LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
410 12th Street, Suite 250
Oakland, Ca 94607
www.lozeaudrury.com
michael@lozeaudrury.com

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 10, 2010

Eugene B. Cecotti, President
David Ripple, Vice President
Current Facility Manager(s)
Shamrock Materials, Inc.
210 -222 Landing Way
Petaluma, CA 94952

Eugene B. Ceccotti, President & Registered Agent
David Ripple, Vice President
Shamrock Materials, Inc.
181 Lynch Creek Way, Suite 200
Petaluma, CA 94954

Eugene B. Ceccotti, Registered Agent
Corto Meno Sand & Gravel, LLC
Shamrock Materials, Inc.
181 Lynch Creek Way, Suite 200
Petaluma, CA 94954

Eugene B. Ceccotti, Registered Agent
Corto Meno Sand & Gravel II, LLC
Shamrock Materials, Inc.
181 Lynch Creek Way, Suite 200
Petaluma, CA 94954

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

Dear Mr. Cecotti, Mr. Ripple, and the current facility managers at Shamrock Materials, Inc's Landing Way sites:

I am writing on behalf of the California Sportfishing Protection Alliance and the Petaluma River Council (collectively, "CSPA and PRC") regarding violations of the Clean Water Act ("Act") that CSPA and PRC believe are occurring at Shamrock Materials, Inc.'s facility located at several addresses and on several parcels immediately adjacent to the Petaluma River along Landing Way Road in Petaluma, California. The facility includes a sand off-loading, storage, and transportation area located on Landing Way and a gravel off-loading, storage and transportation area located at 210 - 222 Landing Way. The sand-processing area appears to be on Assessor's Parcel No. 019-220-036. The gravel processing area appears to be located on two parcels – APN 019-220-16 and APN 019-220-15. It is our understanding that these portions of Shamrock Material Inc.'s operations are sometimes referred to as the "Landing Way Depot." Collectively, this letter refers to the two Shamrock areas as the Facility. A

satellite photograph outlining in red the two areas, pollution discharges from which are addressed in this Notice of Intent to Sue, is attached as Exhibit A. 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 ("Bay") and other California waters. PRC is an unincorporated organization of concerned citizens, residing in and around Petaluma, committed to protecting and improving the health and character of the Petaluma River and San Francisco Bay. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Shamrock").

This letter addresses Shamrock's unlawful discharge of pollutants from the Facility into channels that flow into the Petaluma River, and the San Francisco Bay. The Facility is discharging storm water without having obtained an NPDES permit in violation of Section 301(a) of the federal Clean Water Act, 33 U.S.C. § 1311(a).

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

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

I. Background.

Shamrock operates a sand and gravel transportation, bulk storage and distribution facility on Landing Way in Petaluma, California immediately adjacent to the Petaluma River. The facility consists of two areas, which correspond to at least three addresses on Landing Way. Aggregate materials are unloaded, stored and transported at the 210 - 222 Landing Way area (APN 019-220-16 and APN 019-220-15). Sand is unloaded, stored, and transported in an area also on Landing Way several hundred feet northwest of the gravel processing area (APN 019-220-036). *See* Exhibit A (attached map). The facility is located in an area zoned by the County of Sonoma for heavy industrial use – "M2 Heavy Industrial District." Sand, gravel and aggregate handled at the site are received from barges along the Petaluma River, stored in large, uncovered piles in the two areas and then loaded and distributed via diesel-fueled trucks. The sites are operated throughout the year, including the rainy season. Operation of the site include unloading of barges, conveying sand and aggregates to large, uncovered piles, loading of materials using electric-powered or diesel-powered front-end loaders, queuing of trucks awaiting loading and, transporting materials from the site on unpaved or graveled surfaces. Cleaning and

lubrication products, including hazardous substances, are used at the facility to conduct repairs and maintenance of equipment. Mobile fueling of loading equipment also occurs at the facility. All aggregate materials transported from the site are via trucks owned and operated by Shamrock. Based on information and belief, sand and gravel from the Facility are the raw materials for several ready-mix concrete plants operated by Shamrock Materials, Inc. in Petaluma, Novato, Napa and San Rafael.

Storm water falling on the Facility percolates through and flows over the materials being stored and handled on the site and runs freely over the surfaces of the sand and gravel storage and processing areas, picking up sediments, oil and grease, fine materials and other pollutants. At the 210 - 222 Landing Way area, the storm water and pollutants flow toward the west and north side of the area where the storm water and pollutants are discharged to a ditch which conveys the storm water and pollutants to the adjacent Petaluma River. Storm water falling on the sand processing area also picks up pollutants at the site, is collected in various ditches and channels and discharged to the Petaluma River.

II. Discharges of Industrial Storm Water and/or Pollutants to Waters of the United States Without a NPDES Permit.

Shamrock is violating the Clean Water Act, 33 U.S.C. § 1251 *et seq*., by discharging pollutants to waters of the United States from the Facility without a NPDES permit as required by the Act. The Clean Water Act provides that, absent a permit and subject to certain limitations, "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). A review of available public records indicates that Shamrock has failed to obtain a NPDES permit authorizing discharges of pollutants and contaminated storm water from the Facility. Shamrock has been in continuous violation of the Act for at least the last five years. On information and belief, Shamrock has illegally discharged pollutants and/or storm water from the Facility every day that it has rained at the sites in the last five years. Exhibit B, attached hereto, sets forth specific rain dates on which CSPA and PRC allege that Shamrock has discharged storm water or pollutants in violation of the Act. Shamrock is subject to civil penalties for each of those violations.

III. Persons Responsible for the Violations.

CSPA and PRC put Shamrock Materials, Inc., Eugene B. Cecotti, David Ripple, Corto Meno Sand & Gravel, LLC, Corto Meno Sand & Gravel II, LLC and the current manager(s) of the Facility 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 and PRC put Shamrock Materials, Inc., Eugene B. Cecotti, David Ripple, Corto Meno Sand & Gravel, LLC, Corto Meno Sand & Gravel II, LLC and the current manager(s) of the Landing Way sites on notice that CSPA and PRC intend to include those persons in this action.

IV. Name and Address of Noticing Party.

Our names, addresses, and contact information are as follows:

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

David Keller
Petaluma River Council
1327 I Street
Petaluma, CA 94952
Tel. (707) 763-9336
E-Mail: dkeller1@sonic.net

V. Counsel.

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

Michael R. Lozeau
Richard T. Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
Tel: (510) 836-4200
michael@lozeaudrury.com
ricahrd@lozeaudrury.com

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 Shamrock to a penalty of up to $37,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit. In addition to civil penalties, CSPA and PRC will seek declaratory relief and 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 and PRC believe this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CSPA and PRC intend to file a citizen suit under Section 505(a) of the Act against the Shamrock Materials, Inc., Eugene B. Cecotti, David Ripple, Corto Meno Sand & Gravel, LLC, Corto Meno Sand & Gravel II, LLC and the current manager(s) of the Landing Way sites for the above-referenced violations upon the expiration of the 60-day notice period.

However, during the 60-day notice period, CSPA and PRC 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. CSPA and PRC do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Michael R. Lozeau
Lozeau Drury LLP
Attorneys for California Sportfishing Protection Alliance and Petaluma River Council

SERVICE LIST

Via Registered Mail, Certified Receipt Requested:

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

Dorothy R. Rice, Executive Director
State Water Resources Control Board
1001 I Street Sacramento, CA 95814
P.O. Box 100
Sacramento, CA 95812-0100

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

Jared Blumenfeld, 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

EXHIBIT A

© 2010 Google
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Imagery Date: Oct 25, 2009
38°13'26.13" N 122°36'26.29" W elev 1 m
Eye alt 582 m

EXHIBIT B

EXHIBIT B

Rain Dates, Shamrock Materials, Inc., Petaluma, California

December 14, 2005
December 17, 2005
December 18, 2005
December 19, 2005
December 20, 2005
December 21, 2005
December 22, 2005
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December 28, 2005
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EXHIBIT B

Rain Dates, Shamrock Materials, Inc., Petaluma, California

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