



May 2, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

All Star Auto Wrecking, Inc.
1130 Estate Circle
Reno, NV 89511

All Star Auto Wrecking, Inc.
22521 Capay Road
Corning, CA 96021

Mr. Joe Cream, Sr.
All Star Auto Wrecking, Inc.
22521 Capay Road
Corning, CA 96021

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

Dear Sir:

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 All Star Auto Wrecking facility located at 22521 Capay Road, Corning, CA 96021 ("the Facility"). The Facility is owned and operated by All Star Auto Wrecking, Inc. and Mr. Joe Cream, Sr., collectively referred to herein as "All Star". The WDID identification number for the Facility is 5R52I019512. 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, its tributaries, and other California waters. This letter is being sent to you as the responsible owners, officers, or operators of the All Star facility.

This letter addresses All Star's unlawful discharges of pollutants from the Facility directly and indirectly into Rice Creek, which flows into and joins Sour Grass Creek before the combined flows join Burch Creek and ultimately drains into the Sacramento River and the Sacramento-San Joaquin Delta.¹ This letter addresses the ongoing

¹ All Star's Notice of Intent to Comply with the general Permit, filed with the RWQCB on May 7, 2005, states that the Facility discharges into Sour Creek. Based on the information gathered during its investigation,

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. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("General Industrial Storm Water Permit" or "General 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, All Star is 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 All Star 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 Industrial Storm Water Permit. These violations are described more fully below.

I. Background.

The All Star Auto Wrecking facility is classified as an automobile salvage yard under Standard Industrial Classification ("SIC") code 5015. The Facility receives, dismantles, stores, reclaims, processes and recycles automotive vehicles and automotive parts. The Facility also accepts vehicles for crushing and subsequent recycling. Other activities at the facility include the use, storage, and maintenance of heavy machinery. The Facility is a member of the NEST group monitoring plan. The Facility collects and discharges storm water from its industrial site through at least one discharge point to storm water drains which drain to Rice Creek, and ultimately, to the Delta. On May 7, 2005, All Star submitted a notice of intent to comply with the terms of the General Industrial Storm Water Permit.

Based on its review of available public documents, CSPA is informed and believes that All Star has failed to comply the terms of the General Permit by: (1) discharging storm water containing pollutants; (2) failing to implement an adequate monitoring and reporting plan; (3) failing to implement best management practices ("BMPs") using best available technology ("BAT") and best conventional technology ("BCT"); (4) failing to develop and implement an adequate Storm Water Pollution Prevention Plan; (5) failing to address discharges contributing to exceedances of Water Quality Standards; and (6) failing to file timely, true and correct annual reports with the

CSPA is informed and believes that the Facility actually discharges into Rice Creek, which flows into and joins Sour Creek.

Regional Water Quality Control Board. It is CSPA's intention, through this letter, to bring these violations to All Star's attention so that they may be resolved in a comprehensive and efficient manner.

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) 0.01 mg/L for arsenic, 0.1 mg/L for copper, 0.3 mg/L for iron, and 0.1 mg/L for zinc. *Id.* at III-4.00. 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 the following: zinc – 5.0 mg/L; copper – 1.0 mg/L; and iron – 0.3 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 – 1.0 mg/L (primary) and 0.2 mg/L (secondary); arsenic – 0.01 mg/L (primary); cadmium – 0.005 mg/L (primary); copper – 1.0 (secondary); iron – 0.3 mg/L; mercury 0.002 mg/L (primary); selenium – 0.05 mg/L (primary); and zinc – 5.0 mg/L. See California Code of Regulations, title 22, §§ 64431, 64449.

The 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 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 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) (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 Industrial Storm Water Permit also 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 All Star: pH – 6.0-9.0; total suspended solids – 100 mg/L; oil & grease – 15.0 mg/L; iron – 1.0 mg/L; lead – 0.0816 mg/L; aluminum – 0.75 mg/L; zinc – 0.117 mg/L; and copper – 0.0636 mg/L. The State Water Quality Control Board also proposed adding a benchmark level for specific conductance of 200 µmho/cm.

II. Pollutant Discharges in Violation of the NPDES Permit.

All Star 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 Industrial Storm Water Permit. Discharge Prohibition A(1) of the General Industrial Storm Water 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 Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

The General Permit further 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 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 Industrial Storm Water 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.

Based on its review of available public documents, CSPA is informed and believes that All Star failed to comply with the requirements of the General Permit and has continued to operate in violation of the General Permit. All Star's ongoing violations are discussed further below.

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

All Star has discharged, and continues to discharge, stormwater with unacceptable levels of total suspended solids, lead, zinc, and copper in violation of the General Industrial Storm Water 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. All Star'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. Confirmed Discharge of Storm Water Containing Total Suspended Solids (TSS) at Concentrations in Excess of EPA Multi-Sector Benchmark Values.

Date	Outfall Name	Outfall Location	Parameter	Concentration in Discharge	EPA Benchmark Value
01/21/2010	Unknown	NW Corner of the Facility	TSS	140 mg/L	100 mg/L

2. Confirmed Discharge of Storm Water Containing Lead (Pb) at Concentrations in Excess of EPA Multi-Sector Benchmark Values.

Date	Outfall Name	Outfall Location	Parameter	Concentration in Discharge	EPA Benchmark Value
01/21/2010	Unknown	NW Corner of the Facility	Pb	0.08 mg/L	0.0816 mg/L

4. Confirmed Discharge of Storm Water Containing Zinc (Zn) at Concentrations in Excess of EPA Multi-Sector Benchmark Values.

Date	Outfall Name	Outfall Location	Parameter	Concentration in Discharge	EPA Benchmark Value
01/21/2010	Unknown	NW Corner of the Facility	Zn	0.23 mg/L	0.117 mg/L

5. Confirmed Discharge of Storm Water Containing Copper (Cu) at Concentrations in Excess of EPA Multi-Sector Benchmark Values.

Date	Outfall Name	Outfall Location	Parameter	Concentration in Discharge	EPA Benchmark Value
01/21/2010	Unknown	NW Corner of the Facility	Cu	0.091 mg/L	0.0636 mg/L

CSPA's investigation, including its review of All Star's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of EPA's benchmark values indicates that All Star has not implemented BAT and BCT at the Facility for its discharges of total suspended solids (TSS), lead (Pb), zinc (Zn), copper (Cu), and other pollutants. These discharges are particularly troublesome in light of the fact that lead is listed as a chemical known to the State of California to cause cancer, or birth defects or other reproductive harm under the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65").

All Star was required to have implemented BAT and BCT by no later than October 1, 1992 or the start of its operations, but instead All Star is discharging polluted storm water associated with its industrial operations in violation of the General Permit without having implemented BAT and BCT. CSPA is informed and believes that All Star has known that its storm water contains pollutants at levels exceeding EPA Benchmarks and other water quality criteria since at least May 2, 2006. 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 2, 2006, and that

will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. The rain data attached hereto and incorporated herein as Attachment A, sets forth each of the specific rain dates on which CSPA alleges that All Star has discharged storm water containing impermissible levels of total suspended solids (TSS), lead (Pb), zinc (Zn), copper (Cu), and other 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 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, All Star is subject to penalties for violations of the General Industrial Storm Water Permit and the Act since May 2, 2006.

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

CSPA is informed and believes that available documents demonstrate All Star's consistent and ongoing failure to implement an adequate Monitoring & Reporting Plan in violation of Section B of the General Industrial Storm Water Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, All Star is subject to penalties for these violations of the General Industrial Storm Water Permit and the Act since May 2, 2006.

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 designated under SIC 5015, such as All Star, are also required to sample for iron, lead, and aluminum. In addition, 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 All Star has failed to develop and implement an adequate Monitoring & Reporting Plan. First, All Star has failed to analyze its storm water for all of the pollutants required for facilities classified under SIC 5015. All Star has also failed to analyze its storm water for all of the pollutants likely to be present in significant quantities in its storm water discharge. Second, All Star has failed to conduct monthly wet season visual inspections 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, All Star is subject to penalties for violations of the General Industrial Storm Water Permit and the Act since May 2, 2006. These violations are set forth in greater detail below.

1. All Star Has Failed to Analyze Its Storm Water for All Pollutants Likely to Be Present in Significant Quantities in Its Storm Water Discharge.

Section B(5)(c)(i) 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 designated under SIC 5015 such as All Star 5015 are also required to sample for iron, lead, and aluminum. Based on a review of All Star's Annual Reports submitted to the Regional Board, all Star has failed to test storm water samples for all of the required constituents. Specifically, All Star has not analyzed any of its storm water samples for iron or aluminum in the past five years.

In addition to the constituents that Section B(5)(c)(i) requires dischargers to test for, Section B(5)(c)(ii) of the General Permit also requires dischargers to analyze storm water samples for all "[t]oxic chemicals and other pollutants that are *likely to be present* in storm water discharges in significant quantities." Other pollutants likely to be present in the Facility's storm water discharges include: benzene, toluene, antimony, arsenic, boron, beryllium, cadmium, chromium, cobalt, manganese, mercury, molybdenum, nickel, selenium, silver, thallium and vanadium. All Star's failure to monitor these pollutants extends back to at least May 2, 2006. All Star's failure to monitor these other pollutants likely to be present in the Facility's storm water discharges has caused and continues to cause multiple separate and ongoing violations of the General Permit and the Act.

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 All Star. This failure to adequately monitor storm water discharges also constitutes separate and ongoing violations of the General Permit and the Clean Water Act.

2. All Star is Subject to Penalties for Its Failure to Conduct Monthly Wet Season Visual Inspections.

Sections B(3), B(4) and B(7) of the General Permit 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. According to Part G of each of the Annual Reports filed by All Star over the past five years, All Star has failed to conduct monthly wet season visual inspections as required by the permit. All Star's repeated failures constitute separate and ongoing violations of the General Permit and the Clean Water Act.

C. All Star Has Failed to Implement BAT and BCT.

Effluent Limitation B(3) of the General Industrial Storm Water 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 All Star has not implemented BAT and BCT at the Facility for its discharges of total suspended solids, lead, zinc, copper and other unmonitored pollutants in violation of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

To meet the BAT/BCT requirement of the General Permit, All Star 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 All Star 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. All Star has failed to implement such measures adequately.

All Star was required to have implemented BAT and BCT by no later than October 1, 1992, or the start of its operations. Therefore, All Star 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 All Star fails to implement BAT and BCT. All Star is subject to penalties for violations of the Order and the Act occurring since May 2, 2006.

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

Section A(1) 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, or the start of its operations. 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 waterbodies, 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 All Star has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. All Star has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. All Star has been in continuous violation of Section A(1) and Provision E(2) of the General Industrial Storm Water Permit every day since October 1, 1992, and will continue to be in violation every day that All Star fails to develop and implement an effective SWPPP.

All Star is subject to penalties for violations of the Order and the Act occurring since May, 2, 2006.

E. All Star 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, All Star is discharging elevated levels of total suspended solids, lead, zinc, copper and other unmonitored pollutants that are causing or contributing to exceedances of applicable water quality standards. For each of these pollutants, All Star 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. All Star has failed to do so.

Based on CSPA's review of available documents, All Star was aware of high levels of these pollutants prior to May 2, 2006. Nevertheless, the SWPPP and accompanying BMPs do not appear to have been altered as a result of the annual evaluation required by Section A(9). All Star has been in continuous violation of Receiving Water Limitation C(4)(a) and Sections C(11)(d) and A(9) of the General Industrial Storm Water Permit every day since May 2, 2006, and will continue to be in violation every day that All Star fails to prepare and submit the requisite reports, receives approval from the Regional Board and amends its SWPPP to include approved BMPs. All Star is subject to penalties for violations of the General Industrial Storm Water Permit and the Act occurring since May 2, 2006.

F. All Star Has Failed to File Timely, True and Correct 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).

CSPA's investigation indicates that All Star has signed and submitted incomplete Annual Reports and purported to comply with the General Industrial Storm Water Permit despite significant noncompliance at the Facility. As indicated above, All Star has failed to comply with the Permit and the Act consistently for at least the past five years; therefore, All Star has violated Sections A(9)(d), B(14) and C(9) & (10) of the Permit every time All Star submitted an incomplete, untimely, or incorrect annual report, that falsely certified compliance with the Act in the past five years. All Star's failure to submit true and complete reports constitutes continuous and ongoing violations of the Permit and the Act. All Star is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since May 2, 2006.

III. Persons Responsible for the Violations.

CSPA puts All Star Auto Wrecking, Inc. and Mr. Joe Cream, Sr. on notice that they are the persons or parties responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts All Star 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 All Star Auto Wrecking, Inc. and Mr. Joe Cream, Sr. to civil penalties 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. 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 All Star 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", is written over a horizontal line.

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

SERVICE LIST

All Star Auto Wrecking, Inc.
1130 Estate Circle
Reno, NV 8951

Mr. Joe Cream, Sr.
All Star Auto Wrecking, Inc.
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Jared Blumenfeld, Administrator
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Dorothy R. Rice, Executive Director
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Lisa Jackson, Administrator
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Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
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Pamela Creedon, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

ATTACHMENT A
Notice of Intent to File Suit
All Star Auto Wrecking, Inc.
Significant Rain Events, May 2, 2006 – May 2, 2011

May 19, 2006	January 8, 2008	March 4, 2009
May 21, 2006	January 9, 2008	April 9, 2009
November 2, 2006	January 11, 2008	May 1, 2009
November 10, 2006	January 21, 2008	May 2, 2009
November 26, 2006	January 22, 2008	May 4, 2009
December 8, 2006	January 23, 2008	June 3, 2009
December 9, 2006	January 24, 2008	June 11, 2009
December 11, 2006	January 25, 2008	October 12, 2009
December 12, 2006	January 26, 2008	October 13, 2009
December 21, 2006	January 31, 2008	October 19, 2009
December 26, 2006	February 2, 2008	November 17, 2009
February 7, 2007	February 22, 2008	November 20, 2009
February 8, 2007	February 23, 2008	December 10, 2009
February 9, 2007	February 24, 2008	December 11, 2009
February 10, 2007	October 3, 2008	December 12, 2009
February 12, 2007	October 30, 2008	December 15, 2009
February 21, 2007	October 31, 2008	December 21, 2009
February 24, 2007	November 1, 2008	December 26, 2009
April 11, 2007	November 3, 2008	January 11, 2010
April 13, 2007	December 14, 2008	January 16, 2010
April 14, 2007	December 15, 2008	January 17, 2010
April 21, 2007	December 23, 2008	January 18, 2010
July 17, 2007	December 24, 2008	January 19, 2010
July 18, 2007	January 21, 2009	January 20, 2010
September 19, 2007	January 22, 2009	January 21, 2010
September 22, 2007	January 25, 2009	January 24, 2010
October 9, 2007	February 5, 2009	January 25, 2010
October 19, 2007	February 10, 2009	February 1, 2010
November 10, 2007	February 14, 2009	February 4, 2010
December 3, 2007	February 15, 2009	February 5, 2010
December 6, 2007	February 16, 2009	February 6, 2010
December 17, 2007	February 17, 2009	February 8, 2010
December 18, 2007	February 21, 2009	February 23, 2010
December 19, 2007	February 22, 2009	February 26, 2010
December 27, 2007	February 23, 2009	March 2, 2010
December 28, 2007	February 28, 2009	March 3, 2010
January 3, 2008	March 1, 2009	March 12, 2010
January 4, 2008	March 2, 2009	April 2, 2010

ATTACHMENT A
Notice of Intent to File Suit
All Star Auto Wrecking, Inc.
Significant Rain Events, May 2, 2006 – May 2, 2011

April 4, 2010	November 20, 2010	February 14, 2011
April 11, 2010	November 26, 2010	February 15, 2011
April 12, 2010	December 2, 2010	February 16, 2011
April 19, 2010	December 5, 2010	February 17, 2011
April 20, 2010	December 8, 2010	February 18, 2011
April 28, 2010	December 13, 2010	February 24, 2011
May 10, 2010	December 17, 2010	March 1, 2011
May 27, 2010	December 18, 2010	March 5, 2011
June 6, 2010	December 19, 2010	March 6, 2011
September 8, 2010	December 21, 2010	March 13, 2011
October 5, 2010	December 25, 2010	March 15, 2011
October 22, 2010	December 28, 2010	March 17, 2011
October 23, 2010	December 31, 2010	March 18, 2011
October 24, 2010	January 1, 2011	March 19, 2011
October 27, 2010	January 11, 2011	March 22, 2011
October 28, 2010	January 13, 2011	March 24, 2011
October 29, 2010	January 29, 2011	March 25, 2011
November 6, 2010	February 13, 2011	