

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

January 22, 2009

Don Jensen, Chief Executive Officer
Tony Shanks, President
Jensen Precast
460 Dunn Circle
Sparks, NV 89431

Ron Jensen, Operations Manager
Victor Padilla, Regional Safety and Environmental Manager
Jensen Precast
299 Beck Avenue
Fairfield, CA 94533

Mark Voiselle, Regional General Manager
Jensen Precast
5400 Raley Blvd.
Sacramento, CA 95838

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

Dear Messrs. Jensen, Shanks, Jensen, Padilla, and Voiselle:

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 the Jensen Precast facility ("Facility") located at 299 Beck Avenue in Fairfield, California. CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the San Francisco Bay, Suisun Bay, and other California waters. This letter is being sent to you as the responsible owner, officer, or operator of the Facility (all recipients are hereinafter collectively referred to as "Jensen Precast").

This letter addresses Jensen Precast's unlawful discharge of pollutants from the Facility into the City of Fairfield storm drain system, LedgeWood Creek, Suisun Marsh, and Suisun Bay. 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 WDID identification number for the Facility

listed on documents submitted to the Regional Board is 248I019769. 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 Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Jensen Precast is hereby placed on formal notice by CSPA 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 Jensen Precast, Don Jensen, Tony Shanks, Ron Jensen, Victor Padilla, and Mark Voiselle under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On August 12, 2005, Jensen Precast filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (“NOI”). Jensen Precast certifies that the Facility is classified under SIC code 3272 (“concrete products”). The Facility collects and discharges storm water from its 14-acre industrial site into at least five storm water discharge locations at the Facility. Based on information and belief, the storm water discharged by Jensen Precast is discharged to the City of Fairfield storm drain system, which empties into LedgeWood Creek, flows to Suisun Marsh, and then flows to Suisun Bay. The Regional Board has identified waters of Suisun Bay as failing to meet applicable water quality standards for PCBs, selenium, nickel, exotic species, dioxins, pesticides, and mercury. *See* http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/r2_final303dlist.pdf.

The Regional Board has identified beneficial uses of the Bay region’s waters and established water quality standards for the Suisun Bay as well as its tributaries, including LedgeWood Creek and Suisun Marsh in the “Water Quality Control Plan for the San Francisco Bay Basin,” generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/basin_plan/docs/basin_plan07.pdf. The beneficial uses of these waters include among others contact and non-contact recreation, fish migration, endangered and threatened species habitat, shellfish harvesting, and fish spawning. The non-contact recreation use is defined as “[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities. Water quality considerations relevant to non-contact water recreation, such as hiking, camping, or boating, and those activities

related to tide pool or other nature studies require protection of habitats and aesthetic features.” *Id.* at 2.1.16. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of Ledgewood Creek, Suisun Marsh, and the Bay 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 are lethal or that produce other detrimental responses in aquatic organisms.” *Id.* at 3.3.18. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or otherwise adversely affect beneficial uses.” *Id.* at 3.3.7. The Basin Plan provides that “[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.14. The Basin Plan provides that “[t]he pH shall not be depressed below 6.5 nor raised above 8.5.” The Basin Plan establishes a water quality objective for municipal supply for iron of 0.3 mg/L (secondary maximum contaminant level).

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 Jensen Precast: pH – 6.0-9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, and iron – 1.0 mg/L. The State Water Resources Control Board (“State Board”) also has proposed adding a benchmark level to the General Permit for specific conductance (200 µmho/cm).

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit.

Jensen Precast 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.

Jensen Precast has discharged and continues to discharge storm water with unacceptable levels of TSS, pH, specific conductivity, O&G, iron, and other pollutants in violation of the General Permit. Jensen Precast'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 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)
1/21/2008	Iron	4 mg/L	1.0 mg/L	S-1
1/21/2008	Total Suspended Solids	190 mg/L	100 mg/L	S-2
1/21/2008	Iron	7.6 mg/L	1.0 mg/L	S-2
1/21/2008	Total Suspended Solids	530 mg/L	100 mg/L	S-3
1/21/2008	Oil & Grease	18 mg/L	15 mg/L	S-3
1/21/2008	Iron	29 mg/L	1.0 mg/L	S-3
1/21/2008	No Pollutants Observed			S-3
1/21/2008	pH	9.1 units	6.0 – 9.0 units	S-4
1/21/2008	Total Suspended Solids	630 mg/L	100 mg/L	S-4
1/21/2008	Iron	19 mg/L	1.0 mg/L	S-4
1/21/2008	No Pollutants Observed			S-4
1/21/2008	Total Suspended Solids	130 mg/L	100 mg/L	S-5
1/21/2008	Iron	8.1 mg/L	1.0 mg/L	S-5
12/06/2007	Oil & Grease Sheen Observed			S-1

10/12/2007	Total Suspended Solids	438 mg/L	100 mg/L	S-1
10/12/2007	Oil & Grease	16.4 mg/L	15 mg/L	S-1
10/12/2007	Iron	12.7 mg/L	1.0 mg/L	S-1
10/12/2007	No Pollutants Observed			S-1
10/12/2007	Total Suspended Solids	662 mg/L	100 mg/L	S-2
10/12/2007	Iron	26.7 mg/L	1.0 mg/L	S-2
10/12/2007	No Pollutants Observed			S-2
10/12/2007	Iron	1.27 mg/L	1.0 mg/L	S-3
10/12/2007	Suspended materials Observed			S-3
10/12/2007	pH	9.22 units	6.0 – 9.0 units	S-4
10/12/2007	Total Suspended Solids	1380 mg/L	100 mg/L	S-4
10/12/2007	Iron	27 mg/L	1.0 mg/L	S-4
10/12/2007	No Pollutants Observed			S-4
10/12/2007	Total Suspended Solids	298 mg/L	100 mg/L	S-5
10/12/2007	Oil & Grease	20.7 mg/L	15 mg/L	S-5
10/12/2007	Iron	7.79 mg/L	1.0 mg/L	S-5
3/16/2007	Floating materials and cloudiness Observed			S-1, S-2, S-3, S-4, S-5
3/16/2007	Oil & Grease Sheen Observed			S-3
2/22/2007	Iron	1.1 mg/L	1.0 mg/L	S-1
2/22/2007	Iron	2.8 mg/L	1.0 mg/L	S-2
2/22/2007	Total Suspended Solids	300 mg/L	100 mg/L	S-3
2/22/2007	Iron	3.8 mg/L	1.0 mg/L	S-3
2/22/2007	Total Suspended Solids	250 mg/L	100 mg/L	S-4
2/22/2007	Oil & Grease	16 mg/L	15 mg/L	S-4
2/22/2007	Iron	3.5 mg/L	1.0 mg/L	S-4
2/22/2007	Iron	2.5 mg/L	1.0 mg/L	S-5
2/22/2007	Floating and suspended materials, and cloudiness Observed			S-1, S-2, S-3, S-4, S-5
1/10/2007	Floating and suspended materials, and cloudiness Observed			S-1, S-2, S-3, S-4, S-5
12/13/2006	Specific Conductivity	225 µmho/cm	200 µmho/cm (proposed)	S-1
12/13/2006	Total Suspended Solids	150 mg/L	100 mg/L	S-2
12/13/2006	Iron	4.5 mg/L	1.0 mg/L	S-2
12/13/2006	Specific Conductivity	280 µmho/cm	200 µmho/cm (proposed)	S-3
12/13/2006	Iron	2.4 mg/L	1.0 mg/L	S-3

12/13/2006	Specific Conductivity	250 µmho/cm	200 µmho/cm (proposed)	S-4
12/13/2006	Floating and suspended materials, and cloudiness Observed			S-1, S-2, S-3, S-4, S-5
11/02/2006	Floating and suspended materials, and cloudiness Observed			S-1, S-2, S-3, S-4, S-5
1/30/2006	Total Suspended Solids	160 mg/L	100 mg/L	S-1
1/30/2006	Discolorations Observed			S-1
1/30/2006	Total Suspended Solids	220 mg/L	100 mg/L	S-2
1/30/2006	Suspended materials, Oil & Grease sheen, cloudiness, and discolorations Observed			S-2
1/30/2006	Total Suspended Solids	1100 mg/L	100 mg/L	S-3
1/30/2006	Iron	11 mg/L	1.0 mg/L	S-3
1/30/2006	Total Suspended Solids	300 mg/L	100 mg/L	S-5

CSPA's investigation, including its review of Jensen Precast'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 Jensen Precast has not implemented BAT and BCT at the Facility for its discharges of TSS, pH, specific conductivity, O&G, iron, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. For example, the 2007-2008 Annual Report states that the finish product storage area and the hazardous waste accumulation area and several sampling points were cleaned, silt bags cleaned and waddles replaced on January 18, 2008, yet several benchmark values were exceeded when sampling was conducted on January 21, 2008. Jensen Precast was required to have implemented BAT and BCT by no later than October 1, 1992. Thus, Jensen Precast is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT. In addition, the above numbers 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 alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since at least August 12, 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 Jensen Precast has discharged storm water containing impermissible levels of TSS, specific conductivity, TOC, aluminum, iron, and zinc 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, Jensen Precast is subject to penalties for violations of the General Permit and the Act since August 12, 2005.

B. 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 Jensen Precast’s Annual Reports indicate that Jensen Precast has been operating with an inadequately developed or

implemented SWPPP in violation of the requirements set forth above. Jensen Precast has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Jensen Precast has been in continuous violation of Section A and Provision E(2) of the General Permit every day since August 12, 2005 at the very latest, and will continue to be in violation every day that Jensen Precast fails to prepare, implement, review, and update an effective SWPPP. Jensen Precast is subject to penalties for violations of the Order and the Act occurring since August 12, 2005.

C. 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.”

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 Jensen Precast is not representative of the quality of the Facility’s various storm water discharges, 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, Jensen Precast is subject to penalties for violations of the General Permit and the Act’s monitoring and sampling requirements since August 12, 2005.

D. 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) and (10) and B(14).

Since at least 2005, Jensen Precast and its agent, Victor Padilla, has provided false information in their Annual Reports by certifying that they did not observe any pollutants in

storm water discharges from the Facility despite taking water samples at the same time as the visual observations indicating very high levels of total suspended solids which CSPA believes would necessarily be accompanied by discoloration and turbidity in the discharge. False reporting of no visible pollutants included observations made at Outfalls S-3 and S-4 on January 21, 2008, and at Outfalls S-1, S-2, and S-4 on October 12, 2007. By falsely certifying that no pollutants were visible on each of those days, Jensen Precast and Victor Padilla violated and continue to violate General Permit, Sections A(9)(d), B(4), B(14), C(9), and C(10).

In addition, since 2005, Jensen Precast and its agent, Victor Padilla, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Jensen Precast has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Jensen Precast failed to submit a complete or correct report and every time Jensen Precast or its agents falsely purported to comply with the Act. Jensen Precast is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since August 12, 2005.

IV. Persons Responsible for the Violations.

CSPA puts Jensen Precast, Don Jensen, Tony Shanks, Ron Jensen, Victor Padilla, and Mark Voiselle 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 Jensen Precast, Don Jensen, Tony Shanks, Ron Jensen, Victor Padilla, and Mark Voiselle on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party.

Our name, address and telephone number is as follows:

Bill Jennings, Executive Director;
California Sportfishing Protection Alliance,
3536 Rainier Avenue,
Stockton, CA 95204
Tel. (209) 464-5067

VI. Counsel.

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

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

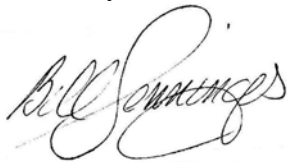
Andrew L. Packard
Law Offices of Andrew L. Packard
319 Pleasant Street
Petaluma, California 94952
Tel. (707) 763-7227
andrew@packardlawoffices.com

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) each separate violation of the Act subjects Jensen Precast to a penalty of up to \$32,500 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 Jensen Precast 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 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,



Bill Jennings, Executive Director
California Sportfishing Protection Alliance

cc: CT Corporation, Agent of Service of Process for Jensen Precast (C0821165)

SERVICE LIST

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

Mark Filip, Acting U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Wayne Nastri, Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Bruce H. Wolfe, Executive Officer II
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

ATTACHMENT A

Rain Dates, Jensen Precast, Fairfield, California

November 3, 2003	February 22, 2004	January 26, 2005
November 4, 2003	February 23, 2004	January 28, 2005
November 7, 2003	February 24, 2004	February 14, 2005
November 8, 2003	February 25, 2004	February 15, 2005
November 9, 2003	February 26, 2004	February 16, 2005
November 14, 2003	March 1, 2004	February 17, 2005
November 15, 2003	March 2, 2004	February 18, 2005
November 28, 2003	March 25, 2004	February 19, 2005
November 30, 2003	March 26, 2004	February 20, 2005
December 1, 2003	April 17, 2004	February 21, 2005
December 2, 2003	April 18, 2004	February 22, 2005
December 4, 2003	April 19, 2004	February 27, 2005
December 5, 2003	April 20, 2004	February 28, 2005
December 6, 2003	September 19, 2004	March 2, 2005
December 7, 2003	September 20, 2004	March 4, 2005
December 8, 2003	October 17, 2004	March 18, 2005
December 9, 2003	October 19, 2004	March 19, 2005
December 10, 2003	October 20, 2004	March 20, 2005
December 12, 2003	October 23, 2004	March 21, 2005
December 13, 2003	October 24, 2004	March 22, 2005
December 14, 2003	October 26, 2004	March 23, 2005
December 19, 2003	November 3, 2004	March 27, 2005
December 20, 2003	November 4, 2004	March 28, 2005
December 21, 2003	November 10, 2004	March 29, 2005
December 23, 2003	November 11, 2004	April 3, 2005
December 24, 2003	November 12, 2004	April 4, 2005
December 25, 2003	November 13, 2004	April 7, 2005
December 29, 2003	November 27, 2004	April 8, 2005
December 30, 2003	December 7, 2004	April 23, 2005
January 1, 2004	December 8, 2004	April 28, 2005
January 2, 2004	December 9, 2004	May 4, 2005
January 7, 2004	December 27, 2004	May 5, 2005
January 8, 2004	December 28, 2004	May 8, 2005
January 9, 2004	December 29, 2004	May 9, 2005
January 10, 2004	December 30, 2004	May 10, 2005
January 14, 2004	December 31, 2004	May 18, 2005
January 17, 2004	January 1, 2005	June 8, 2005
January 24, 2004	January 2, 2005	June 9, 2005
January 27, 2004	January 3, 2005	June 16, 2005
January 28, 2004	January 4, 2005	June 17, 2005
January 30, 2004	January 6, 2005	October 26, 2005
February 2, 2004	January 7, 2005	October 29, 2005
February 3, 2004	January 8, 2005	November 7, 2005
February 7, 2004	January 9, 2005	November 8, 2005
February 14, 2004	January 10, 2005	November 25, 2005
February 16, 2004	January 11, 2005	November 28, 2005
February 17, 2004	January 12, 2005	November 29, 2005
February 18, 2004	January 21, 2005	December 1, 2005
February 21, 2004	January 25, 2005	December 2, 2005

ATTACHMENT A

Rain Dates, Jensen Precast, Fairfield, California

December 7, 2005	March 16, 2006	February 8, 2007
December 17, 2005	March 17, 2006	February 9, 2007
December 18, 2005	March 20, 2006	February 10, 2007
December 19, 2005	March 21, 2006	February 11, 2007
December 20, 2005	March 24, 2006	February 12, 2007
December 21, 2005	March 25, 2006	February 22, 2007
December 22, 2005	March 27, 2006	February 23, 2007
December 23, 2005	March 28, 2006	February 25, 2007
December 25, 2005	March 29, 2006	February 26, 2007
December 26, 2005	March 31, 2006	February 27, 2007
December 27, 2005	April 1, 2006	February 28, 2007
December 28, 2005	April 2, 2006	March 26, 2007
December 29, 2005	April 3, 2006	April 11, 2007
December 30, 2005	April 4, 2006	April 14, 2007
December 31, 2005	April 5, 2006	April 15, 2007
January 1, 2006	April 7, 2006	April 21, 2007
January 2, 2006	April 8, 2006	April 22, 2007
January 3, 2006	April 11, 2006	April 23, 2007
January 4, 2006	April 12, 2006	May 2, 2007
January 7, 2006	April 13, 2006	May 4, 2007
January 11, 2006	April 15, 2006	July 18, 2007
January 14, 2006	April 16, 2006	September 21, 2007
January 18, 2006	April 17, 2006	October 10, 2007
January 21, 2006	April 23, 2006	October 12, 2007
January 27, 2006	May 20, 2006	October 16, 2007
January 28, 2006	May 21, 2006	November 10, 2007
January 30, 2006	May 22, 2006	November 11, 2007
February 1, 2006	October 5, 2006	December 4, 2007
February 2, 2006	November 2, 2006	December 6, 2007
February 4, 2006	November 11, 2006	December 7, 2007
February 17, 2006	November 13, 2006	December 17, 2007
February 18, 2006	November 14, 2006	December 18, 2007
February 19, 2006	November 26, 2006	December 19, 2007
February 26, 2006	November 27, 2006	December 20, 2007
February 27, 2006	December 9, 2006	December 28, 2007
February 28, 2006	December 10, 2006	December 29, 2007
March 2, 2006	December 11, 2006	December 30, 2007
March 3, 2006	December 12, 2006	January 3, 2008
March 5, 2006	December 13, 2006	January 4, 2008
March 6, 2006	December 22, 2006	January 5, 2008
March 7, 2006	December 24, 2006	January 6, 2008
March 9, 2006	December 26, 2006	January 8, 2008
March 11, 2006	December 27, 2006	January 9, 2008
March 12, 2006	January 17, 2007	January 10, 2008
March 13, 2006	January 27, 2007	January 11, 2008
March 14, 2006	February 7, 2007	January 20, 2008

ATTACHMENT A

Rain Dates, Jensen Precast, Fairfield, California

January 21, 2008	January 07, 2009
January 22, 2008	January 14, 2009
January 23, 2008	
January 24, 2008	
January 25, 2008	
January 26, 2008	
January 27, 2008	
January 28, 2008	
January 29, 2008	
January 31, 2008	
February 1, 2008	
February 2, 2008	
February 3, 2008	
February 19, 2008	
February 20, 2008	
February 21, 2008	
February 23, 2008	
February 24, 2008	
March 16, 2008	
April 23, 2008	
October 30, 2008	
October 31, 2008	
November 1, 2008	
November 3, 2008	
November 26, 2008	
November 27, 2008	
November 28, 2008	
November 30, 2008	
December 1, 2008	
December 4, 2008	
December 6, 2008	
December 8, 2008	
December 9, 2008	
December 14, 2008	
December 15, 2008	
December 16, 2008	
December 18, 2008	
December 19, 2008	
December 21, 2008	
December 22, 2008	
December 23, 2008	
December 24, 2008	
December 25, 2008	
December 30, 2008	
January 01, 2009	
January 05, 2009	