



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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May 14, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William Callaway, President
Mr. Brian Harrison, Plant Manager
Paradise Ready Mix, Inc.
8321 Skyway
Paradise, CA 95969

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

Dear Messrs. Callaway and Harrison:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act ("the Act") occurring at the Paradise Ready Mix, Inc. ("PRMI") concrete manufacturing facility located at 8321 Skyway in Paradise, California ("the Facility"). The WDID identification number for the Facility is 5R04I012242. CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife and natural resources of the Sacramento River and other California waters. This letter is being sent to you as the responsible owner, officer, or operator of the Facility.

This letter addresses PRMI's unlawful discharges of pollutants from the Facility to Honey Run Creek and/or to the storm water conveyance system for the City of Paradise, both of which ultimately flow into the Sacramento River and the Sacramento - San Joaquin Delta. This letter addresses the ongoing violations of the substantive and procedural requirements of the Clean Water Act and National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001, State Water Resources Control Board Water Quality Order No. 91-13-DWQ, as amended by Order No. 97-03-DWQ ("General Permit" or "General Industrial Storm Water Permit").

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

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, PRMI, Mr. William Callaway and Mr. Brian Harrison are hereby placed on formal notice by CSPA that, after the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, CSPA intends to file suit in federal court against PRMI, Mr. William Callaway and Mr. Brian Harrison 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 fully below.

I. Background.

PRMI is a concrete manufacturing facility located in Paradise, California. The facility is used to receive, store, handle and transport aggregate materials for the manufacture of concrete. Other activities at the facility include the use, storage, and maintenance of heavy machinery and motorized vehicles, including trucks used to haul materials to and from the facility.

On or about April 8, 1996, PRMI belatedly submitted its notice of intent to comply with the terms of the General Permit (“NOI”). The Facility is classified as a concrete manufacturing facility under Standard Industrial Classification code 3273 (“Ready-Mixed Concrete”). The Facility collects and discharges storm water from its approximately three-acre industrial site through at least one discharge point to Honey Run Creek and/or the local storm water conveyance system, both of which ultimately drain to the Sacramento River and the Sacramento-San Joaquin Bay Delta (“the Delta”). The Delta, the Sacramento River, and the creeks that receive storm water discharge from the Facility are waters of the United States within the meaning of the Clean Water Act.

The Central Valley Regional Water Quality Control Board (the “Regional Board” or “Board”) has established water quality standards for the Sacramento River and the Delta in the “Water Quality Control Plan for the Sacramento River and San Joaquin River Basins,” generally referred to as the Basin Plan. 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.” For the Delta, the Basin Plan establishes standards for several metals, including (at a hardness of 40 mg/L): arsenic – 0.01 mg/L; copper – 0.01; iron – 0.3 mg/L for iron; and zinc – 0.1 mg/L. *Id.* at III-3.00, Table III-1. The Basin Plan states that “[a]t a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/L.” *Id.* at III-3.00. The Basin Plan also provides that “[t]he pH shall not be depressed below 6.5 nor raised above 8.5.” *Id.* at III-6.00. The Basin Plan also prohibits the discharges of oil and grease, stating 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-5.00

The Basin Plan also provides that “[a]t a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs).” *Id.* at III-3.0. The EPA has issued a recommended water quality criteria for aluminum for freshwater aquatic life protection of 0.087 mg/L. EPA has established a secondary MCL, consumer acceptance limit for aluminum of 0.05 mg/L to 0.2 mg/L. EPA has established a secondary MCL, consumer acceptance limit for zinc of 5 mg/L. EPA has established a primary MCL, consumer acceptance limit for the following: chromium – 0.1 mg/L; copper – 1.3 mg/L; and lead – 0.0 (zero) mg/L. *See* <http://www.epa.gov/safewater/mcl.html>. The California Department of Health Services has also established the following MCL, consumer acceptance levels: aluminum – 1 mg/L (primary) and 0.2 mg/L (secondary); chromium – 0.5 mg/L (primary); copper – 1.0 (secondary); iron – 0.3 mg/L; and zinc – 5 mg/L. *See* California Code of Regulations, title 22, §§ 64431, 64449.

EPA has also issued numeric receiving water limits for certain toxic pollutants in California surface waters, commonly known as the California Toxics Rule (“CTR”). 40 CFR §131.38. The CTR establishes the following numeric limits for freshwater surface waters: arsenic – 0.34 mg/L (maximum concentration) and 0.150 mg/L (continuous concentration); chromium (III) – 0.550 mg/L (maximum concentration) and 0.180 mg/L (continuous concentration); copper – 0.013 mg/L (maximum concentration) and 0.009 mg/L (continuous concentration); lead – 0.065 mg/L (maximum concentration) and 0.0025 mg/L (continuous concentration).

The Regional Board has also identified waters of the Delta as failing to meet water quality standards for unknown toxicity, electrical conductivity, numerous pesticides, and mercury. *See* <http://www.swrcb.ca.gov/tmdl/docs/2002reg5303dlist.pdf>. Discharges of listed pollutants into an impaired surface water may be deemed a “contribution” to the exceedance of CTR, a water quality standard, and may indicate a failure on the part of a discharger to implement adequate storm water pollution control measures. *See Waterkeepers Northern Cal. v. Ag Indus. Mfg., Inc.*, 375 F.3d 913, 918 (9th Cir. 2004); *see also Waterkeepers Northern Cal. v. Ag Indus. Mfg., Inc.*, 2005 WL 2001037 at *3, 5 (E.D. Cal., Aug. 19, 2005) (finding that a discharger covered by the General Industrial Storm Water Permit was “subject to effluent limitation as to certain pollutants, including zinc, lead, copper, aluminum and lead” under the CTR).

The General Permit incorporates benchmark levels established by EPA 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”). The following benchmarks have been established for pollutants discharged by PRMI: pH – 6.0-9.0; total suspended solids – 100 mg/L; oil & grease – 15.0 mg/L; and iron – 1.0 mg/L. The State Water Quality Control Board also recently proposed adding a benchmark level for specific conductance of 200 µmhos/cm. Additional EPA benchmark levels have been established for other parameters that CSPA believes are discharged from the Facility, including but not limited to, copper – 0.0636 mg/L; lead – 0.0816 mg/L; and zinc – 0.117 mg/L.

II. Pollutant Discharges in Violation of the NPDES Permit.

PRMI has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit such as the General Permit. 33 U.S.C. § 1342. The General Permit prohibits any discharges of storm water associated with industrial activities 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.

Receiving Water Limitation C(1) of the General 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.

On December 15, 2009, the Regional Water Quality Control Board, Region 5, sent PRMI two letters (collectively, “the December 2009 letters”) conveying its conclusion that, among other things, PRMI’s 2008-2009 Annual Report contained evidence that the BMPs then in effect were “not sufficient to reduce pollutant concentrations below [EPA] benchmark levels.” The December 2009 letters informed PRMI that its 2008-2009 Annual Report indicated storm water samples in excess of US EPA benchmark values for certain parameters and that it failed to include a completed Form 5 in its filed 2008-2009 Annual Report. Based on this evidence, the Board ordered PRMI to: (1) Review previously submitted Annual Reports and identify the number of consecutive years that the Facility has exceeded benchmark levels; (2) Identify sources of pollutants at the Facility that contributed to the exceedance(s); (3) Review current BMPs; and (4) Modify existing BMPs or implement additional BMPs to reduce or eliminate discharge of pollutants. The Board also requested that the Facility’s Storm Water Pollution Prevention Plan (“SWPPP”) and Monitoring Plan be updated to reflect these changes.

Based on its review of available public documents, CSPA is informed and believes that PRMI continues to discharge these very same pollutants in excess of benchmarks and that PRMI has failed to implement BMPs adequate to bring its discharge of these pollutants in compliance with the General Permit. PRMI’s ongoing violations are discussed further below.

A. PRMI Has Discharged Storm Water Containing Pollutants in Violation of the Permit.

PRMI has discharged and continues to discharge stormwater with unacceptable levels of Total Suspended Solids (TSS), Specific Conductivity (EC), and pH in violation of the General Permit. These high pollutant levels have been documented during significant rain events, including the rain events indicated in the table of rain data attached hereto as Attachment A. PRMI's Annual Reports and Sampling and Analysis Results confirm discharges of materials other than stormwater and specific pollutants 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 have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Industrial Storm Water Permit:

1. Discharges of Storm Water Containing Total Suspended Solids at Concentrations in Excess of Applicable EPA Benchmarks

Date	Parameter	Concentration in Discharge	EPA Benchmark Value
04/23/2008	TSS	320 mg/L	100 mg/L
10/10/2007	TSS	2070 mg/L	100 mg/L

2. Discharges of Storm Water Containing Specific Conductivity at Levels in Excess of Proposed EPA Benchmark

Date	Parameter	Concentration in Discharge	Proposed Benchmark Value
04/23/2008	Spec. Con.	288 µmhos/cm	200 µmhos/cm
12/01/2005	Spec. Con.	500 µmhos/cm	200 µmhos/cm

3. Discharges of Storm Water with a pH in Excess of Applicable EPA Benchmark

Date	Parameter	Concentration in Discharge	EPA Benchmark Value
11/13/2006	pH	5.6	6.0 – 9.0
12/01/2005	pH	11.1	6.0 – 9.0

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

CSPA is informed and believes that PRMI has known that its storm water contains pollutants at levels exceeding EPA Benchmarks and other water quality criteria since at least May 14, 2005. CSPA alleges that such violations also have occurred and will occur on other rain dates, including during every single significant rain event that has occurred since May 14, 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 PRMI has discharged storm water containing impermissible levels of Total Suspended Solids (TSS), Specific Conductivity (EC) and pH, and other unmonitored pollutants in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Industrial Storm Water Permit.

These unlawful discharges from the Facility are ongoing. Each discharge of stormwater containing any pollutants from the Facility without the implementation of BAT/BCT constitutes a separate violation of the General 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, PRMI is subject to penalties for violations of the General Permit and the Act since May 14, 2005.

B. PRMI Has Failed to Implement an Adequate Monitoring & Reporting Plan.

Section B of the General Industrial Storm Water Permit requires that dischargers develop and implement an adequate Monitoring and Reporting Plan by no later than October 1, 1992 or the start of operations. Sections B(3), B(4) and B(7) require that dischargers conduct regularly scheduled visual observations of non-storm water and storm water discharges from the Facility and to record and report such observations to the Regional Board. Section B(5)(a) of the General Industrial Storm Water Permit requires that dischargers "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. All storm water discharge locations shall be sampled." Section B(5)(c)(i) further requires that the samples shall be analyzed for total suspended solids, pH, specific conductance, and total organic carbon. Oil and grease may be substituted for total organic carbon. Facilities, such as PRMI, designated under SIC Code 3273 are also required to sample for Iron (Fe). Section B(5)(c)(ii) of the General Permit requires

dischargers to analyze samples for all “[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities.”

Based on its investigation, CSPA is informed and believes that PRMI has failed to develop and implement an adequate Monitoring & Reporting Plan. First, PRMI has failed to collect storm water samples during at least two qualifying storm events (as defined by the General Permit) during each of the past five years. Second, PRMI has failed to conduct all required visual observations of non-storm water and storm water discharges at the Facility. Third, PRMI has failed to analyze its storm water samples for Table D Additional Analytical Parameters (i.e., iron) as required by the General Permit. Each of these failures constitutes a separate and ongoing violation of the General 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, PRMI is subject to penalties for violations of the General Industrial Storm Water Permit and the Act since May 14, 2005. These violations are set forth in greater detail below:

1. PRMI Has Failed to Collect Storm Water Samples from Each Discharge Point During at least Two Rain Events In Each of the Last Five Years.

Based on its review of publicly available documents, CSPA is informed and believes that PRMI has failed to collect at least two storm water samples from all discharge points during qualifying rain events at the Facility during each of the past five years.

Moreover, based on its investigation, CSPA is informed and believes that storm water discharges from the Facility at points other than the one discharge point currently designated by PRMI. For example, the map included in the Facility’s November 2002 SWPPP lists at least three discharge points. This failure to adequately monitor storm water discharges constitutes a separate and ongoing violation of the General Permit and the Act.

2. PRMI Has Failed to Analyze Its Storm Water for All Pollutants Required by the General Permit.

Section B(5)(c)(i) of the General Permit requires PRMI to sample for total suspended solids, specific conductivity, pH, and oil & grease or total organic carbons. The General Permit also requires facilities such as PRMI which are designated as SIC Code 3273 to analyze their storm water discharge for iron (Fe). Further, based on its investigation, CSPA is informed and believes that PRMI has failed to monitor for other pollutants likely to be present in storm water discharges in significant quantities. PRMI’s failure to monitor these pollutants extends back to at least May 14, 2005. PRMI’s failure to monitor these mandatory parameters has caused and continues to cause multiple separate and ongoing violations of the General Permit and the Act.

3. PRMI Is Subject to Penalties for Its Failure to Implement an Adequate Monitoring & Reporting Plan Since May 14, 2005.

CSPA is informed and believes that available documents demonstrate PRMI's consistent and ongoing failure to implement an adequate Monitoring Reporting Plan in violation of Section B 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, PRMI is subject to penalties for these violations of the General Permit and the Act since May 14, 2005.

C. PRMI Has Failed to Implement BAT and 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). CSPA's investigation indicates that PRMI has not implemented BAT and BCT at the Facility for its discharges of TSS, Specific Conductivity, pH, Iron (Fe) and other unmonitored pollutants in violation of Effluent Limitation B(3) of the General Permit.

To meet the BAT/BCT requirement of the General Permit, PRMI must evaluate all pollutant sources at the Facility and implement the best structural and non-structural management practices economically achievable to reduce or prevent the discharge of pollutants from the Facility. Based on the limited information available regarding the internal structure of the Facility, CSPA believes that at a minimum PRMI must improve its housekeeping practices, store materials that act as pollutant sources under cover or in contained areas, treat storm water to reduce pollutants before discharge (e.g., with filters or treatment boxes), and/or prevent storm water discharge altogether. PRMI has failed to adequately implement such measures.

PRMI was required to have implemented BAT and BCT by no later than October 1, 1992. Therefore, PRMI has been in continuous violation of the BAT and BCT requirements every day since October 1, 1992, and will continue to be in violation every day that PRMI fails to implement BAT and BCT. PRMI is subject to penalties for violations of the General Permit and the Act occurring since May 14, 2005.

D. PRMI Has Failed to Develop and Implement an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the General 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 Order 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 also 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)). Receiving Water Limitation C(3) of the Order requires that dischargers submit a report to the appropriate Regional Water Board that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce the discharge of any pollutants causing or contributing to the exceedance of water quality standards.

CSPA’s investigation and review of available documents regarding conditions at the Facility indicate that PRMI has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. PRMI has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Based on its investigation, CSPA is informed and believes that PRMI’s current SWPPP fails to comply with the General Permit’s above-discussed requirements in myriad ways. For example, recall that General Permit, Section A(2) requires an adequate SWPPP to 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. However, PRMI’s SWPPP lacks any such identification or evaluation of sources of pollutants associated with industrial activities. PRMI has been in continuous violation of Section A(1) and Provision E(2) of the General Permit every day since October 1, 1992, and will

continue to be in violation every day that PRMI fails to develop and implement an effective SWPPP. PRMI is subject to penalties for violations of the Order and the Act occurring since May 14, 2005.

E. PRMI Has Failed to Address Discharges Contributing to Exceedances of Water Quality Standards.

Receiving Water Limitation C(3) requires a discharger to prepare and submit a report to the Regional Board describing changes it will make to its current BMPs in order to prevent or reduce the discharge of any pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. Once approved by the Regional Board, the additional BMPs must be incorporated into the Facility's SWPPP. The report must be submitted to the Regional Board no later than 60-days from the date the discharger first learns that its discharge is causing or contributing to an exceedance of an applicable water quality standard. Receiving Water Limitation C(4)(a). Section C(11)(d) of the Permit's Standard Provisions also requires dischargers to report any noncompliance. *See also* Provision E(6). Lastly, Section A(9) of the Permit requires an annual evaluation of storm water controls including the preparation of an evaluation report and implementation of any additional measures in the SWPPP to respond to the monitoring results and other inspection activities.

As indicated above, PRMI is discharging elevated levels of Total Suspended Solids (TSS), Specific Conductivity (SC) and pH that are causing or contributing to exceedances of applicable water quality standards. For each of these pollutant exceedances, PRMI was required to submit a report pursuant to Receiving Water Limitation C(4)(a) within 60-days of becoming aware of levels in its storm water exceeding the EPA Benchmarks and applicable water quality standards.

Based on CSPA's review of available documents, PRMI was aware of high levels of these pollutants prior to May 14, 2005. Likewise, PRMI has not filed any reports describing its noncompliance with the General Permit in violation of Section C(11)(d). Lastly, the SWPPP and accompanying BMPs do not appear to have been altered as a result of the annual evaluation required by Section A(9). PRMI has been in continuous violation of Receiving Water Limitation C(4)(a) and Sections C(11)(d) and A(9) of the General Permit every day since May 14, 2005, and will continue to be in violation every day PRMI fails to prepare and submit the requisite reports, receives approval from the Regional Board and amends its SWPPP to include approved BMPs. PRMI is subject to penalties for violations of the General Permit and the Act occurring since May 14, 2005.

F. PRMI Has Failed to File Timely, True and Correct Reports.

Section B(14) of the General 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 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) and (10) and B(14).

CSPA's investigation indicates that PRMI has signed and submitted incomplete Annual Reports and purported to comply with the General Permit despite significant noncompliance at the Facility. For example, item E.10.a. in the Annual Reports filed by PRMI for the 2004-2005, 2005-2006, 2006-2007 and 2007-2008 wet seasons asks the reporting discharger: "Does Table D contain any additional parameters related to your facility's SIC Code(s)?" In each of the Annual Reports filed for the 2004-2005, 2005-2006, 2006-2007 and 2007-2008 wet seasons PRMI responded to this inquiry in the negative. However, the correct answer to item E.10.a would be to answer it in the affirmative. As discussed above, the General Permit requires dischargers whose facility conforms to SIC Code 3273, such as PRMI's Facility, to test for iron (Fe) as that is an additional analytical parameter required to be tested pursuant to Table D of the General Permit. As indicated above, PRMI has failed to comply with the Permit and the Act consistently for at least the past five years; therefore, PRMI has violated Sections A(9)(d), B(14) and C(9) & (10) of the Permit every time PRMI submitted an incomplete or incorrect annual report that falsely certified compliance with the Act in the past years. PRMI's failure to submit true and complete reports constitutes continuous and ongoing violations of the Permit and the Act. PRMI is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since May 14, 2005.

III. Persons Responsible for the Violations.

CSPA puts PRMI, Mr. William Callaway and Mr. Brian Harrison 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 PRMI, Mr. William Callaway and Mr. Brian Harrison on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Party.

Our name, address and telephone number is as follows: California Sportfishing Protection Alliance, Bill Jennings, Executive Director; 3536 Rainier Avenue, Stockton, CA 95204; Phone: (209) 464-5067.

V. Counsel.

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

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VI. 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) each separate violation of the Act subjects PRMI, Mr. William Callaway and Mr. Brian Harrison to a penalty of up to \$32,500 per day per violation for all violations occurring after March 15, 2004, and \$37,500 per day per violation for all violations occurring after January 12, 2009, 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.

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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 PRMI and its agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may 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.

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

SERVICE LIST

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Pamela Creedon, Executive Officer
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ATTACHMENT A
Notice of Intent to File Suit, PRMI (Paradise, CA)
Significant Rain Events,* May 14, 2005-May 14, 2010

May 18 2005	Mar. 17 2006	April 14 2007	May 24 2008
May 19 2005	Mar. 20 2006	April 16 2007	Oct. 03 2008
Oct. 15 2005	Mar. 21 2006	April 19 2007	Oct. 04 2008
Oct. 17 2005	Mar. 24 2006	April 21 2007	Oct. 30 2008
Oct. 26 2005	Mar. 25 2006	April 23 2007	Oct. 31 2008
Oct. 28 2005	Mar. 27 2006	May 02 2007	Nov. 01 2008
Oct. 31 2005	Mar. 28 2006	May 04 2007	Nov. 03 2008
Nov. 04 2005	Mar. 29 2006	Oct. 01 2007	Nov. 08 2008
Nov. 08 2005	April 02 2006	Oct. 10 2007	Dec. 14 2008
Nov. 25 2005	April 03 2006	Oct. 12 2007	Dec. 15 2008
Nov. 28 2005	April 04 2006	Oct. 17 2007	Dec. 18 2008
Nov. 29 2005	April 05 2006	Nov. 10 2007	Dec. 21 2008
Dec. 01 2005	April 10 2006	Nov. 11 2007	Dec. 22 2008
Dec. 17 2005	April 11 2006	Nov. 13 2007	Dec. 24 2008
Dec. 18 2005	April 12 2006	Dec. 04 2007	Dec. 25 2008
Dec. 19 2005	April 13 2006	Dec. 07 2007	Jan. 02 2009
Dec. 20 2005	April 16 2006	Dec. 18 2007	Jan. 05 2009
Dec. 21 2005	April 17 2006	Dec. 19 2007	Jan. 21 2009
Dec. 22 2005	April 22 2006	Dec. 20 2007	Jan. 22 2009
Dec. 25 2005	April 24 2006	Dec. 21 2007	Jan. 23 2009
Dec. 26 2005	May 21 2006	Dec. 28 2007	Jan. 24 2009
Dec. 27 2005	May 22 2006	Dec. 29 2007	Jan. 25 2009
Dec. 28 2005	Oct. 05 2006	Jan. 03 2008	Feb. 05 2009
Dec. 29 2005	Nov. 03 2006	Jan. 04 2008	Feb. 06 2009
Dec. 30 2005	Nov. 11 2006	Jan. 05 2008	Feb. 08 2009
Dec. 31 2005	Nov. 13 2006	Jan. 07 2008	Feb. 10 2009
Jan. 01 2006	Nov. 16 2006	Jan. 08 2008	Feb. 11 2009
Jan. 03 2006	Nov. 26 2006	Jan. 09 2008	Feb. 13 2009
Jan. 04 2006	Nov. 27 2006	Jan. 11 2008	Feb. 14 2009
Jan. 11 2006	Dec. 09 2006	Jan. 12 2008	Feb. 15 2009
Jan. 14 2006	Dec. 10 2006	Jan. 21 2008	Feb. 16 2009
Jan. 17 2006	Dec. 11 2006	Jan. 22 2008	Feb. 17 2009
Jan. 18 2006	Dec. 12 2006	Jan. 24 2008	Feb. 18 2009
Jan. 30 2006	Dec. 13 2006	Jan. 25 2008	Feb. 22 2009
Jan. 31 2006	Jan. 09 2007	Jan. 26 2008	Feb. 23 2009
Feb. 02 2006	Feb. 08 2007	Jan. 27 2008	Feb. 24 2009
Feb. 26 2006	Feb. 09 2007	Jan. 28 2008	Feb. 25 2009
Feb. 27 2006	Feb. 10 2007	Jan. 29 2008	Feb. 26 2009
Feb. 28 2006	Feb. 12 2007	Jan. 31 2008	Mar. 01 2009
Mar. 02 2006	Feb. 13 2007	Feb. 02 2008	Mar. 02 2009
Mar. 03 2006	Feb. 22 2007	Feb. 19 2008	Mar. 03 2009
Mar. 05 2006	Feb. 24 2007	Feb. 20 2008	Mar. 21 2009
Mar. 06 2006	Feb. 26 2007	Feb. 21 2008	Mar. 22 2009
Mar. 07 2006	Feb. 28 2007	Feb. 22 2008	April 08 2009
Mar. 12 2006	Mar. 26 2007	Feb. 23 2008	April 09 2009
Mar. 13 2006	Mar. 27 2007	Feb. 24 2008	April 10 2009
Mar. 14 2006	April 11 2007	Mar. 15 2008	May 01 2009
Mar. 16 2006	April 12 2007	April 23 2008	May 02 2009

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

ATTACHMENT A
Notice of Intent to File Suit, PRMI (Paradise, CA)
Significant Rain Events,* May 14, 2005-May 14, 2010

May	03	2009	Mar.	24	2010
May	04	2009	Mar.	29	2010
Oct.	13	2009	Mar.	30	2010
Oct.	14	2009	Mar.	31	2010
Oct.	19	2009	April	02	2010
Nov.	05	2009	April	04	2010
Nov.	06	2009	April	05	2010
Nov.	17	2009	April	11	2010
Nov.	20	2009	April	12	2010
Nov.	27	2009	April	13	2010
Dec.	11	2009	April	20	2010
Dec.	12	2009	April	21	2010
Dec.	13	2009	April	27	2010
Dec.	14	2009	April	28	2010
Dec.	16	2009	May	10	2010
Dec.	20	2009			
Dec.	21	2009			
Dec.	27	2009			
Dec.	29	2009			
Dec.	30	2009			
Jan.	01	2010			
Jan.	12	2010			
Jan.	13	2010			
Jan.	17	2010			
Jan.	18	2010			
Jan.	19	2010			
Jan.	20	2010			
Jan.	21	2010			
Jan.	22	2010			
Jan.	23	2010			
Jan.	24	2010			
Jan.	25	2010			
Jan.	26	2010			
Jan.	30	2010			
Feb.	04	2010			
Feb.	05	2010			
Feb.	06	2010			
Feb.	08	2010			
Feb.	09	2010			
Feb.	12	2010			
Feb.	21	2010			
Feb.	24	2010			
Feb.	26	2010			
Mar.	02	2010			
Mar.	03	2010			
Mar.	08	2010			
Mar.	09	2010			
Mar.	10	2010			
Mar.	12	2010			

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.