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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 6, 2014

George Rodriguez, Plant Manager
Hanson Pipe & Precast
7020 Tokay Avenue
Sacramento, CA 95828

Brad George, Environmental Manager
Hanson Pipe & Precast, LLC
11201 FM 529
Houston, TX 77041

Scott Szwejbka, Senior Vice President
Hanson Pipe & Precast
300 E. John Carpenter Freeway
Irving, TX 75062

Greg Minteer, Vice President of Operations
Hanson Pipe & Precast
300 E. John Carpenter Freeway
Irving, TX 75062

Richard Manning, President
Hanson Building Products North America
3500 Maple Avenue
Dallas, TX 75219

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

Dear Messrs. Rodriguez, George, Szwejbka, Minteer, and Manning:

I am writing on behalf of California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act (the "Act") that CSPA believes are occurring at Hanson Pipe & Precast industrial facility located at 7020 Tokay Avenue in Sacramento, California ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Sacramento River and other California waters. This letter is being sent to Hanson Pipe & Precast, LLC, Hanson Building Products North America, George Rodriguez, Brad George, Scott Szwejbka, Greg Minteer, and Richard Manning as the responsible owners or operators of the Facility (all recipients are hereinafter collectively referred to as "Hanson Pipe").

This letter addresses Hanson Pipe's unlawful discharge of pollutants from the Facility to channels that discharge to Florin Creek, which flows to Morrison Creek, then into the

Mokelumne River, and then into the Sacramento-San Joaquin River Delta ("Delta"). The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit").[1] The WDID identification number for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Central Valley Region ("Regional Board") is 5S34I014640. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

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

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Hanson Pipe is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against Hanson Pipe 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 Permit. These violations are described more extensively below.

I. Background.

On October 5, 1998, the State Board received and processed Hanson Pipe's Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). In its NOI, Hanson Pipe certifies that the Facility is classified under SIC code 3272 ("Concrete Products Not Elsewhere Classified"). The Facility collects and discharges storm water from its 53-acre site from four outfalls. On information and belief, CSPA alleges that all storm water discharges from the Facility contain storm water that is commingled with runoff from the Facility from areas where industrial processes occur. The outfalls discharge to channels that flow to Florin Creek, which flows into Morrison Creek, which flows into the Mokelumne River, and then into the Delta.

The Regional Board has identified beneficial uses of the Central Valley Region's waters and established water quality standards for the Sacramento River and its tributaries, which include Morrison Creek and the Mokelumne River, in "The Water Quality Control Plan (Basin

[1] On April 1, 2014, the State Board reissued the General Permit, continuing its mandate that industrial facilities implement the best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") and, in addition, establishing numeric action levels mandating additional pollution control efforts. State Board Order 2014-0057-DWQ. The new permit, however, does not go into effect until July 1, 2015. Until that time, the current General Permit remains in full force and effect.

Plan) for the California Regional Water Quality Control Board, Central Valley Region – The Sacramento River Basin and The San Joaquin River Basin," generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf. The beneficial uses of the Delta its tributaries, including Morrison Creek and the Mokelumne River, include, among others, water contact recreation, non-contact water recreation, municipal and domestic water supply, endangered and threatened species habitat, shellfish harvesting, and fish spawning. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, camping, boating, . . . hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." Basin Plan at II-1.00 – II-2.00. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Sacramento River for contact and non-contact water recreation.

The Basin Plan establishes water quality standards for the Delta. It includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." *Id.* at III-8.01. It provides that "[w]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses." *Id.* at III-5.00. It provides that "[w]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses." *Id.* It provides that "[w]aters shall not contain suspended materials in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at III-7.00. 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-6.00. The Basin Plan provides that the pH shall not be depressed below 6.5 nor raised above 8.5. *Id*.

The Basin Plan also provides that "[a]t a minimum, [surface] 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) specified in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Table 64449-A (Secondary Maximum Contaminant Levels ["SMCLs"]-Consumer Acceptance Limits) and 64449-B (Secondary Maximum Containment Levels-Ranges) of Section 64449. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l." Basin Plan at III-3.00. Table 64449-A provides an SMCL for iron of 0.3 mg/L. Table III-1 of the Basin Plan provides a water quality objective ("WQO") for iron of 0.3 mg/L and for zinc of 0.1 mg/L.

The EPA has adopted freshwater numeric water quality standards for iron of 0.3 mg/L (Criteria Maximum Concentration – "CMC") and for zinc of 0.120 mg/L (CMC) 65 Fed.Reg. 31712 (May 18, 2000) (California Toxics Rule).

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT").[2] The following benchmarks have been established for pollutants discharged by Hanson Pipe: pH – 6.0 - 9.0 standard units ("s.u."); total suspended solids ("TSS") – 100 mg/L; oil and grease ("O&G") – 15 mg/L; iron – 1.0 mg/L; lead – 0.095 mg/L; and zinc – 0.13 mg/L.[3]

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit

Hanson Pipe has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide

[2] The Benchmark Values can be found at:
http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and
http://cwea.org/p3s/documents/multi-sectorrev.pdf (Last accessed on April 17, 2014).
[3] The values for zinc and lead are hardness dependent, and correspond to a total hardness of 100-125 mg/L, which is the default listing in the California Toxics Rule.

Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Hanson Pipe has discharged and continues to discharge storm water with unacceptable levels of pH, TSS, iron, zinc, and other pollutants in violation of the General Permit. Hanson Pipe's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan and the California Toxics Rule. They have thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2), are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit, and constitute unauthorized discharges of TSS, iron, zinc, and storm water associated with industrial activity in violation of Section 301(a) of the CWA.

Date	**Parameter**	**Observed Concentration/ Conditions**	**Basin Plan Water Quality Objective/ EPA California Toxics Rule**	**Outfall (as identified by the Facility)**
4/4/2013	pH	8.65	6.5 – 8.5 s.u.	#3 Parking lot south entrance
11/28/2012	pH	8.51	6.5 – 8.5 s.u.	Outfall 2 (Entrance - SE Corner)
2/29/2012	pH	8.53	6.5 – 8.5 s.u.	Outfall 2 (Entrance - SE Corner)
2/29/2012	pH	8.95	6.5 – 8.5 s.u.	Outfall 3 (Parking Lot)
4/4/2013	Iron	7.5 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	#3 Parking lot south entrance
2/29/2012	Iron	5.4 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	Outfall 2 (Entrance – SE Corner)
2/29/2012	Iron	13 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	Outfall 3 (Parking Lot)
5/25/2011	Iron	4.2 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	Outfall 3 (Parking Lot)
4/20/2010	Iron	3.08 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	#3 Parking lot south entrance

10/13/2009	Iron	1.68 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	#3 Parking lot south entrance
2/29/2012	Zinc	0.13 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	Outfall 2 (Entrance – SE Corner)
2/29/2012	Zinc	0.21 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	Outfall 3 (Parking Lot)
2/29/2012	Narrative	Cloudy	Basin Plan at III-7.00	East Corner east of Parking Lot Outfall #2
2/29/2012	Narrative	Cloudy	Basin Plan at III-7.00	Parking Lot Outfall #3
5/25/2011	Narrative	Cloudy	Basin Plan at III-7.00	#3 Parking Lot Outfall

The information in the above table reflects data gathered from Hanson Pipe's self-monitoring during the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 wet seasons.[4] CSPA alleges that since August 6, 2009, and continuing through today, Hanson Pipe has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 s.u. (Water Quality Objective
- Iron – 0.3 mg/L (Water Quality Objective)
- Iron – 0.3 mg/L (Secondary MCL)
- Zinc – 0.12 mg/L (CMC)
- Zinc – 0.1 mg/L (Water Quality Objective)
- Suspended Material – Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses. (Basin Plan at III-7.00)

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), are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit and constitute unauthorized discharges of TSS, iron, zinc, and storm water associated with industrial activity in violation of Section 301(a) of the CWA.

Date	**Parameter**	**Observed Concentration**	**EPA Benchmark Value**	**Outfall (as identified by the Facility)**
4/4/2013	Total Suspended Solids	147 mg/L	100 mg/L	#3 Parking lot south entrance

[4] Although the 2013-2014 wet season has concluded, Hanson Pipe has not yet submitted its Annual Report electronically to the Regional Board. On information and belief, CSPA alleges that Hanson Pipe's storm water sampling results from the 2013-2014 wet season contain concentrations of pollutants in excess of the water quality standards referenced in the above table.

4/4/2013	Iron	7.5 mg/L	1.0 mg/L	#3 Parking lot south entrance
11/28/2012	Total Suspended Solids	219 mg/L	100 mg/L	Outfall 2 (Entrance - SE Corner)
11/28/2012	Total Suspended Solids	352 mg/L	100 mg/L	Outfall 3 (Parking Lot)
2/29/2012	Total Suspended Solids	1,050 mg/L	100 mg/L	Outfall 2 (Entrance - SE Corner)
2/29/2012	Iron	5.4 mg/L	1.0 mg/L	Outfall 2 (Entrance - SE Corner)
2/29/2012	Zinc	0.21 mg/L	0.13 mg/L	Outfall 3 (Parking Lot)
2/29/2012	Total Suspended Solids	1,200 mg/L	100 mg/L	Outfall 3 (Parking Lot)
2/29/2012	Iron	13 mg/L	1.0 mg/L	Outfall 3 (Parking Lot)
2/29/2012	Zinc	0.21 mg/L	0.13 mg/L	Outfall 3 (Parking Lot)
5/25/2011	Iron	4.2 mg/L	1.0 mg/L	Outfall 3 (Parking Lot)
4/20/2010	Iron	3.08 mg/L	1.0 mg/L	#3 Parking lot south entrance
4/20/2010	Total Suspended Solids	158	100 mg/L	#3 Parking lot south entrance
10/13/2009	Iron	1.68 mg/L	1.0 mg/L	#3 Parking lot south entrance

The information in the above table reflects data gathered from Hanson Pipe's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 wet seasons.[5] CSPA alleges that since at least August 6, 2009, Hanson Pipe has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Iron – 1.0 mg/L
- Total Suspended Solids – 100 mg/L
- Zinc – 0.13 mg/L

[5] As indicated above, CSPA has thus far been unable to obtain a copy of Hanson Pipe's 2013-2014 Annual Report. On information and belief, CSPA alleges that Hanson Pipe's storm water sampling results from the 2013-2014 wet season contain concentrations of pollutants in excess of the benchmark values.

CSPA's investigation, including its review of Hanson Pipe's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and EPA's benchmark values, indicates that Hanson Pipe has not implemented BAT and BCT at the Facility for its discharges of pH, iron, TSS, zinc, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Hanson Pipe was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Hanson Pipe is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since August 6, 2009 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that Hanson Pipe has discharged storm water containing impermissible and unauthorized levels of pH, TSS, iron, and zinc in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.[6]

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of pH, TSS, iron, zinc, , and storm water associated with industrial activity in violation of Section 301(a) of the CWA. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Hanson Pipe is subject to penalties for violations of the General Permit and the Act since August 6, 2009.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program.

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

[6] The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Sacramento, approximately 5.5 miles from the Facility. http://www.ipm.ucdavis.edu/WEATHER/SITES/sacramento.html (Last accessed on August 5, 2014).

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Hanson Pipe is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CSPA alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

Section B(5)(c)(ii) of the General Permit requires permittees to analyze storm water discharges for toxic chemicals and pollutants likely to be present in storm water discharges from the Facility. On information and belief, CSPA alleges that lead and zinc are likely to be present in the Facility's storm water discharges. Section B(5)(c)(iii) of the General Permit requires permittees to analyze storm water discharges for certain parameter's based on a facility's SIC Code. Facility with the SIC Code 3272 are required to analyze storm water samples for iron. CSPA's investigation indicates that on several occasions, Hanson Pipe failed to analyze storm water discharges for lead and zinc, in violation of Sections B(5)(c)(ii) and (iii). On information and belief, CSPA alleges that on the following dates, Hanson Pipe failed to analyze storm water samples for the following constituents on the indicated dates and outfalls:

- Iron – November 28, 2012 (Outfall 2 and 3)
- Zinc – November 28, 2012 (Outfall 2 and 3); April 20, 2010 (Outfall 2); October 13, 2009 (Outfall 3)
- Lead – November 28, 2012 (Outfall 2 and 3); April 20, 2010 (Outfall 2 and 3); October 13, 2009 (Outfall 3)

This results in at least 11 violations of the General Permit.

The Facility's annual reports indicate that the Facility conducted visual monitoring of storm water discharges on days in certain months when the Facility claims that no rain occurred, when in fact, on information and belief, CSPA alleges that there were actually rain events during those same months. A nearby weather station reported that at least 0.1" of rain occurred on working days during those same months. See FN6. These days were preceded by three dry days, as specified by the requirement for monthly visual observations in Section B(4)(b) of the General Permit. On information and belief, CSPA alleges that Hanson Pipe failed to conduct the wet weather monitoring required by Section B(4) of the General Permit for the following months (in the indicated years):

- 2010: February and November
- 2011: January, November, December
- 2012: January, March, April, October, December
- 2013: January, February, March, May

These visual monitoring omissions amount to at least 14 separate violations of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Hanson Pipe is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since August 6, 2009.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated annually to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CSPA's review of conditions at Hanson Pipe and Hanson Pipe's Annual Reports indicate that Hanson Pipe has been operating with an inadequately developed or implemented SWPPP in

violation of the requirements set forth above. Hanson Pipe has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. For example, on information and belief, despite multiple assurances in its Annual Reports that it would implement BMPs to reduce the iron concentrations in its storm water discharges, the Facility has failed to adequately evaluate and revise its BMPs to reduce those iron concentrations. Hanson Pipe has been in continuous violation of Section A and Provision E(2) of the General Permit every day since August 6, 2009, and will continue to be in violation every day that Hanson Pipe fails to prepare, implement, review, and update an effective SWPPP. Hanson Pipe is subject to penalties for violations of the Order and the Act occurring since August 6, 2009.

D. Failure to File True and Correct Annual Reports.

Section B(14) of the General 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 Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the previous three years, Hanson Pipe and its agents George Rodriguez and Kevin Langley, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Hanson Pipe has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Permit every time Hanson Pipe failed to submit a complete or correct report and every time Hanson Pipe or its agents falsely purported to comply with the Act. Hanson Pipe is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since June 30, 2010.

III. Persons Responsible for the Violations.

CSPA puts Hanson Pipe & Precast, LLC, Hanson Building Products North America, George Rodriguez, Brad George, Scott Szwejbka, Greg Minteer, and Richard Manning on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts Hanson Pipe on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of California Sportfishing Protection Alliance is as follows:

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

V. Counsel.

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

Douglas J. Chermak
Michael R. Lozeau
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
doug@lozeaudrury.com
michael@lozeaudrury.com

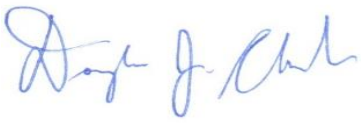
VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Hanson Pipe to a penalty of up to $37,500 per day per violation for all violations. 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. CSPA intends to file a citizen suit under Section 505(a) of the Act against Hanson Pipe and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CSPA would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CSPA suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CSPA does not intend

to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Sportfishing Protection Alliance

cc via first class mail: CT Corporation System
Agent for Service of Process for Hanson Pipe & Precast LLC
(Entity No. 200914610082)
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

SERVICE LIST – via certified mail

Gina McCarthy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
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ATTACHMENT A

Rain Dates, Hanson Pipe and Precast, Sacramento, CA

9/14/2009	10/23/2010	3/24/2011
10/13/2009	10/24/2010	3/25/2011
10/14/2009	11/7/2010	3/26/2011
10/19/2009	11/19/2010	5/15/2011
11/20/2009	11/20/2010	5/16/2011
12/6/2009	11/27/2010	5/17/2011
12/7/2009	12/2/2010	5/25/2011
12/11/2009	12/3/2010	6/4/2011
12/12/2009	12/4/2010	6/28/2011
12/13/2009	12/5/2010	10/5/2011
12/16/2009	12/6/2010	10/10/2011
12/27/2009	12/8/2010	11/7/2011
1/1/2010	12/14/2010	11/21/2011
1/12/2010	12/17/2010	11/24/2011
1/13/2010	12/18/2010	12/15/2011
1/17/2010	12/19/2010	1/19/2012
1/18/2010	12/22/2010	1/20/2012
1/19/2010	12/25/2010	1/22/2012
1/20/2010	12/28/2010	1/23/2012
1/21/2010	12/29/2010	2/7/2012
1/23/2010	1/1/2011	2/12/2012
1/25/2010	1/2/2011	2/29/2012
2/4/2010	1/12/2011	3/13/2012
2/5/2010	1/13/2011	3/14/2012
2/6/2010	1/29/2011	3/16/2012
2/9/2010	1/30/2011	3/17/2012
2/23/2010	2/2/2011	3/25/2012
2/26/2010	2/16/2011	3/27/2012
2/27/2010	2/17/2011	3/31/2012
3/2/2010	2/18/2011	4/10/2012
3/3/2010	2/19/2011	4/11/2012
3/12/2010	2/24/2011	10/22/2012
3/31/2010	2/25/2011	10/31/2012
4/2/2010	3/2/2011	11/1/2012
4/4/2010	3/6/2011	11/16/2012
4/11/2010	3/13/2011	11/17/2012
4/12/2010	3/14/2011	11/18/2012
4/20/2010	3/15/2011	11/24/2012
4/21/2010	3/16/2011	11/27/2012
4/27/2010	3/18/2011	11/29/2012
5/10/2010	3/19/2011	12/15/2012
5/25/2010	3/20/2011	12/17/2012
5/26/2010	3/22/2011	12/21/2012
5/27/2010	3/23/2011	12/22/2012

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Rain Dates, Hanson Pipe & Precast, LLC, Sacramento, California

12/23/2012	5/6/2013	2/9/2014
12/25/2012	6/24/2013	2/26/2014
1/5/2013	6/25/2013	2/28/2014
1/6/2013	9/2/2013	3/3/2014
1/23/2013	9/21/2013	3/5/2014
2/19/2013	11/19/2013	3/10/2014
3/5/2013	11/20/2013	3/26/2014
3/6/2013	12/6/2013	3/29/2014
3/19/2013	1/30/2014	3/31/2014
3/20/2013	2/5/2014	4/1/2014
3/30/2013	2/6/2014	4/25/2014
3/31/2013	2/7/2014	5/5/2014
4/4/2013	2/8/2014	