	February 1, 2008	January 5, 2009
April 15, 2007	February 2, 2008	January 6, 2009
April 22, 2007	February 3, 2008	January 7, 2009
April 23, 2007	February 20, 2008	January 9, 2009
May 2, 2007	February 21, 2008	January 22, 2009
May 4, 2007	February 22, 2008	January 23, 2009
July 18, 2007	February 23, 2008	January 24, 2009
September 20, 2007	February 24, 2008	February 5, 2009
October 1, 2007	February 25, 2008	February 6, 2009
October 10, 2007	April 23, 2008	February 7, 2009
October 12, 2007	May 24, 2008	February 9, 2009
October 13, 2007	October 4, 2008	February 11, 2009
October 17, 2007	October 31, 2008	February 12, 2009
October 18, 2007	November 1, 2008	February 13, 2009
November 11, 2007	November 2, 2008	February 14, 2009
December 4, 2007	November 3, 2008	February 15, 2009
December 5, 2007	November 4, 2008	February 16, 2009
December 6, 2007	November 9, 2008	February 17, 2009
December 7, 2007	November 27, 2008	February 18, 2009
December 17, 2007	November 28, 2008	February 22, 2009
December 18, 2007	November 29, 2008	February 23, 2009
December 19, 2007	November 30, 2008	February 24, 2009
December 20, 2007	December 1, 2008	February 25, 2009
December 29, 2007	December 2, 2008	February 26, 2009
January 4, 2008	December 3, 2008	February 27, 2009
January 5, 2008	December 5, 2008	March 1, 2009
January 6, 2008	December 6, 2008	March 2, 2009
January 9, 2008	December 8, 2008	March 3, 2009
January 10, 2008	December 9, 2008	March 4, 2009
January 11, 2008	December 10, 2008	March 5, 2009
January 12, 2008	December 12, 2008	March 6, 2009
January 13, 2008	December 15, 2008	March 22, 2009

ATTACHMENT A

Rain Dates, Pacific International Rice Mills, LLC, Woodland, California

April 8, 2009	January 22, 2010
April 10, 2009	January 23, 2010
April 13, 2009	January 24, 2010
April 24, 2009	January 25, 2010
May 1, 2009	January 26, 2010
May 2, 2009	January 29, 2010
May 3, 2009	February 1, 2010
May 5, 2009	February 4, 2010
June 4, 2009	February 5, 2010
June 19, 2009	February 6, 2010
October 13, 2009	February 8, 2010
October 14, 2009	February 9, 2010
October 15, 2009	February 12, 2010
October 19, 2009	February 17, 2010
November 17, 2009	February 18, 2010
November 20, 2009	February 23, 2010
November 27, 2009	February 24, 2010
December 6, 2009	February 26, 2010
December 7, 2009	February 27, 2010
December 10, 2009	March 2, 2010
December 11, 2009	March 3, 2010
December 12, 2009	
December 13, 2009	
December 16, 2009	
December 18, 2009	
December 20, 2009	
December 21, 2009	
December 27, 2009	
December 29, 2009	
December 30, 2009	
January 1, 2010	
January 3, 2010	
January 8, 2010	
January 9, 2010	
January 12, 2010	
January 13, 2010	
January 16, 2010	
January 17, 2010	
January 18, 2010	
January 19, 2010	
January 20, 2010	
January 21, 2010	