March 13, 2014

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2301 Napa-Vallejo Highway
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Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of California Sportfishing Protection Alliance ("CSPA") regarding violations of the Clean Water Act[1] and California's General Industrial Storm Water Permit[2] occurring at the Syar ready mix concrete facility located at 960 Gladding Road, Lincoln, California 95648 (hereinafter the "Syar Lincoln Facility" or "Facility"). The purpose of this letter is to put the owner(s) and/or operator(s) of the Syar Lincoln Facility on notice of the violations of the Storm Water Permit occurring at the Facility, including but not limited to the discharges of polluted storm water from the Syar Lincoln Facility into local water bodies. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the owners and/or operators of the Syar Lincoln Facility are liable for violations of the Storm Water Permit and the Clean Water Act.

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution 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 (hereinafter "Storm Water Permit").

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to sue. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2. This letter is being sent to you as the Syar Lincoln Facility owners and/or operators, or as the registered agent for these entities. By this letter, issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, CSPA puts the Syar Lincoln Facility owners and/or operators on notice that after the expiration of sixty (60) days from the date of this letter, we intend to file an enforcement action in federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. Background.

A. California Sportfishing Protection Alliance.

CSPA is a 501(c)(3) non-profit public benefit conservation and research organization. CSPA was established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife, fishery resources, aquatic ecosystems, and associated riparian habitats. CSPA accomplishes its mission by actively seeking federal, state, and local agency implementation of environmental regulations and statutes and routinely participates in administrative, legislative, and judicial proceedings. When necessary, CSPA directly initiates enforcement actions on behalf of itself and its members to protect public trust resources. CSPA's office is located at 3536 Rainier Avenue, Stockton, California 95204.

The owners and/or operators of the Syar Lincoln Facility have discharged, and continue to discharge, polluted storm water to the Markham Ravine, which flows to the Auburn Ravine, and ultimately the Sacramento River (collectively the "Receiving Waters"). The Syar Lincoln Facility's discharges of polluted storm water degrade water quality and harm aquatic life in the Receiving Waters. Members of CSPA live, work, and/or recreate near the Receiving Waters. For example, CSPA members use and enjoy the Receiving Waters for fishing, boating, swimming, bird watching, picnicking, viewing wildlife, and engaging in scientific study. The unlawful discharge of pollutants from the Syar Lincoln Facility impairs each of these uses. Further, the Syar Lincoln Facility's discharges of polluted storm water are ongoing and continuous. As a result, CSPA's members' use and enjoyment of the Receiving Waters has been and continues to be adversely impacted. Thus, the interests of CSPA's members have been, are being, and will continue to be adversely affected by the failure of the Syar Lincoln Facility owners and/or operators to comply with the Storm Water Permit and the Clean Water Act.

B. The Owners and/or Operators of the Syar Lincoln Facility.

Information available to CSPA indicates that Syar Concrete, LLC is an owner and/or operator of the Syar Lincoln Facility. Information available to CSPA also indicates that Syar Industries, Inc. is an owner and/or operator of the Syar Lincoln Facility. Syar Concrete, LLC is a

wholly owned subsidiary of Syar Industries, Inc. CSPA refers to Syar Concrete, LLC and Syar Industries, Inc. collectively as the "Syar Lincoln Facility Owners and/or Operators." According to information available from the California Secretary of State, the registered agent for service of process for Syar Concrete, LLC and Syar Industries, Inc. is Ralston P. Roberts, 2301 Napa Vallejo Highway, Napa, California 94558.

C. The Syar Lincoln Facility's Coverage Under the Storm Water Permit.

The Syar Lincoln Facility Owners and/or Operators first submitted a Notice of Intent ("NOI") to obtain Storm Water Permit coverage to the State Water Resources Control Board on October 29, 2009 ("2009 NOI"). The 2009 NOI indicates that the Syar Lincoln Facility is approximately 3.1 acres in size. The NOI lists the Syar Lincoln Facility's Standard Industrial Classification ("SIC") code of regulated activity as 3273 (Ready Mix Concrete Manufacture).

The Syar Lincoln Facility Owners and/or Operators filed a notice of termination ("NOT") on September 27, 2012, indicating their intent to terminate coverage under the Storm Water Permit for the Syar Lincoln Facility because the Facility had closed. The Regional Board granted this NOT on October 10, 2012, stating "should site conditions change such that coverage under the Storm Water General Permit is again necessary, you must submit a new notice of intent, site map, and appropriate fee." Less than three months later, the Syar Lincoln Facility Owners and/or Operators submitted an NOI ("2012 NOI"), listing the Facility to be approximately 3.1 acres in size and identifying the Facility's SIC code of regulated activity as 3273.

D. Storm Water Pollution and Its Impacts on the Sacramento-San Joaquin Delta Watershed.

With every significant rainfall event, millions of gallons of polluted rainwater, originating from industrial facilities such as the Syar Lincoln Facility, pour into storm drains and surface waters in California. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. This discharge of pollutants, which includes discharges from industrial facilities, contributes to the impairment of downstream waters and aquatic dependent wildlife.

Polluted storm water discharges from ready mix concrete manufacturing facilities can carry pollutants such as sediment (or total suspended solids ("TSS")); dust and particulates; petroleum hydrocarbons; pesticides; metals such as mercury, zinc, copper, iron, aluminum, and lead; and pH-affecting substances. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Polluted storm water discharges to surface waters pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The California Regional Water Quality Control Board, Central Valley Region ("Regional Board") has issued its Water Quality Control Plan for the Sacramento and San Joaquin River Basins ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for the Receiving Waters include: agriculture supply (AGR), municipal and domestic supply (MUN), water contact recreation (REC 1), non-contact water

recreation (REC 2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), wildlife habitat (WILD), migration of aquatic organisms (MIGR), spawning, reproduction and development (SPWN), and navigation (NAV). *See* Basin Plan at II-1.00 – II-8.00.

A water body is impaired pursuant to section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d), when its Beneficial Uses are not being achieved due to the presence of one or more pollutants. Downstream of the Syar Lincoln Facility, the Sacramento River is impaired by mercury and unknown toxicity.[3] Polluted storm water discharges from industrial facilities, such as the Syar Lincoln Facility, contribute to the impairment of surface waters, including the Receiving Waters, and harm aquatic dependent wildlife.

E. The Industrial Activities at the Syar Lincoln Facility and Associated Pollutants.

Information available to CSPA indicates that the following industrial operations are conducted at the Syar Lincoln Facility: production of ready mix concrete (including moving raw materials with conveyors and machinery, preparing concrete, and depositing concrete in mixer trucks); maintenance and lubrication of concrete mixer trucks and associated industrial equipment; vehicle and equipment cleaning (including wash-out of concrete mixer trucks); waste material storage in dumpsters and other containers prior to disposal; and raw material storage (including cement, fly ash, rock, sand silt, and/or clay). Information available to CSPA indicates that the Syar Lincoln Facility Owners and/or Operators also generate and store hazardous waste such as batteries, hydraulic oil, waste oil, used antifreeze, and waste gasoline.

Each of these activities or materials is a potential source of pollutants at the Syar Lincoln Facility. Information available to CSPA indicates that many, if not all, of the industrial operations and associated material storage at the Syar Lincoln Facility are conducted outdoors without adequate cover or other measures to prevent storm water exposure to pollutant sources, and without adequate secondary containment or other measures to prevent polluted storm water from discharging from the Syar Lincoln Facility. Further, a lack of effective best management practices ("BMPs") to address spills of aggregate, concrete, and other materials and products, as well as leaks and spills resulting from vehicle maintenance, results in the disbursement of pollutants associated with production of ready mix concrete and vehicle maintenance throughout the Syar Lincoln Facility.

The pollutants associated with operations at the Syar Lincoln Facility include, but are not limited to: sediment; dust and particulates; petroleum hydrocarbons; coolant; used oil filters; waste antifreeze; used oil; sulfuric acid; solvents; pesticides; recycled water used in concrete production; hydraulic fluids; cement; fly ash; diesel fuel; motor oil; metals such as mercury, zinc, copper, iron, aluminum, and lead; biological oxygen demand-affecting substances; chemical oxygen demand-affecting substances; and pH-affecting substances.

[3] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on August 27, 2013).

Information available to CSPA also indicates that the pollutants and pollutant sources identified above have been and continue to be deposited in and around and/or tracked throughout the Syar Lincoln Facility. The pollutants accumulate at the storm water discharge points and the driveways to Gladding Road. As a result, trucks and vehicles leaving the Syar Lincoln Facility via driveways track sediment, dirt, oil and grease, metal particles and other pollutants off-site.

F. The Syar Lincoln Facility's Failure to Implement BMPs and Associated Discharges of Pollutants.

The Syar Lincoln Facility Owners and/or Operators report that there are two (2) discharge locations at the Facility, identified as Outfall A and Outfall B. Information available to CSPA indicates there is at least two (2) additional storm water discharge points at the driveways to the Facility from Gladding Road.

Outfall A is a pipe that originates at a drop inlet in the northeast area of the Facility and discharges directly to Markham Ravine. Outfall A discharges storm water exposed to pollutants in the eastern portion of the Facility, which contains the aggregate storage area, cement storage area, concrete batch plant, concrete fines, reclaimed water storage area, other raw and waste material storage areas, and paved areas where pollutants from throughout the Facility are tracked and spilled.

Outfall B is a drainage swale that flows to a roadside ditch on State Highway 65 (the western site boundary) that discharges to Markham Ravine. Outfall B discharges storm water exposed to pollutants in the western portion of the Facility, which contains the process water storage area, raw material storage area, shop and maintenance building, paved areas where maintenance is performed outdoors, and paved areas where pollutants from throughout the Facility are tracked and spilled.

The Syar Lincoln Facility Owners and/or Operators have not properly developed and/or implemented the required BMPs to address pollutant sources, prevent the exposure of pollutants to storm water, and prevent the subsequent discharge of polluted storm water from the Syar Lincoln Facility during rain events. Consequently, during rain events, storm water carries pollutants from the Syar Lincoln Facility's uncovered and exposed areas of industrial activity into the Receiving Waters. These discharges negatively impact the Receiving Waters and CSPA's members' use and enjoyment of the Receiving Waters.

The Syar Lincoln Facility Owners' and/or Operators' failure to develop and/or implement BMPs required by the Storm Water Permit to reduce or eliminate pollutant levels in discharges is documented by regulatory agencies. Specifically, the Regional Board has issued at least two (2) letters to the Syar Lincoln Facility Owners and/or Operators notifying them of their Storm Water Permit violations and required corrective actions. For example, in 2010, after the Syar Lincoln Facility had only been in operation for one year, the Regional Board notified the Syar Lincoln Facility Owners and/or Operators that their sample results indicated levels of pollutants in storm

water discharges above Benchmark Levels,[4] and directed the Syar Lincoln Facility Owners and/or Operators to modify its BMPs and/or implement new BMPs to reduce or eliminate the discharge of pollutants. While the Syar Lincoln Facility Owners and/or Operators did make some changes to their storm water pollution management practices, these changes proved insufficient.

In April 2012, the Regional Board issued a Water Code § 13267 Order for Technical Report for the Syar Lincoln Facility ("13267 Order") to the Syar Lincoln Facility Owners and/or Operators. The 13267 Order stated that the discharges from the Facility in 2010-2011 continued to exceed Benchmark Levels. The 13267 Order further required the Syar Lincoln Facility Owners and/or Operators to review past sampling data, annual reporting, and current BMPs, and modify existing BMPs and/or implement new BMPs to reduce or eliminate the discharge of pollutants as necessary to comply with the Storm Water Permit. The Regional Board also noted that the 2010-2011 Annual Report "failed to address any review of, or changes to, BMPs at [the Facility] regarding the [noted] benchmark exceedences," and added that this failure is a violation of the Storm Water Permit. The Syar Lincoln Facility Owners and/or Operators responded, stating it had made some efforts to improve the quality of storm water discharging from the Facility. However, the sampling results from the 2011-2012 and 2012-2013 Wet Seasons (defined by the Storm Water Permit as October 1 – May 30) indicate that discharges from the Facility continue to exceed Benchmark Levels and applicable water quality standards for at least the following pollutants: iron, aluminum, total nitrogen, and pH. *See* Exhibit A (table identifying sample results of the Syar Lincoln Facility's storm water discharges containing concentrations of pollutants in excess of Benchmark Levels). Together these sample results and evidence of failures to develop and/or implement an adequate Storm Water Pollution Prevention Plan ("SWPPP") and Monitoring and Reporting Program ("M&RP") indicate that the required corrective actions were not taken and the Facility continues to be operated in violation of the Storm Water Permit.

II. Violations of the Clean Water Act and the Storm Water Permit.

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Storm Water Permit, Fact Sheet at VII.

A. Discharges of Polluted Storm Water from the Syar Lincoln Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit.

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants[5] and best conventional pollutant control technology ("BCT") for

[4] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*, as modified effective May 27, 2009.
[5] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

conventional pollutants.[6] Benchmark Levels are relevant and objective standards to evaluate whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.[7]

Sampling at the Syar Lincoln Facility demonstrates that storm water discharges contain concentrations of pollutants above Benchmark Levels. *See* Exhibit A. The repeated and significant exceedances of Benchmark Levels demonstrate that the Syar Lincoln Facility Owners and/or Operators have not implemented BMPs at the Syar Lincoln Facility that achieve compliance with the BAT/BCT standards. In addition, the files at the Regional Board demonstrate that the Syar Lincoln Facility Owners and/or Operators have been notified on more than one occasion that the storm water discharging from the Facility contains excess levels of pollutants, and that the BMPs at the Facility fail to achieve compliance with the BAT/BCT standard. Despite these notices form the Regional Board, the Syar Lincoln Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs to prevent the exposure of pollutants to storm water and to prevent discharges of polluted storm water from the Syar Lincoln Facility, in violation of Effluent Limitation B(3) of the Storm Water Permit.

Information available to CSPA indicates that the Syar Lincoln Facility Owners and/or Operators violate Effluent Limitation B(3) of the Storm Water Permit for failing to develop and/or implement BMPs that achieve BAT/BCT each time storm water is discharged from the Syar Lincoln Facility. *See e.g.*, Exhibit B (setting forth dates of rain events resulting in a discharge at the Facility).[8] These discharge violations are ongoing and will continue each day the Syar Lincoln Facility Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. CSPA will update the number and dates of violation when additional information and data becomes available. Each time the Syar Lincoln Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 29, 2009.

B. Discharges of Polluted Storm Water in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit.

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or ground water that adversely impact human health or the environment. Discharges that contain pollutants in

[6] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.
[7] *See* EPA Storm Water Multi-Sector Permit (2008), Fact Sheet, p. 106; *see also*, EPA Storm Water Multi-Sector Permit, 65 Federal Register 64839 (2000).
[8] Exhibit B sets forth dates of significant rain events as measured at the Sacramento Metro Airport rain gauge from November 17, 2009 to March 5, 2014. A significant rain event is defined by EPA as a rainfall event generating 0.1 inches or more of rainfall, which generally results in measurable discharges at a typical industrial facility.

concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard ("WQS").[9] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Information available to CSPA indicates that the Syar Lincoln Facility's storm water discharges contain elevated concentrations of pollutants, including but not limited to copper, aluminum, lead, iron, and chromium, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Discharges of elevated concentrations of pollutants in the storm water from the Syar Lincoln Facility also adversely impact human health. These harmful discharges from the Syar Lincoln Facility are violations of Receiving Water Limitation C(1).

Information available to CSPA further indicates that the Syar Lincoln Facility's storm water discharges contain concentrations of pollutants that cause or contribute to an exceedance of applicable WQSs, in violation of Receiving Water Limitation C(2). For example, storm water discharges from the Syar Lincoln Facility on December 12, 2009 and January 20, 2012 contained levels of chromium VI that exceeded the applicable WQS set forth in the CTR. Likewise, discharges on February 24, 2010 and February 17, 2011 contained levels of copper that exceeded applicable the WQS set forth in the CTR. Discharges on December 11, 2009, January 25, 2010, February 24, 2010, December 6, 2010, February 17, 2011, March 15, 2011, January 20, 2012, January 23, 2012, February 19, 2013, and March 20, 2013 exceeded the iron standard set forth in the Basin Plan. Samples of the Facility's storm water discharges on December 11, 2009, February 17, 2011, January 20, 2012, March 14, 2012, February 19, 2013, and March 20, 2013 had a pH level outside the acceptable range as set forth in the Basin Plan. At a minimum, each of these samples demonstrates a violation of Receiving Water Limitations C(1) and/or C(2). Further, information available to CSPA indicates that the storm water discharges from the Syar Lincoln Facility violate Receiving Water Limitations C(1) and/or C(2) each time storm water is discharged from the Facility.

Information available to CSPA indicates that the storm water discharges from the Syar Lincoln Facility violate Receiving Water Limitations C(1) and/or C(2) each time storm water is discharged from the Facility. These violations are ongoing, and will continue each time contaminated storm water is discharged in violation of the Receiving Water Limitation C(1) and/or C(2) of the Storm Water Permit. Each time discharges of storm water from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and Section 301(a) of the Clean

[9] As explained above in Section I.D, the Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to the impairment of the Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and the water quality objectives in the Basin Plan.

Water Act, 33 U.S.C. §1311(a). Each time discharges of storm water from the Syar Lincoln Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). CSPA will update the number and dates of violation when additional information becomes available. The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 29, 2009.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Syar Lincoln Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. *See* Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9), and must be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and (10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Storm Water Permit, Section A(4)); a list of significant materials handled and stored at the site (*see* Storm Water Permit, Section A(5)); a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may occur (*see* Storm Water Permit, Section A(6)). Sections A(7) and A(8) of the Storm Water Permit require 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.

Information available to CSPA indicates that the Syar Lincoln Facility Owners and/or Operators have been conducting operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, the Syar Lincoln Facility Owners and/or Operators failed to create a site map that includes all the information required by Section A(4) of the Storm Water Permit. The Syar Lincoln Facility Owners and/or Operators have also failed and continue to fail to develop and/or implement a SWPPP that contains BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Facility, as

required by the Storm Water Permit. The SWPPP inadequacies are documented by the continuous and ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit. *See, e.g.,* Exhibit A. The Regional Board has also notified the Syar Lincoln Facility Owners and/or Operators that the levels of pollutants in their storm water discharges require them to improve BMPs in order to comply with the Storm Water Permit. However, the Syar Lincoln Facility Owners and/or Operators continue to respond to the Regional Board notices with inadequate BMP modifications.

The Syar Lincoln Facility Owners and/or Operators have also not revised the SWPPP as required by the Storm Water Permit. For example, even though the Regional Board has notified the Syar Lincoln Facility Owners and/or Operators twice that their sampling results indicate the Facility's BMPs are inadequate, and every year sampling results indicate that the BMPs are inadequate (as demonstrated by annual Benchmark Level and WQS exceedences), the Syar Lincoln Facility Owners and/or Operators only modified the Facility SWPPP one time since 2009. Further, the Syar Lincoln Facility Owners and/or Operators have never developed a SWPPP that contains site-specific information required by the Storm Water Permit.

The Syar Lincoln Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of Section A and Provision E(2) of the Storm Water Permit. Every day the Syar Lincoln Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Syar Lincoln Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least October 29, 2009. These violations are ongoing, and CSPA will include additional violations when information becomes available. The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 29, 2009.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program.

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate M&RP by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and must be evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id*.

Sections B(3) – B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm

water discharges from one storm event per month during the Wet Season. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. *See* Storm Water Permit, Sections B(3) and B(4). Dischargers must also revise the SWPPP in response to these observations to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id*., Section B(4).

Sections B(5) and B(7) of the Storm Water Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under Section B(5) of the Storm Water Permit, the facility owners and/or operators are required to collect at least two (2) samples from each discharge location at their facility during the Wet Season. Storm water samples must be analyzed for TSS, pH, specific conductance, total organic carbon or oil and grease, and other pollutants that are likely to be present in the facility's discharges in significant quantities. *See* Storm Water Permit, Section B(5)(c). The Storm Water Permit requires facilities classified as SIC Code 3273, such as the Syar Lincoln Facility, to also analyze storm water samples for iron. *Id*.; *see also* Storm Water Permit, Table D, Sector E.

Information available to CSPA, including review of Annual Reports, indicates that the Syar Lincoln Facility Owners and/or Operators have been conducting operations at the Facility with an inadequately developed and/or implemented M&RP, and have failed to revise the M&RP as required by the Storm Water Permit. Specifically, each year since at least the 2009/2010 Wet Season, the Syar Lincoln Facility Owners and/or Operators have failed to comply with the Storm Water Permit's requirements for observations of unauthorized and authorized non-storm water discharges, visual observations of storm water discharges, and sample collection and analysis. *See* Syar Lincoln Facility 2008/2009 – 2012/2013 Annual Reports; *see also* Storm Water Permit, Section B (monitoring requirements). For example, the Syar Lincoln Facility Owners and/or Operators failed to make visual observations of storm water discharges from one storm event per month, and failed to conduct visual observations at each discharge location. The Syar Lincoln Facility Owners and/or Operators also failed and continue to fail to sample and analyze storm water as required by the Storm Water Permit. For example, storm water samples have not been collected from each discharge location at the Facility during two storm events per Wet Season, and the samples that were collected were not analyzed for all pollutants associated with the Facility's industrial activities, such as mercury, as required by the Storm Water Permit.

In addition, the M&RP in the Facility's March 2012 SWPPP is inadequate. Rather than provide details specific to the Facility, the M&RP simply recites the requirements of the Storm Water Permit. Non-specific recitation of general regulatory obligations does not meet the requirements of the Storm Water Permit. These failures to comply with the Storm Water Permit's requirements demonstrate the inadequacies of the M&RP and the failure to properly implement the M&RP at the Facility.

The Syar Lincoln Facility Owners' and/or Operators' failure to conduct sampling, monitoring, and reporting as required by the Storm Water Permit demonstrates that they have

failed to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the Syar Lincoln Facility Owners and/or Operators conduct operations in violation of the specific monitoring and reporting requirements of the Storm Water Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Syar Lincoln Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least October 29, 2009. These violations are ongoing, and CSPA will include additional violations when information becomes available. The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 29, 2009.

E. Failure to Comply with the Storm Water Permit's Reporting Requirements.

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13).

Since at least the 2009/2010 Annual Report, the Syar Lincoln Facility Owners and/or Operators have failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements, including filing incomplete Annual Reports that do not provide the information required by the Storm Water Permit. For example, each Annual Report since 2009/2010 indicates that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to CSPA, including a review of the Regional Board's files and the Syar Lincoln Facility storm water sampling data, indicates that these certifications by the Syar Lincoln Facility Owners and/or Operators are erroneous, because they have not developed and/or implemented adequate BMPs or revised the SWPPP, resulting in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations.

In addition, as explained above, the Regional Board has notified the Syar Lincoln Facility Owners and/or Operators as far back as 2010 that BMPs at the Syar Lincoln Facility needed review and improvement. However, information available to CSPA indicates that these required improvements have not occurred, even though the Syar Lincoln Facility Owners and/or Operators have certified in their Annual Reports that all required BMPs have been developed and implemented, and that the Syar Lincoln Facility is in compliance with the Storm Water Permit. Thus, the Syar Lincoln Facility Owners and/or Operators have failed and continue to fail to report as required by the Storm Water Permit.

The Syar Lincoln Facility Owners and/or Operators also failed and continue to fail to provide the explanations required by the Annual Report when they do not comply with the Storm Water Permit's terms. For example, the Annual Report Section E: *Sampling and Analysis Results* requires that an explanation be provided if two (2) samples are not collected, if the first rain event was not sampled, or if a sample was not collected from each discharge location. Yet when the Syar Lincoln Facility Owners and/or Operators do not sample as required by the Storm Water Permit, they do not provide complete or adequate explanation for their non-compliance. Moreover, the Annual Reports for the Syar Lincoln Facility consistently exhibit the Syar Lincoln Facility Owners' and/or Operators' Storm Water Permit violations, thereby demonstrating the inadequacies of the M&RP and/or the failure to properly implement the M&RP at the Facility. Despite these self-reported violations, the Syar Lincoln Facility Owners and/or Operators improperly certified that the Syar Lincoln Facility is in compliance with the Storm Water Permit. *See e.g.* 2010/2011 Annual Report, Section J: *ACSCE Certification*.

Information available to CSPA indicates that the Syar Lincoln Facility Owners and/or Operators have submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Syar Lincoln Facility Owners and/or Operators are in daily violation of the Storm Water Permit. Every day the Syar Lincoln Facility Owners and/or Operators conduct operations at the Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Syar Lincoln Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least October 29, 2009. These violations are ongoing. The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 29, 2009.

F. Failure to Comply with Regional Board's 13267 Order.

The Clean Water Act allows citizen suits to enforce orders issued with respect to an "effluent standard or limitation," as defined in section 505(f) of the Clean Water Act, 33 U.S.C. § 1365(f). An NPDES permit, such as the Storm Water Permit, is a standard or limitation. 33 U.S.C. § 1365(f)(6). The 13267 Order was issued by the Regional Board based on its authority in section 13267 of California's Water Code to enforce the Storm Water Permit and to investigate water quality as it relates to discharges under the Storm Water Permit. *See* Cal. Water Code Section 13267. Thus, violations of the 13267 Order are subject to citizen enforcement under the Clean Water Act.

The 13267 Order relates to the Syar Lincoln Facility Owners' and/or Operators' continued discharges of pollutants, failure to develop adequate BMPs, and failure to properly revise the Facility's SWPPP and M&RP, and requires specific action be taken by the Syar Lincoln Facility Owners and/or Operators. Specifically, the Regional Board's 13267 Order required the Syar Lincoln Facility Owners and/or Operators to respond to the 13267 Order by May 14, 2014, that addresses the following items: (1) review past Annual Reports and identify the number of consecutive years that the facility had exceeded Benchmark Levels; (2) identify sources of pollutants at the Facility that contribute to the exceedances of Benchmark Levels; (3)

review existing BMPs and maintenance records; (4) modify existing BMPs or implement new BMPs to reduce or eliminate the discharge of each of the pollutants listed in the 13267 Order, which are pH, Iron, Nitrate + Nitrite Nitrogen, and Aluminum; (5) submit an updated SWPPP, SWPPP site map, and M&RP that reflects the required BMP improvements, and; (6) submit a technical report describing the corrective measures and improved BMPs that have been or will be implemented at the Facility, which includes an implementation schedule for the corrective measures that cannot be completely implemented by the May 14, 2014 deadline.

The Syar Lincoln Facility Owners and/or Operators did not file a response to the 13267 Order until May 18, 2012 ("Syar Response"), past the Regional Board's deadline. Moreover, the Syar Response did not adequately address items 2, 4, 5, and 6, in the 13267 Order. Specifically, the Syar Lincoln Facility Owners and/or Operators are in violation of the 13267 Order by failing to (1) identify the sources at the Facility that contributed to the Benchmark Level exceedances (2) modify existing BMPs or implement new BMPs to reduce or eliminate the discharge of **each** of the pollutants listed in the 13267 Order; (3) submit an updated SWPPP, SWPPP map and/or M&RP that reflects the improved BMPs; and (4) provide a description of the corrective actions that have been or will be implemented to address the Benchmark Level exceedances. The Syar Response is simply a summary of past BMPs that have been implemented at the Facility, it does not list any specific parameters that it has exceeded, and which are the subject of the Regional Board's 13267 Order, or how any of the existing BMPs might address exceedances of the Benchmark Levels. The Syar Response also notes that it will not revise the SWPPP to address BMPs that have been implemented prior to the 2011/2012 Wet Season until after the annual comprehensive site evaluation is conducted in June 2012. Not only does this violate the 13267 Order, it also violates the Storm Water Permit's SWPPP revision requirements. *See* Storm Water Permit, Section A(10)(b) and (10)(d). Finally, the Syar response fails to identify what modifications to existing BMPs, or what new BMPs are needed, to reduce or eliminate the discharge of each of the pollutants listed in the 13267 Order. As stated above, Syar's Response does not connect any existing BMP to any pollutant in the Facility's discharge. Moreover, the Syar Response contradicts the 13267 Order when it states that BMP modification is "judged over several storm events or at the end of a storm water season," which is directly contrary to the 13267 Order, and the Storm Water Permit requirements.

The Syar Lincoln Facility Owners and/or Operators have failed to submit a technical report that complies with the Regional Board's 13267 Order. Every day the Syar Lincoln Facility fail to submit a technical report that complies with the 13267 Order is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Syar Lincoln Facility Owners and/or Operators have been in daily and continuous violation of the 13267 Order and Storm Water Permit since May 14, 2012. These violations are ongoing, and CSPA will include additional violations when information becomes available. The Syar Lincoln Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since violations began on May 14, 2012.

III. Relief and Penalties Sought for Violations of the Clean Water Act.

Pursuant to Section 309(d) of the Clean Water 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 Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), CSPA will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

IV. Conclusion

Upon expiration of the 60-day notice period, CSPA will file a citizen suit under Section 505(a) of the Clean Water Act for the Syar Lincoln Facility Owners' and/or Operators' violations of the Storm Water Permit. During the 60-day notice period, however, CSPA is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact CSPA. Please direct all communications to CSPA's legal counsel:

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Sincerely,

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Exhibit A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance
2009/2010 WET SEASON						
12/11/09 7:35	Aluminum Total	Outfall A	2700	ug/L	750	3.6
12/11/09 7:35	Chromium (VI)	Outfall A	18	ug/L	unknown	0
12/11/09 7:35	Electrical Conductivity @ 25 Deg. C	Outfall A	235	umhos/cm	200	1.175
12/11/09 7:35	Iron Total	Outfall A	2700	ug/L	1000	2.7
12/11/09 7:35	N+N	Outfall A	2.85	mg/L	0.68	4.191176471
12/11/09 7:35	pH	Outfall A	10.18	SU	6.0-9.0	0
12/11/09 7:35	Total Suspended Solids (TSS)	Outfall A	386	mg/L	100	3.86
1/12/10 8:00	N+N	Outfall A	1.23	mg/L	0.68	1.808823529
1/25/10 14:00	Aluminum Total	Outfall B	1000	ug/L	750	1.333333333
1/25/10 14:00	Iron Total	Outfall B	1200	ug/L	1000	1.2
2/24/10 9:00	Aluminum Total	Outfall B	1800	ug/L	750	2.4
2/24/10 9:00	Copper Total	Outfall B	13	ug/L	12.3	1.056910569
2/24/10 9:00	Electrical Conductivity @ 25 Deg. C	Outfall B	326	umhos/cm	200	1.63
2/24/10 9:00	Iron Total	Outfall B	2200	ug/L	1000	2.2

2/24/10 9:00	N+N	Outfall B	3.5	mg/L	0.68	5.147058824
2010/2011 WET SEASON						
12/6/10 9:05	Electrical Conductivity @ 25 Deg. C	Outfall B	224	umhos/cm	200	1.12
12/6/10 9:05	N+N	Outfall B	2.2	mg/L	0.68	3.235294118
12/20/10 6:30	Aluminum Total	Outfall A	890	ug/L	750	1.186666667
12/20/10 6:30	Electrical Conductivity @ 25 Deg. C	Outfall A	258	umhos/cm	200	1.29
12/20/10 6:30	N+N	Outfall A	0.87	mg/L	0.68	1.279411765
2/17/11 9:45	Aluminum Total	Outfall A	1700	ug/L	750	2.266666667
2/17/11 9:45	Iron Total	Outfall A	1900	ug/L	1000	1.9
2/17/11 9:45	pH	Outfall A	9.96	SU	6.0-9.0	0
2/17/11 10:00	Aluminum Total	Outfall B	4800	ug/L	750	6.4
2/17/11 10:00	Copper Total	Outfall B	16	ug/L	12.3	1.300813008
2/17/11 10:00	Electrical Conductivity @ 25 Deg. C	Outfall B	249	umhos/cm	200	1.245
2/17/11 10:00	Iron Total	Outfall B	6300	ug/L	1000	6.3
2/17/11 10:00	N+N	Outfall B	3.1	mg/L	0.68	4.558823529
3/15/11 7:00	Aluminum Total	Outfall A	1600	ug/L	750	2.133333333

3/15/11 7:00	Electrical Conductivity @ 25 Deg. C	Outfall A	236	umhos/cm	200	1.18
3/15/11 7:00	Iron Total	Outfall A	1300	ug/L	1000	1.3
3/15/11 7:00	N+N	Outfall A	1.5	mg/L	0.68	2.205882353
2011/2012 WET SEASON						
1/20/12 13:30	Aluminum Total	Outfall A	1.2	mg/L	0.75	1.6
1/20/12 13:30	Chromium (VI)	Outfall A	20	ug/L	unknown	0
1/20/12 13:30	Iron Total	Outfall A	1500	ug/L	1000	1.5
1/20/12 13:30	N+N	Outfall A	1.07	mg/L	0.68	1.573529412
1/23/12 8:00	Aluminum Total	Outfall B	0.78	mg/L	0.75	1.04
1/23/12 8:00	Iron Total	Outfall B	1100	ug/L	1000	1.1
1/23/12 8:00	N+N	Outfall B	1.1	mg/L	0.68	1.617647059
3/14/12 7:00	pH	Outfall A	9.1	SU	6.0-9.0	0
3/14/12 7:10	N+N	Outfall B	1	mg/L	0.68	1.470588235
4/26/12 5:30	N+N	Outfall A	0.74	mg/L	0.68	1.088235294
2012/2013 WET SEASON						
2/19/13 12:00	Aluminum Total	Outfall A	3.7	mg/L	0.75	4.933333333

2/19/13 12:00	Iron Total	Outfall A	4500	ug/L	1000	4.5
2/19/13 12:00	pH	Outfall A	8.78	SU	6.0-9.0	0
3/20/13 7:00	Aluminum Total	Outfall A	2.4	mg/L	0.75	3.2
3/20/13 7:00	Iron Total	Outfall A	1500	ug/L	1000	1.5
3/20/13 7:00	pH	Outfall A	8.88	SU	6.0-9.0	0
3/20/13 7:15	Electrical Conductivity @ 25 Deg. C	Outfall B	335	umhos/cm	200	1.675
3/20/13 7:15	N+N	Outfall B	3.7	mg/L	0.68	5.441176471

Exhibit B

Source: Sacramento Metro Airport Rain Gauge

Date	Day of the Week	Daily Precip
11/17/09	Tuesday	0.16
11/20/09	Friday	0.28
12/6/09	Sunday	0.16
12/7/09	Monday	0.2
12/10/09	Thursday	0.16
12/11/09	Friday	0.82
12/12/09	Saturday	0.59
12/13/09	Sunday	0.16
12/16/09	Wednesday	0.2
12/21/09	Monday	0.12
1/13/10	Wednesday	0.28
1/18/10	Monday	0.15
1/19/10	Tuesday	1.26
1/20/10	Wednesday	0.95
1/21/10	Thursday	0.63
1/23/10	Saturday	0.23
1/25/10	Monday	0.28
2/4/10	Thursday	0.51
2/9/10	Tuesday	0.11
2/23/10	Tuesday	0.51
2/26/10	Friday	0.36
2/27/10	Saturday	0.47
3/2/10	Tuesday	0.16
3/3/10	Wednesday	0.75
3/12/10	Friday	0.27
4/4/10	Sunday	0.59
4/11/10	Sunday	0.59
4/12/10	Monday	0.75
4/20/10	Tuesday	0.47
4/27/10	Tuesday	0.12
5/10/10	Monday	0.16
5/25/10	Tuesday	0.16
5/27/10	Thursday	0.12
10/23/10	Saturday	0.16
10/24/10	Sunday	0.47
11/7/10	Sunday	0.39
11/19/10	Friday	0.55
11/20/10	Saturday	0.83
11/27/10	Saturday	0.24

12/2/10	Thursday	0.11
12/4/10	Saturday	0.16
12/5/10	Sunday	0.87
12/8/10	Wednesday	0.16
12/17/10	Friday	0.55
12/18/10	Saturday	0.63
12/19/10	Sunday	1.26
12/20/10	Monday	0.2
12/22/10	Wednesday	0.47
12/25/10	Saturday	0.71
12/28/10	Tuesday	0.2
1/1/11	Saturday	0.27
1/2/11	Sunday	0.47
1/30/11	Sunday	0.27
2/16/11	Wednesday	0.44
2/17/11	Thursday	0.78
2/18/11	Friday	0.55
2/19/11	Saturday	0.12
2/24/11	Thursday	0.55
2/25/11	Friday	0.64
3/6/11	Sunday	0.48
3/13/11	Sunday	0.35
3/14/11	Monday	0.2
3/15/11	Tuesday	0.63
3/18/11	Friday	0.59
3/19/11	Saturday	0.43
3/20/11	Sunday	0.67
3/23/11	Wednesday	0.23
3/24/11	Thursday	0.99
3/26/11	Saturday	0.27
5/15/11	Sunday	0.12
5/16/11	Monday	0.32
5/17/11	Tuesday	0.27
5/18/11	Wednesday	0.16
5/25/11	Wednesday	0.2
10/5/11	Wednesday	0.27
10/10/11	Monday	0.63
11/5/11	Saturday	0.24
11/20/11	Sunday	0.12
11/24/11	Thursday	0.15
1/19/12	Thursday	0.2
1/20/12	Friday	1.06

1/22/12	Sunday	0.24
1/23/12	Monday	0.71
2/7/12	Tuesday	0.12
2/29/12	Wednesday	0.31
3/14/12	Wednesday	0.71
3/16/12	Friday	0.79
3/17/12	Saturday	0.12
3/25/12	Sunday	0.47
3/27/12	Tuesday	0.87
3/31/12	Saturday	0.12
4/11/12	Wednesday	0.16
4/12/12	Thursday	0.71
4/13/12	Friday	0.55
4/25/12	Wednesday	0.35
10/22/12	Monday	0.75
10/31/12	Wednesday	0.19
11/1/12	Thursday	0.24
11/16/12	Friday	0.24
11/17/12	Saturday	0.51
11/21/12	Wednesday	0.35
11/28/12	Wednesday	0.4
11/29/12	Thursday	0.11
11/30/12	Friday	0.99
12/1/12	Saturday	0.51
12/2/12	Sunday	1.18
12/5/12	Wednesday	0.31
12/15/12	Saturday	0.16
12/17/12	Monday	0.12
12/21/12	Friday	0.35
12/22/12	Saturday	1.46
12/23/12	Sunday	0.67
12/25/12	Tuesday	0.87
1/5/13	Saturday	0.51
1/6/13	Sunday	0.23
1/23/13	Wednesday	0.16
2/19/13	Tuesday	0.27
3/6/13	Wednesday	0.12
3/19/13	Tuesday	0.16
3/20/13	Wednesday	0.31
3/31/13	Sunday	1.27
4/4/13	Thursday	0.59
5/6/13	Monday	0.11

11/19/13	Tuesday	0.39
11/20/13	Wednesday	0.16
12/6/13	Friday	0.24
1/30/14	Thursday	0.15
2/6/14	Thursday	0.36
2/7/14	Friday	0.12
2/8/14	Saturday	1.02
2/9/14	Sunday	0.47
2/26/14	Wednesday	0.28
2/28/14	Friday	0.63
3/3/14	Monday	0.11
3/5/14	Wednesday	0.36