

## California Sportfishing Protection Alliance

*“An Advocate for Fisheries, Habitat and Water Quality”*

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VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

January 8, 2009

Bernard Huberman, President  
Daniel Rosenthal, President  
Shawn Gutterson, Vice President  
BLT Enterprises of Sacramento, Inc.  
8491 Fruitridge Road  
Sacramento, CA 95826

Sharon Simpson, HHW Manager  
Sacramento Recycling & Transfer Station  
8491 Fruitridge Road  
Sacramento, CA 95826

Bernard Huberman, Agent for Service of Process  
BLT Enterprises of Sacramento Inc.  
501 Spectrum Cir  
Oxnard, CA 93030

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

Dear Messrs. Huberman, Rosenthal, Gutterson and Ms. Simpson:

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 Sacramento Recycling & Transfer Station located at 8491 Fruitridge Road in Sacramento, 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 the American River, 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 Sacramento Recycling & Transfer Station (all recipients are hereinafter collectively referred to as “Sacramento Recycling”).

This letter addresses Sacramento Recycling’s unlawful discharge of pollutants from the Facility into the City of Sacramento storm drain system, the American River, the Sacramento River, Morrison Creek and/or the Delta. The facility is discharging storm water pursuant to

National Pollutant Discharge Elimination System (“NPDES”) Permit No. CA S000001, State Water Resources Control 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 State Water Resources Control Board (“State Board”) and California Regional Water Quality Control Board, Central Valley Region (“Regional Board”) is 5S34I015707. 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, 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, Sacramento Recycling is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against Sacramento Recycling & Transfer Station, BLT Enterprises of Sacramento, Inc., Bernard Huberman, Daniel Rosenthal, Shawn Gutteresen, and Sharon Simpson 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 March 21, 2000, Sacramento Recycling filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (“NOI”). Sacramento Recycling certified that the Facility is classified under SIC code 4953 (“refuse system”) and SIC code 5093 (“scrap and waste materials”). The Facility collects and discharges storm water from its 18.3 acre industrial site into at least one storm drain outfall located at the facility. Based on the facility’s notice of intent to comply, the storm water discharged by Sacramento Recycling to those drains is then discharged to the City of Sacramento storm drain system, which empties into the American River, which flows to the Sacramento River, and then flows to the Delta. The facility’s drains also may discharge through the City of Sacramento storm drain system into Morrison Creek, a tributary of the Sacramento River. The Regional Board has identified waters of the American River (from Nimbus Dam to the confluence with the Sacramento River) and the waters of the Sacramento River (from Knights Landing to the Delta) as failing to meet applicable water quality standards for mercury. *See* <http://www.waterboards.ca.gov/waterissues/programs/tmdl/docs/303dlists2006/pro5draft303d.pdf>.

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 American River, 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](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf). The beneficial uses of the Sacramento River, the Delta and their tributaries, including the American River, 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. 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 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.” Basin Plan at II-1.00 – II-2.00. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of the American River, the Sacramento River and Delta for contact and non-contact water recreation.

The Basin Plan also establishes water quality standards for the Sacramento River, the Delta and their tributaries, including the American River. It 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. For the Delta, the Basin Plan establishes trace element water quality objectives for several metals, including 0.1 mg/L for zinc (at a hardness of 40 mg/L), 0.3 mg/L for iron, and 0.01 mg/L for copper. *Id.* at Table III-1. 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-6.00. The Basin Plan strictly limits increases in turbidity in Central Valley waters. *Id.* at III-9.00. The Basin Plan establishes a dissolved oxygen standard of 7.0 mg/L for the Sacramento River and Delta waters. *Id.* at III-5.00. The Basin Plan establishes a maximum limit for total dissolved solids of 125 mg/L for the American River (from Folsom Dam to the Sacramento River). *Id.* at Table III-3. 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.

The U.S. Environmental Protection Agency (“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”). The following benchmarks have been established for pollutants discharged by Sacramento Recycling: pH – 6.0-9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil & grease (“O&G”) – 15 mg/L, iron – 1.0 mg/L, aluminum – 0.75 mg/L, lead – 0.0816 mg/L, chemical oxygen demand (“COD”) – 120 mg/L, zinc – 0.117 mg/L, and copper – 0.0636 mg/L. The 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.***

Sacramento Recycling 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.

Sacramento Recycling has discharged and continues to discharge storm water with unacceptable levels of TSS, specific conductivity, O&G, iron, aluminum, COD, zinc, copper, and other pollutants in violation of the General Permit. Sacramento Recycling’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 Sacramento Recycling 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.

<b>Date</b>	<b>Parameter</b>	<b>Observed Concentration</b>	<b>EPA Benchmark Value</b>	<b>Location (as identified by the Facility)</b>
12/6/2007	Total Suspended Solids	850 mg/L	100 mg/L	NE Outfall
12/6/2007	Specific Conductivity	330 µmho/cm	200 µmho/cm (proposed)	NE Outfall
12/6/2007	Oil & Grease	150 mg/L	15 mg/L	NE Outfall
12/6/2007	Iron	6.2 mg/L	1.0 mg/L	NE Outfall
12/6/2007	Aluminum	3.6 mg/L	0.75 mg/L	NE Outfall
12/6/2007	Chemical Oxygen Demand	680 mg/L	120 mg/L	NE Outfall
12/6/2007	Zinc	0.61 mg/L	0.117 mg/L	NE Outfall
10/12/2007	Total Suspended Solids	290 mg/L	100 mg/L	NE Outfall
10/12/2007	Oil & Grease	22 mg/L	15 mg/L	NE Outfall
10/12/2007	Iron	1.3 mg/L	1.0 mg/L	NE Outfall
10/12/2007	Aluminum	0.87 mg/L	0.75 mg/L	NE Outfall
10/12/2007	Zinc	0.2 mg/L	0.117 mg/L	NE Outfall
3/20/2007	Total Suspended Solids	130 mg/L	100 mg/L	NE Outfall
3/20/2007	Oil & Grease	19 mg/L	15 mg/L	NE Outfall
3/20/2007	Iron	1.4 mg/L	1.0 mg/L	NE Outfall
3/20/2007	Aluminum	0.79 mg/L	0.75 mg/L	NE Outfall
3/20/2007	Zinc	0.26 mg/L	0.117 mg/L	NE Outfall
11/2/2006	Total Suspended Solids	760 mg/L	100 mg/L	NE Outfall
11/2/2006	Oil & Grease	39 mg/L	15 mg/L	NE Outfall
2/15/2005	Total Suspended Solids	600 mg/L	100 mg/L	NE Outfall
2/15/2005	Specific Conductivity	280 µmho/cm	200 µmho/cm (proposed)	NE Outfall
2/15/2005	Oil & Grease	80 mg/L	15 mg/L	NE Outfall
2/15/2005	Iron	2.1 mg/L	1.0 mg/L	NE Outfall
2/15/2005	Aluminum	2.4 mg/L	0.75 mg/L	NE Outfall
2/15/2005	Zinc	0.2 mg/L	0.117 mg/L	NE Outfall
11/3/2004	Total Suspended Solids	430 mg/L	100 mg/L	NE Outfall
11/3/2004	Specific Conductivity	940 µmho/cm	200 µmho/cm (proposed)	NE Outfall
11/3/2004	Oil & Grease	44 mg/L	15 mg/L	NE Outfall
11/3/2004	Iron	1.9 mg/L	1.0 mg/L	NE Outfall
11/3/2004	Aluminum	1.0 mg/L	0.75 mg/L	NE Outfall
11/3/2004	Zinc	0.65 mg/L	0.117 mg/L	NE Outfall
11/3/2004	Copper	0.091 mg/L	0.0636 mg/L	NE Outfall
5/28/2004	Total Suspended Solids	230 mg/L	100 mg/L	NE Outfall
5/28/2004	Specific Conductivity	570 µmho/cm	200 µmho/cm (proposed)	NE Outfall

5/28/2004	Oil & Grease	17 mg/L	15 mg/L	NE Outfall
5/28/2004	Iron	3.7 mg/L	1.0 mg/L	NE Outfall
5/28/2004	Aluminum	2.7 mg/L	0.75 mg/L	NE Outfall
5/28/2004	Zinc	1.3 mg/L	0.117 mg/L	NE Outfall

In addition, the following discharges of pollutants from Sacramento Recycling 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.

<b>Date</b>	<b>Parameter</b>	<b>Observed Concentration</b>	<b>Basin Plan Water Quality Objective</b>	<b>Location (as identified by the Facility)</b>
12/6/2007	Copper	0.061 mg/L	0.01 mg/L	NE Outfall
3/20/2007	Copper	0.026 mg/L	0.01 mg/L	NE Outfall
2/15/2005	Copper	0.024 mg/L	0.01 mg/L	NE Outfall
5/28/2004	Copper	0.041 mg/L	0.01 mg/L	NE Outfall

CSPA's investigation, including its review of Sacramento Recycling's analytical results documenting pollutants of applicable water quality standards, EPA's benchmark values and the State Board's proposed benchmark for electrical conductivity, indicates that Sacramento Recycling has not implemented BAT and BCT for its discharges of TSS, specific conductivity, O&G, iron, aluminum, COD, zinc, copper, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Sacramento Recycling was required to have implemented BAT and BCT by no later than October 1, 1992. Thus, Sacramento Recycling 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 January 8, 2004, and that will occur at Sacramento Recycling 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 Sacramento Recycling has discharged storm water containing impermissible levels of TSS, specific conductivity, O&G, iron, aluminum, COD, zinc, and copper 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 Sacramento Recycling are ongoing. Each discharge of each of these pollutants in storm water 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, Sacramento Recycling is subject to penalties for violations of the General Permit and the Act since January 8, 2004.

***B. Failure to Sample and Analyze for 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). Collected samples must be analyzed for TSS, pH, specific conductance, and either TOC or O&G. *Id.* at Section B(5)(c)(i). Facilities also must analyze their storm water samples for “[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities. *Id.* at Section B(5)(c)(ii). Certain SIC Codes also must analyze for additional specified parameters. *Id.* at Section B(5)(c)(iii); *id.*, Table D. Facilities within SIC code 5093, including Sacramento Recycling, must analyze each of its storm water samples for COD. *Id.*, Table D (Sector AA). CSPA’s review of Sacramento Recycling’s monitoring data indicates, with the exception of the sample taken on December 6, 2007, that you have failed to analyze for COD in each sample taken at the Facility’s outfall during the past five years. Specifically, there was one failure during the 2007-2008 rainy season, two failures during the 2006-2007 rainy season, two failures during the 2004-2005, and two failures during the 2003-2004.<sup>1</sup>

Each of the above listed failures to analyze for specific required parameters is a violation of General Permit, Section B(5)(c)(iii). 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, Sacramento Recycling is subject to penalties for violations of the General Permit and the Act since January 8, 2004.

***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

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<sup>1</sup> The Facility reported that it was unable to collect any storm water samples during the 2005-2006 rainy season due to a lack of qualifying storm events.

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 Sacramento Recycling as well as Sacramento Recycling's Annual Reports indicate that Sacramento Recycling has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Sacramento Recycling has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Sacramento Recycling has been in continuous violation of Section A and Provision E(2) of the General Permit every day since January 8, 2004 at the very latest, and will continue to be in violation every day that Sacramento Recycling fails to prepare, implement, review, and update an effective SWPPP. Sacramento Recycling is subject to penalties for violations of the Order and the Act occurring since January 8, 2004.

***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."

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 Sacramento Recycling 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, Sacramento Recycling is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since January 8, 2004.

***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) and (10) and B(14).

For at least the last five years, Sacramento Recycling and its agents, Sharon Simpson and Samuel Iverson, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Sacramento Recycling has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Sacramento Recycling or its agent failed to submit a complete or correct report and every time Sacramento Recycling or its agents falsely purported to comply with the Act. Sacramento Recycling is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since January 8, 2004.

**IV. Persons Responsible for the Violations.**

CSPA puts Sacramento Recycling & Transfer Station, BLT Enterprises of Sacramento, Inc., Bernard Huberman, Daniel Rosenthal, Shawn Gutteresen, and Sharon Simpson 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 Sacramento Recycling & Transfer Station, BLT Enterprises of Sacramento, Inc., Bernard Huberman, Daniel Rosenthal, Shawn Gutteresen, and Sharon Simpson on notice that it intends to include those subsequently identified 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  
Douglas J. Chermak  
Lozeau Drury LLP  
1516 Oak Street, Suite 216  
Alameda, California 94501  
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**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 Sacramento Recycling 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 Sacramento Recycling 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.

Huberman, Rosenthal, Gutteresen, and Simpson  
Sacramento Recycling & Transfer Station  
January 8, 2009  
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Sincerely,

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

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance

## **SERVICE LIST**

Steve Johnson, Administrator  
U.S. Environmental Protection Agency  
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Washington, DC 20460

Dorothy Rice, Executive Director  
State Water Resources Control Board  
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Michael Mukasey, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
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Wayne Nasti, Administrator  
U.S. EPA – Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Pamela 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, Sacramento Recycling, Sacramento, CA

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

ATTACHMENT A  
Rain Dates, Sacramento Recycling, Sacramento, CA

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

ATTACHMENT A  
Rain Dates, Sacramento Recycling, Sacramento, CA

January 25, 2008	March 29, 2008	December 5, 2008
January 26, 2008	April 22, 2008	December 6, 2008
January 27, 2008	April 23, 2008	December 8, 2008
January 29, 2008	April 30, 2008	December 14, 2008
January 31, 2008	October 3, 2008	December 15, 2008
February 2, 2008	October 4, 2008	December 16, 2008
February 3, 2008	October 30, 2008	December 18, 2008
February 4, 2008	October 31, 2008	December 19, 2008
February 19, 2008	November 1, 2008	December 21, 2008
February 20, 2008	November 2, 2008	December 22, 2008
February 21, 2008	November 3, 2008	December 24, 2008
February 22, 2008	November 4, 2008	December 25, 2008
February 23, 2008	November 9, 2008	December 30, 2008
February 24, 2008	November 26, 2008	December 31, 2008
March 15, 2008	November 30, 2008	January 2, 2009
March 28, 2008	December 1, 2008	January 5, 2009