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February 21, 2019

VIA CERTIFIED MAIL – Return Receipt Requested

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Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

We write on behalf of Orange County Coastkeeper ("Coastkeeper") regarding violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] ("Storm Water Permit") occurring at the Aluminum Precision Products, Inc. ("Aluminum Precision") facility located along 502 E. Alton Avenue, Santa Ana, CA 92707 (the "Alton Facility" or "Facility"). Aluminum Precision is a California Corporation headquartered in Santa Ana, where two additional Aluminum Precision Facilities are also located. The purpose of this letter is to put Aluminum Precision as the owners and operators[3] of the Alton Facility, on notice of the violations of the Storm Water Permit and the Clean Water Act occurring at the Alton Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, Aluminum Precision is liable for violations of the Storm Water Permit and the Clean Water Act relating to Alton Facility.

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related Permits. Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related permits. 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

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2015-0057-DWQ.
[3] The owners and/or operators of the Facility are identified in Section I (B) below and referred to hereinafter as the "the Facility Owners and/or Operators" or "Owners and/or Operators."

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PHYSICAL DOCUMENT

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NOTICE OF VIOLATION AND INTENT TO SUE

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Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. 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(a)(1). This letter is being sent to you as the responsible owners and/or operators of the Alton Facility, or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform Aluminum Precision that Coastkeeper intends to file a federal enforcement action against Aluminum Precision for violations of the Storm Water Permit and the Clean Water Act at the Alton Facility sixty (60) days from the date of this Notice Letter.

This letter constitutes notice of Coastkeeper's intent to sue Aluminum Precision for violations of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311, 1342, and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("Storm Water Permit"), Water Quality Order No. 97-03-DWQ ("1997 Permit"), as superseded by Order No. 2014-0057-DWQ and amended by Order No. 2015-0122 –DWQ ("2015 Permit ") (collectively "Storm Water Permit"), and recently amended but not yet adopted Order No. 20XX-XXX-DWQ incorporating: 1) Federal Sufficiently Sensitive Test Method Ruling; 2) TMDL Implementation Requirements; and 3) Statewide Compliance Options Incentivizing On-Site or Regional Storm Water Capture and Use. ("2018 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit includes many of the same fundamental requirements, and implements many of the same statutory requirements, as the 1997 Permit. Violations of these requirements constitute ongoing violations for purposes of Clean Water Act enforcement.

I. BACKGROUND

A. Orange County Coastkeeper

Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Coastkeeper has over 6,000 members who live and/or recreate in and around the San Diego Creek, Newport Bay, and Newport Beach, and greater Santa Ana River Watershed. Coastkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Orange County. To further these goals, Coastkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Coastkeeper live and own homes in the Santa Ana River Watershed, and use and enjoy the waters to which the Alton Facility discharges storm water, including the San Diego Creek, Newport Bay, and the Pacific Ocean, to participate in a variety of water sports and other activities, to view wildlife, recreate, and engage in scientific studies including monitoring activities. The discharge of pollutants from the Alton Facility impairs each of these uses. These

discharges of polluted storm water from the Alton Facility are ongoing and continuous. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by Aluminum Precisions' failure to comply with the Clean Water Act and the Storm Water Permit at the Alton Facility.

B. The Owners and/or Operators of the Aluminum Precision Facility

Aluminum Precision is currently an active California Corporation with California entity number C0497022. The listed registered agent for service is Roark L. Keeler, 3333 W. Warner Ave, Santa Ana, CA 92704. The registered California entity lists the entity address with the California Secretary of State as 3333 W. Warner Ave, Santa Ana, CA 92704.

Information available to Coastkeeper indicates that the Facility is comprised of three separate addresses (502, 516, and 528 E. Alton Avenue), all adjacent to one another and sharing the same parcel (411-162-04). When Coastkeeper refers to owners and operators herein, those legally responsible for Aluminum Precision are referred to collectively as the Alton Facility "Owners and/or Operators."

The Alton Facility Owners and/or Operators have violated and continue to violate the procedural and substantive terms of their Storm Water Permits and the Clean Water Act for the Facility, including, but not limited to, the illegal discharge of pollutants into local surface waters and are liable for violations of the Storm Water Permits and the Clean Water Act.

C. The Aluminum Precision Facility's Storm Water Permit Coverage

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* 2015 Permit, Finding #12. Upon information and belief, Aluminum Precision obtained Storm Water Permit coverage for the Facility and obtained coverage under the 1997 Permit on or about April 7, 1992. On February 5, 2015, Aluminum Precision submitted an NOI for coverage under the 2015 Permit. The Facility NOI identifies the owner/operator of the Alton Street Facility as Aluminum Precision, with an address of 3333 W. Warner Ave, Santa Ana, CA 92704.

The NOI lists the Facility site size as four (4) acres,[4] with one (1) acre of industrial area exposed to Storm Water. The Industrial Receipt letter from the State Board to Aluminum Precision provides 8 30I002610 as the Waste Discharger Identification ("WDID") number for the Facility. The NOI lists the Primary Standard Industrial Classification ("SIC") code for the Facility as 3463 (Nonferrous Forgings). The Storm Water Permit classifies facilities with SIC code 3463 under "Fabricated Metal Products." *See* 2015 Permit §XI(B) Table 1.

[4] The March 12, 2018 SWPPP lists the facility as 4.0 acres total.

D. Storm Water Pollution and the Waters Receiving the Aluminum Precision Facility's Discharges

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Alton Street Facility pour into storm drains and local waterways. 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. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from industrial manufacturing facilities such as the Alton Facility can contain pH-affecting substances; metals such as iron, magnesium and aluminum; toxic metals such as lead, zinc, nickel, cadmium, chromium, copper, arsenic, and mercury; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS"); total organic carbon ("TOC") benzene; gasoline and diesel fuels; cyanide; ammonia-N; fuel additives; coolants; antifreeze; nitrate + nitrite nitrogen ("N+N"); trash; and oil and grease ("O&G"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to the Santa Ana River and Pacific Ocean pose threats to the public, dramatically affect the use and enjoyment of the surrounding environment, and adversely affect the aquatic environment.

The Facility discharges into the Santa Ana municipal separate storm sewer system ("MS4"). The MS4 drains to Lane Channel, which empties to San Diego Creek Channel, which flows to the Upper Newport Bay, Lower Newport Bay, and into the Pacific Ocean. These bodies of water are collectively referred to herein as the "Receiving Waters." These discharges pose threats as described above and affect the use and enjoyment of these waters sought by members of Coastkeeper.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied species, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The existing and/or potential Beneficial Uses for the San Diego Creek, Reach 1 include, at a minimum: Water Contact Recreation, Non-Contact Water Recreation, Warm Freshwater Habitat,

and Wildlife Habitat. The existing and potential Beneficial Uses of Upper Newport Bay include: Water Contact Recreation, Non-contact Water Recreation, Commercial and Sportfishing, Preservation of Biological Habitats of Special Significance, Rare, Threatened or Endangered Species, Spawning, Reproduction and Development, Marine Habitat, Shellfish Harvesting, and Estuarine Habitat. The existing and potential Beneficial Uses of Lower Newport Bay include: Water Contact Recreation, Non-contact Water Recreation, Commercial and Sportfishing, Wildlife Habitat, Rare, Threatened or Endangered Species, Spawning, Reproduction and Development, Marine Habitat, Shellfish Harvesting, and Navigation. *See* Basin Plan at Table 3-1.

According to the 2016 303(d) List of Impaired Water Bodies, the San Diego Creek, Reach 1 is impaired for Benthic Community Effects, DDT, Indicator Bacteria, Malathion, Nutrients, Sedimentation/Siltation, Selenium, Toxaphene, and Toxicity. Upper Newport Bay is impaired for Chlordane, Copper, DDT, Indicator Bacteria, Malathion, Nutrients, PCBs, Sedimentation/Siltation, and Toxicity. Lower Newport Bay is impaired for Chlordane, Copper, DDT, Indicator Bacteria, Nutrients, PBCs, Pesticides, and Sedimentation/Siltation, and Toxicity.[5] Polluted discharges from industrial sites, such as the Alton Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife that depends on these waters.

II. THE ALUMINUM PRECISION FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The Alton Street Facility Site Description and Industrial Activities

According to the Alton Facility is located on three separate but contiguous parcels located at 502, 516, and 528 East Alton Avenue in Santa Ana, California.

This Facility is an aluminum forging facility that produces precision parts and components for aerospace and automotive applications including closed die and open ("hand") aluminum forgings. According to the Alton Facility Storm Water Pollution Prevention Plan ("SWPPP") Alton Street Facility operates 20 hours per day (Monday through Thursday) from 4:00 a.m. – 12:00 a.m. The company's website notes that the company employs approximately 650 people.[6]

Information available to Coastkeeper indicates that the Alton Facility has six buildings purposed for several activities, including offices, burnishing operations, etching, pressing, and a maintenance and machine shop. Used oil, oily water, coolants, solvents, acids, used lubricants, and scrap metals are pollutant used in, and byproducts of, these industrial processes: Track-out of metal debris, metal and other pollutant particulate, liquids such as coolant, solvent, degreaser, waste oil, oily water by machinery, and vehicle and foot traffic, and other fugitive emissions at

[5] Integrated Report, *available at, https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml.*
[6] See *http://www.aluminumprecision.com/about-app/* (last accessed on December 12, 2018).

the Facility, impact the storm water and the environment due to a lack of containment. Exhaust and other internal discharge at the Alton Facility also impacts storm water. Certain industrial activities and storage occur outside, without adequate cover, containment or other measures, resulting in discharges of polluted storm water. Scrap metal, active and inactive industrial equipment, raw materials and finished product are stored outdoors and impact storm water runoff. Fugitive dust, debris, particulate, exhaust emissions and other pollutants at Facility are also uncontained and enter local waterways via storm water, unauthorized non-storm water discharge and aerial deposition. These industrial activities and contaminant factors create significant sources of pollution at the Facility.

Pollutants associated with operations at the Facility include, but are not limited to: pH-affecting substances; metals such as iron and aluminum; toxic metals such as lead, copper and zinc; TSS; gasoline and diesel fuels; fuel additives; coolants; trash; and nitrate as nitrogen.

Coastkeeper alleges that Aluminum Precision has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the Alton Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events storm water carries pollutants from the Facility's raw and finished material, oil, and chemical storage areas, parking areas, fueling and maintenance areas, loading and unloading areas, garbage and refuse storage areas, scrap metal areas, equipment washing areas, and other areas into the municipal separate storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Coastkeeper indicates that metal particulates have been and continue to be tracked from the manufacturing buildings, raw material and refuse storage areas, parking areas, and equipment maintenance and washing areas throughout the Alton Facility. Further, numerous pollutants are believed to accumulate on the roofs of the Facility due to exhaust emissions from furnaces, other industrial heat sources, air conditioners and other heating and air discharge equipment, resulting in polluted storm water and non-storm water discharges from the Facility. In addition to the roofs, these pollutants accumulate in parking, loading and unloading areas, and the driveways of the Facility. As a result, trucks and vehicles leaving the Facility via the driveways are track sediment, dirt, metal particles, and other pollutants off-site.

B. <u>The Aluminum Precision Facility's Storm Water Flow and Discharge Locations</u>

Publicly available information indicates that storm water at the Facility is discharged off site from two (2) discharge points. According to the Facility SWPPP, storm water flows to two locations where it goes through an underground clarifier before being discharged. There is one clarifier outlets into a gutter on East Alton Avenue. The discharge continues west along East Alton where it enters a storm drain prior to the intersection on Maple Street. The other clarifier discharges to the adjacent property to the south, and then continues through that property where it discharges from a driveway onto East Columbine Avenue. The storm water flows west along East Columbia Avenue where it enters the storm drain prior to the intersection with Maple Street. These MS4s both empty into Lane Channel, which drains to San Diego Creek.

Coastkeeper obtained information indicating that machinery, equipment and industrial and raw materials are stored outdoors at the Alton Facility. Scrap metal containers and casts exist throughout the outdoor areas of the Facility without adequate secondary containment. Drums, pallets, and debris are uncovered outdoors at the Facility. These industrial materials are uncovered, stored on the ground, and exposed to storm water. Information available to Coastkeeper also indicates that the Facility has large air conditioning and cooling units that produce non-storm water discharges. Several roofs of the buildings at the Alton Facility are stained with what appears to be dark soot and from exhaust and other emissions resulting from the industrial activity at the Facility.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMITS

The Clean Water Act requires that any person discharging pollutants to a water of the United States from a point source[7] obtain coverage under an NPDES permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 CFR § 122.117(c)(1). CWA § 402 further requires each discharger to meet minimum technology-based treatment requirements. Discharges of toxic pollutants must be treated pursuant to the best available technology ("BAT"), 33 U.S.C. § 1311(b)(2)(A), and other pollutant discharges must comply with best conventional technology ("BCT"). 33 U.S.C. § 1311(b)(2)(E).

In addition to implementing technology-based controls, each point source discharger must achieve "any more stringent limitation necessary to meet water quality standards[.]" 33 U.S.C. § 1311(b)(1)(C). Water quality standards establish the water quality goals for a water body. 40 C.F.R. § 131.2. They serve as the regulatory basis for the establishment of water quality-based controls over point sources, as required under § 301 and § 306 of the CWA. Once water quality standards are established for a particular water body, any NPDES permit authorizing discharges of pollutants into that water body must ensure that the applicable water quality standard will be met. 33 U.S.C. § 1311(b)(1)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d).

The 1997 Permit requires dischargers meet all applicable provisions of Sections 301 and 402 of the CWA. Rather than requiring specific application of BAT and BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constitutes failure to subject discharges to BAT/BCT, and is a violation of the CWA.

[7] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); *see* 40 C.F.R. § 122.2

The 2015 Permit includes the same fundamental terms as the 1997 Permit. The 2015 Permit retains this core statutory requirement to meet BAT/BCT standards. Just like the 1997 Permit, the 2015 Permit requires all facility operators to develop and implement SWPPP that includes BMPs, although the 2015 Permit now requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary, to achieve compliance with the effluent and receiving water limitations of the 2015 Permit. Advanced BMP categories are defined as follows: (1) exposure minimization BMPs, (2) storm water containment and discharge reduction BMPs, (3) treatment control BMPs, and (4) additional advanced BMPs needed to meet the effluent limitations of the 2015 Permit. Coastkeeper alleges that Alton Facility Owners and/or Operators have failed to implement advanced BMPs as necessary to meet the effluent limitations of the 2015 Permit, as borne out by the Alton Facility's self-reported storm water sampling results. *See* Exhibit A. The 2015 Permit also requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare sample and analytical results with numeric action levels ("NALs")

Under the 2015 Permit facility operators are required to perform Exceedance Response Actions ("ERA") as appropriate whenever sampling indicates NAL exceedances. An annual NAL exceedance occurs when the average of all the analytical results for a parameter from samples taken within a reporting year[8] exceeds the annual NAL value for that parameter. An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NAL value or are outside of the instantaneous maximum NAL range for pH. 2015 Permit XII.A. There are two (2) ERA levels, Level 1 and Level 2. If a discharger enters Level 1 for exceedances of any constituent in a reporting year that facility must prepare a Level 1 ERA to adequately address the polluted discharges. Should the facility's sample results average over the annual NAL for a second consecutive year for the same constituent, the facility must prepare a Level 2 ERA requiring further BMPs to address the exceedances.

Coastkeeper has reviewed each of the five (5) ERAs submitted by the Owners and/or Operators of the Alton Facility and alleges that each of the ERAs are inadequate to address pollutant discharges from the Facility, in part due to the lack of sufficient advanced BMPs plans for implementing advanced BMPs. The first ERA was submitted December 9, 2016 to address Zinc, Iron, Aluminum, N+N, and pH. This Level 1 ERA notes that there was an instantaneous NAL exceedance for pH, but fails to discuss how pH will be addressed. A Level 2 ERA was submitted on December 22, 2017 to address Aluminum, Zinc, and N+N following a second consecutive year averaging over the NALs for those parameters. This ERA does not include any technical demonstration that the proposed BMPs, including the addition of metal and nutrient absorbing-media, will result in achieving numeric targets. Last, a Level 2 ERA for Copper was submitted on December 27, 2018. This report contains detailed restatements of permit requirements for ERA reports, but fails to identify any BMPs the facility plans to implement. This ERA is inadequate as it does nothing to address Copper exceedances.

[8] A reporting year encompasses a full calendar year from July 1, through June 30 of the following year.

Industrial activities conducted at the Alton Street Facility under SIC code 3463 require Aluminum Precision to obtain Storm Water Permit coverage for the Facility. Both the 1997 Permit and the 2015 Permit generally require facility operators to: (1) submit a Notice of Intent ("NOI") that certifies the type of activity or activities undertaken at the facility and committing the operator to comply with the terms and conditions of the permit; (2) eliminate unauthorized non-storm water discharges; (3) develop and implement a SWPPP; (4) perform monitoring of storm water discharges and authorized non-storm water discharges; and (5) file an Annual Report that summarizes the year's industrial activities and compliance with the Storm Water Permit. Facilities must strictly comply with all of the terms and conditions of the Storm Water Permit. A violation of the Storm Water Permit is a violation of the CWA.

A. Applicable Effluent Standards or Limitations

The Storm Water Permit requires all industrial facilities to sample and analyze storm water discharges for the following parameters: pH, total suspended solids ("TSS"), and oil and grease ("O&G"). *See* 1997 Permit, § B(5)(c)(i); 2015 Permit, §§ XI(B)(6)(a), (b). Facilities classified under SIC code 3463 – Nonferrous Forgings – must also sample and analyze samples for zinc ("Zn"), iron ("Fe"), aluminum ("Al"), and nitrate and nitrite nitrogen ("N+N"). *See* 2015 Permit, § VI(B) at Table 1. Indeed, dischargers must also sample for additional parameters identified by the Discharger that are likely to be present under the Facility pollutant source assessment and additional parameters related to receiving waters with 303(d) listed impairments. 2015 Permit, § XI(B). Here, the Alton Facility sampled for copper during the 2014-2015 reporting year, but then neglected to sample for copper in the 2015-2016 reporting year despite sufficient evidence from the previous reporting year to know that copper is present at the Facility in quantities above the EPA Benchmark – a copper test result from December 2, 2014 registered at 0.218 mg/l, over 17 times the EPA Benchmark adjusted for an expected water hardness level in the Receiving Water.

The EPA has published "benchmark" levels as numeric thresholds for helping to determine whether a facility discharging industrial storm water has implemented the requisite BAT and BCT mandated by the CWA. (See *United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective June 4, 2015.[9]) These benchmarks represent pollutant concentrations at which a storm water discharge could potentially impair, or contribute to impairing, water quality, or affect human health from ingestion of water or fish. EPA benchmarks have been established for pollutants discharged by the Facility, and include: TSS—100 mg/L; Zn—0.11 mg/L; Cu—.0123 mg/L; and pH—6.0-9.0 s.u. However, the Basin Plan contains narrower effluent levels for pH: for bays and estuary waters, pH—7.0-8.6 s.u; for inland surface waters, pH —6.5-8.5 s.u.

[9] Available at https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf (last accessed on December 12, 2018).

The Criteria for Priority Toxic Pollutants in the State of California, or California Toxics Rule ("CTR"), set forth in 40 C.F.R. § 131.38, establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR sets forth lower numeric limits for zinc and other pollutants such as copper (0.010 mg/l) and nickel (0.037) in freshwater surface waters with water hardness calculation of 75 mg/L[10]; CTR criteria can be as low as 0.067 mg/L for zinc in freshwater surface waters with water hardness calculation of 50 mg/L.[11] Coastkeeper puts Aluminum Precision on notice that they have violated, and continue to violate the CTR, and by extension the Clean Water Act, for zinc, copper and other constituents each time polluted storm water discharges from the Alton Street Facility.

Courts have expressly held that the EPA Benchmarks are relevant objective standards for evaluating whether the best management practices implemented by a permittee achieve effluent limitations. *See* Santa Monica Baykeeper v. Kramer Metals, Inc., 619 F.Supp.2d 914, 924 (C.D. Cal. 2009) (holding that "EPA Benchmarks are relevant guidelines that should be used to evaluate the efficacy of a facility's BMPs"). Thus, comparing EPA Benchmarks and NALs to stormwater monitoring data is sufficient to support a good faith allegation of noncompliance with the technology and/or water-quality based effluent limitations in the General Permit: [exceedance] of the benchmark levels is evidence . . . that [Defendant] did not have BMPs that achieve BAT/BCT[;] . . . however, this evidence in and of itself does not establish a violation of [BAT/BCT]. . . . There can be no reasonable dispute that the Benchmarks are relevant to the inquiry as to whether a facility implemented BMPs. Id. at 925 (emphasis added), citing Waterkeepers Northern California v. AG Industrial Mfg., Inc., 375 F.3d 913, 919 n. 5 (9th Cir. 2004).

On November 6, 2018, the State Board amended the Storm Water Permit to incorporate Total Maximum Daily Load ("TMDL") implementation requirements for waterbodies subject to TMDLs with contributions from industrial dischargers.[12] A TMDL is a calculation of the maximum quantity (or load)[13] of a pollutant that may be added to a water body from all sources, including point sources, nonpoint sources, aerial deposition, and natural background sources, without exceeding the applicable Water Quality Standards ("WQS") for that or those pollutants.[14] A TMDL can be expressed as the sum of the wasteload allocations ("WLAs") and the load allocations, plus a margin of safety. The WLA is the portion of a TMDL allocated to

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[10] Exhibit A uses CTR limits with a water hardness calculation of 100 mg/L for zinc, copper and lead.

[11] The CTR numeric limits, or "criteria," are expressed as dissolved metal concentrations in the CTR, but the Storm Water Permit required permittees to report their sample results as total metal concentrations. *See* 1997 Permit § B(10)(b); 2015 Permit, Attachment H at 18. To compare sample results reported by the Facility with the CTR criteria, Coastkeeper will use the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i). The applicable CTR criteria also requires a hardness value.

[12] https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/unoff_igp_amend.pdf (last accessed Feb. 14, 2019; *see also* https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml (last accessed Feb. 20, 2019).

[13] 40 C.F.R. § 130.2(e).

[14] 33 U.S.C. § 1313(d)(1)(c); 40 C.F.R. § 130.2(e)-(i)

existing and future point sources.[15] It can be expressed with individual allocations for individual point source dischargers.

TMDLs help regulators devise limitations necessary to meet WQS by identifying and quantifying the sources contributing to the impairment of a particular water body. Subsequent discharge permits issued to dischargers to waters where a TMDL has been established must be consistent with the assumptions and requirements of the TMDL.[16]

On June 14, 2002, the EPA adopted the San Diego Creek and Newport Bay Toxics TMDL to address water quality impairments in San Diego Creek and Newport Bay due to Copper, Lead, Zinc and other toxic pollutants ("Toxics TMDL"). The Toxics TMDL estimates the largest source of most dissolved metals for the Upper and Lower Newport Bay originate from the freshwater loads from San Diego Creek. The Toxics TMDL assigns a WLA for toxic pollutants including Copper, Lead and Zinc to "Responsible Dischargers" to be met at the facility's industrial discharge location(s) for discharges into Newport Bay or the San Diego Creek and its tributaries. The Regional Board used San Diego Creek's average hardness calculated for large flows associated with storm events in the Creek to translate copper, lead and zinc concentrations into Numeric Effluent Limitations ("NELs"). Responsible Dischargers were then assigned instantaneous maximum NELs to be met at each facility's individual industrial discharge location(s). The instantaneous maximum NEL applicable to discharges from the Alton Facility are: Copper – 0.027 mg/L; Lead – 0.194 mg/L; Zinc – 0.21 mg/L. Effective July 1, 2020, Responsible Discharger with an NEL exceedance is in violation of the Storm Water Permit and must take corrective action. *See* 2015 Permit, § XX.B; 2018 Permit, § XX.B.

Thus, storm water sampling results provide well-founded evidence of a failure to comply with the Storm Water Permit's discharge prohibitions, receiving water limitations and effluent limitations. A monitoring report showing "a water sample with pollutant discharges in excess of permit limits is conclusive evidence of a violation . . . . A defendant may not impeach its own publicly filed reports which are submitted under penalty of perjury." San Francisco Baykeeper v. West Bay Sanitary District, 791 F.Supp.2d 719, 755 (N.D. Cal 2011) [cites and quotes omitted); see also Sierra Club v. Union Oil, 813 F.2d 1480, 1493 (9th Cir. 1988).

The Alton Facility Owners and/or Operators have self-reported numerous exceedances of relevant standards at least since 2014, including values several orders of magnitude above regulatory limits. *See* Exhibit A. For example, based upon a hardness value of 75-100 mg/L for the receiving waters, the effluent limitation for Cu is .0123 mg/L. See 2015 Permit, Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals." Self-reported testing submitted to the Regional Water Quality Control Board (RWQCB) showed exceedances of the EPA Benchmark for Cu, among others, by magnitudes of 38.96 and 31.46 (adjusted for hardness) at the Facility. *Id.*

[15] 40 C.F.R. § 130.2(h).
[16] 40 C.F.R. § 122.44(d)(1)(vii)(B).

Thus, Coastkeeper alleges that the Alton Facility Owners and/or Operators violate the Storm Water Permit by discharging storm water containing pollutants in excess of, or outside the range of, the applicable effluent limitations each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every day the Owners and/or Operators discharge storm water from the Facility that contains concentrations of pollutants in excess of, or outside the range of, the applicable effluent limitations. Coastkeeper will include additional violations as information and data become available. Further, given that these effluent limitation violations are ongoing, and recent test results evidence additional effluent violations, Coastkeeper puts the Owners and/or Operators on notice that Effluent Limitation V.B. of the 2015 Permit is violated each time storm water is discharged from the Facility. Every Facility discharge of polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V.B. of the 2015 Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

B. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Storm Water Permit Effluent Limitations

The Storm Water Permit states that storm water discharges from facilities shall not exceed specified effluent limitations. 1997 Permit, Effluent Limitation B(1); 2015 Permit, Effluent Limitation V.B. Compliance with the effluent limitation guidelines constitutes compliance with best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") for the specified pollutants and must be met to comply with the Storm Water Permit. 1997 Permit, Fact Sheet at VIII; 2015 Permit, Fact Sheet at pp. 15-17.

Certain activities undertaken at the Alton Facility produce significant risks to water quality, including metal shavings and dust and other scrap metal. The Facility's March 2018 SWPPP indicates in Table 4-3, On-Site Industrial Material Management, that materials present include oils and lubricants, die lubricant, kerosene, nitric acid, sulfuric acid and more. Discharges of storm water from this Facility contain elevated levels of many of the pollutants that the Facility is required to test for, and self-report and include numerous self-reported sampling results over applicable benchmarks. *See* Exhibit A. These exceedances of applicable benchmarks degrade water quality. BAT/BCT standards are intended to reduce pollutants in storm water discharges through required implementation of BMPs, implementation of BMPs that Coastkeeper alleges have been inadequate. Most recent sample results confirm that the BMPs in place at the Alton Facility are insufficient and do not meet BAT/BCT requirements.

Because manufacturing facilities using metals are likely to discharge storm water runoff that is contaminated, the EPA provides a storm water fact sheet for Primary Metals Facilities. See Environmental Protection Agency, Sector AA: Fabricated Metal Products Manufacturing

Facilities (EPA-833-F-06-042) December 2006 ("Sector AA Fact Sheet").[17] The fact sheet offers facility operators guidance on how to prepare storm water management programs that are appropriate for their facility and operations. Table 1 of the Sector AA Fact Sheet sets forth the EPA chart regarding the various pollutant sources and pollutants that are typically associated with facilities such as the Aluminum Precision Facility. Despite this EPA guidance, the Facility only started testing for copper in 2018 and does not test for cadmium.

C. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of BAT/BCT

The Storm Water Permit and Clean Water Act require dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic[18] and non-conventional pollutants and BCT for conventional pollutants.[19] 33 U.S.C. §§ 1311 (b)(2)(A) and (b)(2)(E); 1997 Permit, Effluent Limitation B(3); 2015 Permit, Effluent Limitation V.A. The Federal Effluent Limitations define application of BAT for TSS and pH as numeric effluent limitations. A discharge of storm water which exceeds the Effluent Limitations is strong evidence of a failure to achieve BAT/BCT. Again, EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards.[20]

Publicly available information shows that the Alton Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards. Consistent with Aluminum Precision's lack of adequate BMPs, the analytical results of storm water sampling at the Facility demonstrates the Owners and/or Operators have failed and continue to fail to implement BAT/BCT. Specifically, analysis of discharges from the Alton Facility demonstrates that the storm water discharges consistently contain concentrations of pollutants above the Effluent Limitations and EPA Benchmarks. *See* Exhibit A. For example, taking into account an estimated water hardness calculation, the EPA Benchmark is .11 mg/L for zinc. Storm water samples that Aluminum Precision collected from the Alton Facility between 2014 and January 2019 consistently exceeded the EPA Benchmark. Testing for zinc from February 2014 to January 2019 shows 33 exceedances of both the EPA Benchmark and the CTR. In total, Coastkeeper identified 140 exceedances of EPA Benchmarks over the last four and a half reporting years. *See* Exhibit A.

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[17] Available at: https://www.epa.gov/sites/production/files/2015-10/documents/sector_aa_fabmetal.pdf (last accessed February 14, 2019)

[18] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[19] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.

[20] *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) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit") at 136; *see also*, 65 Federal Register 64851 (2000).

As noted above in Section III(B), with an estimated hardness value for the receiving waters of 75-100 mg/L, the EPA Benchmark for Cu is .0123 mg/L. Testing for Cu between February of 2014 to January 2019 shows copper exceedances of the EPA Benchmark level in every single reported sample. The repeated and significant exceedances of the EPA Benchmark demonstrate that the Alton Facility Owners and/or Operators have failed to develop and/or implement required BMPs at the Facility that achieve compliance with the BAT/BCT standards. The receiving waters are all impaired for copper according to the 2016 303(d) List of Impaired Waterbodies.[21] The Alton Facility is contributing to the continued impairment of the receiving waters.

Publicly available evidence indicates that the Alton Facility Owners and/or Operators violate the Storm Water Permit and Clean Water Act for failing to develop and/or implement BMPs that achieve BAT/BCT each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time the Alton Facility discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Coastkeeper will add dates of violation when additional data becomes available, indeed the most recent samples show additional exceedances. Further, the Facility has violated Effluent Limitation B(3) of the 1997 Permit or Effluent Limitation V.A. of the 2015 Permit each time storm water discharged from the Alton Facility since February 21, 2014, and each discharge represents a distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act over the past five years and continuing until full compliance with the Storm Water Permit is achieved.

D. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Receiving Water Limitations

The Storm Water Permit and the CWA prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable WQS.[22] 33 U.S.C. § 1311(b)(l)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d); 2015 Permit, Receiving Water Limitation VI.A; 1997 Permit, Receiving Water Limitation C(2). Discharges that contain pollutants in excess of an applicable WQS violate these requirements.

The Storm Water Permit also prohibits storm water discharges and unauthorized non-storm water discharges to surface water that adversely impact human health or the environment. 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely

[21] Integrated Report, *available at* https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml.

[22] 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 impairment of 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 water quality objectives in the Basin Plan.

impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and the Clean Water Act.

Storm water sampling at the Alton Facility demonstrates discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS. For example, the pH Basin Plain criteria range is between 6.5-8.5 s.u. for inland surface waters such as the San Diego Creek, and 7-8.6 s.u. for estuary and bay water bodies, such as the Upper Newport Bay. The Facility's storm water samples measured 9.23 s.u. at Outfall 1 (01/05/2016), and 5.0 s.u. at Outfall 2 (01/09/2018). These exceedances of WQS demonstrate that Aluminum Precision has violated and continues to violate Receiving Water Limitation C(2) of the 1997 Permit, and Receiving Water Limitation VI.A. of the 2015 Permit.

The Receiving Waters are impaired and may become further impaired with pollutants discharging from Facilities like the Alton Facility. Information available to Coastkeeper indicates that the Alton Street Facility's storm water discharges contain elevated concentrations of pollutants, such as copper and pH, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the San Diego Creek, the Newport Bay, and the Pacific Ocean. *See* Exhibit A. These harmful discharges from the Facility are violations of Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI.B. of the 2015 Permit.

Coastkeeper puts the Alton Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or (2) of the 1997 Permit VI.A. and VI.B. of the 2015 Permit were/are violated with each polluted storm water discharge from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time contaminated storm water is discharged in violation of Receiving Water Limitations. Each time discharges of storm water from the Alton Street Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time discharges from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Coastkeeper will update the dates of violation when additional information and data becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

E. Unauthorized Non-Storm Water Discharges from the Aluminum Precision Facility

The Storm Water Permit prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. 2015 Permit, Discharge Prohibition III.B; 1997 Permit, Discharge Prohibition A(1). Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* 1997 Permit, Discharge Prohibition A(1); 2015 Permit, Discharge Prohibition III.B.

Further, Coastkeeper is informed and believes that unauthorized non-storm water discharges occur at the Alton Facility due to inadequate BMP development and/or implementation necessary to prevent these discharges. As an example, unauthorized non-storm water discharges may occur at the Facility from process water, cooling functions, and/or equipment, vehicle and machinery cleaning activities. Other unauthorized non-storm water discharges may occur at the Facility from the hazardous materials storage area, where oils solvents, degreasers, and wastewater are stored. The Facility Owners and/or Operators conduct these activities without sufficient BMPs to prevent related non-storm water discharges. Non-storm water discharges resulting from cooling functions and equipment washing are not listed among the authorized non-storm water discharges in the Storm Water Permit and thus are always prohibited.

Coastkeeper puts the Facility Owners and/or Operators on notice that the Storm Water Permit is violated each time non-storm water is discharged from the Facility. These discharge violations are ongoing and will continue until the Facility Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges or obtain separate NPDES permit coverage. Each time the Facility Owners and/or Operators discharge prohibited non-storm water in violation of Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III.B. of the 2015 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 Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

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

The Storm Water Permit requires 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 objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from an industrial Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. 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, and must be revised as necessary to ensure compliance with the Storm Water Permit. *See* 1997 Permit, §§ A(1)-A(10) and Provision E(2); 2015 Permit, §§ X.A.-C.

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, areas of industrial activity, and other features of the Facility and its industrial activities; a list of significant materials handled and stored at the site; 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; and 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. 1997 Permit §§ A(3)-A(10); 2015 Permit, § X.D.-H.

The Alton Facility Owners and/or Operators have continuously conducted operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, descriptions of 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, are inadequate and incomplete, and do not address all the applicable constituents, notwithstanding the Facility's history of noncompliance regarding those constituents. The Owners and/or Operators have failed to properly revise the Facility's SWPPP to ensure compliance with the Storm Water Permit. The Facility's current SWPPP is recent, dated March 2018, yet despite the significant concentrations of pollutants in the Facility's storm water discharges every year since at least the 2014-2015 Wet Season[23], it does not include sufficiently effective BMPs to eliminate or reduce these pollutants, as required by the 1997 Permit or the 2015 Permit.

The Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate violation of the Storm Water Permit and the Clean Water Act. The Facility Owners and/or Operators have been in daily violation of the Storm Water Permit's SWPPP requirements since at least February 21, 2014. Violations are ongoing, subjecting Aluminum Precision to civil penalties for each past violation of the Clean Water Act with additional violations added when such information is available.

G. Failure to Develop and Implement an Adequate Monitoring Plan

Section B(1) and Provision E(3) of the 1997 Permit require Facility Owners and/or Operators to develop and implement an adequate Monitoring and Reporting Program by October 1, 1992, or prior to the commencement of industrial activities at the Facility, that meets all of the requirements of the Storm Water Permit. Section XI of the 2015 requires dischargers to prepare a Monitoring Implementation Plan. The primary objective of the required monitoring 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* 1997 Permit, § B(2); 2015 Permit § XI. Monitoring 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.*

[23] The Storm Water Permit defines the Wet Season as October 1 – May 30.

Sections B(5) and B(7) of the 1997 and Section XI of the 2015 Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under the 1997 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, total organic carbon or O&G, and other pollutants that are likely to be present in the Facility's discharges in significant quantities, and pursuant to a facility's SIC code. *See* 1997 Permit, § B(5)(c). Under the 2015 Permit discharges must collect at least two (2) samples from QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs from the second half of each reporting year (January 1 to June 30) (2015 Permit § X.B.3), which must be analyzed for TSS, pH, O&G, and additional parameters identified on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment – in addition to those required under the SIC code. 2015 Permit § X.G.2.

The Owners and/or Operators of the Alton Street Facility have conducted operations at the Facility with an inadequately developed, implemented, and/or revised monitoring plan. Upon information and belief, the Facility Owners and/or Operators have not collected samples from sufficient Qualifying Storm Events ("QSE") at the Facility in at least one reporting year over the past five years in violation of the Storm Water Permit. For example, in the 2015-2016 year, the Facility reported that only three (3) QSE were sampled due to a lack of QSE at the Facility, yet rain data from the Santa Ana Airport reports that there were 14 days on over .1 inches of rain in the 2015-2016 reporting year. Similarly, in the in the 2017-2018 reporting year only two (2) QSE were sampled despite seven (7) rain events of over .1 inch of rain in the first three months of 2018 recorded at the Santa Ana Airport. Five of those rain events were at least 48 hours apart. *See* Exhibit B.

Additionally, the Facility Owners and/or Operators failed to provide adequate records, as required by Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit, for the monthly visual observations of storm water discharges. The Storm Water Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997 Permit, § B(4)(c); 2015 Permit § X.2.C. Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit.

Thus, Coastkeeper further alleges that the Alton Facility Owners and/or Operators failed to properly collect samples from an adequate number of QSE annually, and conduct, fully document and report the required observations of storm water discharges.

The Alton Facility Owners' and/or Operators' failure to conduct sampling and monitoring as required by the Storm Water Permit provides sufficient evidence that the Facility's monitoring plan fails to comply with the requirements of Section B and Provision E(3) of the 1997 Permit and Section XI of the 2015 Permit. Every day that operations at the Facility are conducted in violation of the monitoring requirements of the Storm Water Permit is a separate violation of the Storm Water Permit and the Clean Water Act. The Alton Facility has violated the

Storm Water Permit's monitoring requirements each day since at least February 21, 2014, subjecting the Facility Owners and/or Operators to civil penalties for all violations of the Clean Water Act since February 21, 2014. These violations are ongoing.

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

Section B(14) of the 1997 Permit and Section XVI of the 2015 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Annual Report must include an explanation for incomplete visual observations and sampling results and an explanation of why a permittee did not implement any activities required by the Storm Water Permit. *See* 1997 Permit § B(13); 2015 Permit, § XVI.

Coastkeeper alleges that the Alton Facility Owners and/or Operators have failed and continue to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Facility Owners and/or Operators certified that the SWPPP's BMPs address existing potential pollutant sources, complies with the Storm Water Permit or will be revised to achieve compliance. Coastkeeper has information suggesting that these certifications are erroneous. Storm water samples collected from the Facility have consistently contained concentrations of pollutants above Benchmark Levels, demonstrating that the SWPPP's BMPs have never adequately addressed existing potential pollutant sources. Further, the Facility's SWPPP does not include elements required by the Storm Water Permit, such as additional advanced BMPs given the Alton Facility's industrial activities (metal forging).

Coastkeeper alleges that the Alton Facility submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Owners and/or Operators are in daily violation of the Storm Water Permit. Every day the Facility Owners and/or Operators conduct operations at the Facility without reporting as required by the Storm Water Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Alton Street Facility has been in daily and continuous violation of the Storm Water Permit's reporting requirements each day since at least February 21, 2014, subjecting them to civil penalties for such violations over this same time period. These violations are ongoing, and additional violations will be included when such information becomes available, including further violations of the 2015 Permit reporting requirements (*see* 2015 Permit, § XVI.).

IV. RELIEF 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 occurring before November 2, 2015 commencing five years prior to the date of this Notice of Violation and Intent to File Suit subjects Aluminum Precision to a penalty of up to $37,500 per day; violations occurring after November 2, 2015 and assessed on or after January 15, 2018 subjects Aluminum Precision to a penalty of up to $53,484 per day. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d) of the Clean Water Act (33 U.S.C. §§

1365(a), (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Clean Water Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

V. CONCLUSION

Coastkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Aluminum Precision's violations of the Storm Water Permit.

If you wish to pursue settlement discussions, please contact Coastkeeper's legal counsel:

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Sincerely,

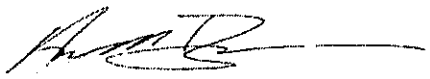

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EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
2014 - 2015 REPORTING YEAR								
12.02.2014	Front	Zinc (H)	0.932	mg/L	0.11	8.47	0.12	7.77
12.02.2014	Front	Iron	1.79	mg/L	1	1.79	none	N/A
12.02.2014	Front	Copper (H)	0.218	mg/L	0.0123	17.72	0.13	1.68
12.02.2014	Front	Aluminum	3.78	mg/L	0.75	5.04	none	N/A
12.02.2014	Front	TOC	128	mg/L	100	1.28	none	N/A
12.02.2014	Front	pH	8.72	s.u.	6.0-9.0	N/A	6.5-8.5	.22 s.u. above
12.02.2014	Back	Zinc (H)	0.489	mg/L	0.11	4.45	0.12	4.08
12.02.2014	Back	Iron	1.64	mg/L	1	1.64	none	N/A
12.02.2014	Back	Copper (H)	0.07	mg/L	0.0123	5.69	0.13	0.54
12.02.2014	Back	Aluminum	1.05	mg/L	0.75	1.40	none	N/A
12.02.2014	Back	pH	6.34	s.u.	6.0-9.0	N/A	6.5-8.5	.16 s.u. below
05.15.2015	Back West	Zinc (H)	0.364	mg/L	0.11	3.31	0.12	3.03
05.15.2015	Back West	Iron	2.07	mg/L	1	2.07	none	N/A
05.15.2015	Back West	Copper (H)	0.055	mg/L	0.0123	4.47	0.13	0.42
05.15.2015	Back West	Aluminum	1.96	mg/L	0.75	2.61	none	N/A
2015 - 2016 REPORTING YEAR								
09.15.2015	Front	Zinc (H)	0.349	mg/L	0.11	3.17	0.12	2.91
09.15.2015	Front	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
09.15.2015	Front	Aluminum	0.93	mg/L	0.75	1.24	none	N/A
09.15.2015	Front	Oil & Grease	15.5	mg/L	15	1.03	none	N/A
09.15.2015	Back	Zinc (H)	0.251	mg/L	0.11	2.28	0.12	2.09
09.15.2015	Back	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
09.15.2015	Back	Aluminum	0.76	mg/L	0.75	1.01	none	N/A
12.22.2015	Front	Zinc (H)	0.52	mg/L	0.11	4.73	0.12	4.33
12.22.2015	Front	N+N	2.57	mg/L	0.68	3.78	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
12.22.2015	Front	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
12.22.2015	Front	Aluminum	3	mg/L	0.75	4.00	none	N/A
12.22.2015	Front	pH	9.07	s.u.	6.0-9.0	.07 s.u above	6.5-8.5	.57 s.u above
12.22.2015	Back	Zinc (H)	0.23	mg/L	0.11	2.09	0.12	1.92
12.22.2015	Back	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
01.05.2016	Front	Zinc (H)	0.39	mg/L	0.11	3.55	0.12	3.25
01.05.2016	Front	N+N	3.09	mg/L	0.68	4.54	none	N/A
01.05.2016	Front	Iron	3.68	mg/L	1	3.68	none	N/A
01.05.2016	Front	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
01.05.2016	Front	Aluminum	5.4	mg/L	0.75	7.20	none	N/A
01.05.2016	Front	pH	9.23	s.u.	6.0-9.0	.23 s.u above	6.5-8.5	.83 s.u above
01.05.2016	Back	Zinc (H)	0.18	mg/L	0.11	1.64	0.12	1.50
01.05.2016	Back	Iron	1.34	mg/L	1	1.34	none	N/A
01.05.2016	Back	Copper (H)	No Sample	mg/L	0.0123	N/A	0.13	N/A
01.05.2016	Back	Aluminum	1.3	mg/L	0.75	1.73	none	N/A
01.05.2016	Back	pH	6.29	s.u.	6.0-9.0	N/A	6.5-8.5	.21 s.u. below
2016 - 2017 REPORTING YEAR								
10.24.2016	Front	Zinc (H)	0.85	mg/L	0.11	7.73	0.12	7.08
10.24.2016	Front	N+N	4.6	mg/L	0.68	6.76	none	N/A
10.24.2016	Front	Iron	1.82	mg/L	1	1.82	none	N/A
10.24.2016	Front	Copper (H)	0.145	mg/L	0.0123	11.79	0.13	1.12
10.24.2016	Front	Aluminum	7.9	mg/L	0.75	10.53	none	N/A
10.24.2016	Front	TSS	179	mg/L	100	1.79	none	N/A
10.24.2016	Front	Oil & Grease	91.4	mg/L	15	6.09	none	N/A
10.24.2016	Front	pH	8.83	s.u.	6.0-9.0	N/A	6.5-8.5	.33 s.u. above

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
10.24.2016	Upstream	Zinc (H)	0.25	mg/L	0.11	2.27	0.12	2.08
10.24.2016	Upstream	N+N	0.95	mg/L	0.68	1.40	none	N/A
10.24.2016	Upstream	Iron	2.81	mg/L	1	2.81	none	N/A
10.24.2016	Upstream	Copper (H)	0.0575	mg/L	0.0123	4.67	0.13	0.44
10.24.2016	Upstream	Aluminum	2.7	mg/L	0.75	3.60	none	N/A
10.26.2016	Filtered SW	Zinc (H)	1.28	mg/L	0.11	11.64	0.12	10.67
10.26.2016	Filtered SW	N+N	2.1	mg/L	0.68	3.09	none	N/A
10.26.2016	Filtered SW	Copper (H)	0.112	mg/L	0.0123	9.11	0.13	0.86
10.26.2016	Filtered SW	Aluminum	3.55	mg/L	0.75	4.73	none	N/A
10.26.2016	Filtered SW	Oil & Grease	32.6	mg/L	15	2.17	none	N/A
10.26.2016	Unfiltered SW	Zinc (H)	1.15	mg/L	0.11	10.45	0.12	9.58
10.26.2016	Unfiltered SW	N+N	1.7	mg/L	0.68	2.50	none	N/A
10.26.2016	Unfiltered SW	Copper (H)	0.102	mg/L	0.0123	8.29	0.13	0.78
10.26.2016	Unfiltered SW	Aluminum	3.85	mg/L	0.75	5.13	none	N/A
10.26.2016	Unfiltered SW	Oil & Grease	70.3	mg/L	15	4.69	none	N/A
11.21.2016	SW Front	Zinc (H)	1.03	mg/L	0.11	9.36	0.12	8.58
11.21.2016	SW Front	N+N	3	mg/L	0.68	4.41	none	N/A
11.21.2016	SW Front	Copper (H)	0.0786	mg/L	0.0123	6.39	0.13	0.60
11.21.2016	SW Front	Aluminum	1.95	mg/L	0.75	2.60	none	N/A
11.21.2016	SW Front	TSS	103	mg/L	100	1.03	none	N/A
11.21.2016	SW Front	Oil & Grease	No Sample	mg/L	15	N/A	none	N/A
11.21.2016	SW Back	Zinc (H)	0.453	mg/L	0.11	4.12	0.12	3.78
11.21.2016	SW Back	Copper (H)	0.0541	mg/L	0.0123	4.40	0.13	0.42
11.21.2016	SW Back	Oil & Grease	No Sample	mg/L	15	N/A	none	N/A
11.21.2016	SW Pool Pump	Zinc (H)	0.569	mg/L	0.11	5.17	0.12	4.74
11.21.2016	SW Pool Pump	N+N	2	mg/L	0.68	2.94	none	N/A
11.21.2016	SW Pool Pump	Iron	1.28	mg/L	1	1.28	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
11.21.2016	SW Pool Pump	Copper (H)	0.0841	mg/L	0.0123	6.84	0.13	0.65
11.21.2016	SW Pool Pump	Aluminum	2.39	mg/L	0.75	3.19	none	N/A
11.21.2016	SW Pool Pump	Oil & Grease	No Sample	mg/L	15	N/A	none	N/A
12.15.2016	Front	Zinc (H)	0.454	mg/L	0.11	4.13	0.12	3.78
12.15.2016	Front	N+N	2.1	mg/L	0.68	3.09	none	N/A
12.15.2016	Front	Copper (H)	0.0524	mg/L	0.0123	4.26	0.13	0.40
12.15.2016	Front	Aluminum	1.4	mg/L	0.75	1.87	none	N/A
12.15.2016	Front	pH	6.15	s.u.	6.0-9.0	N/A	6.5-8.5	.35 s.u. below
12.15.2016	Back	Zinc (H)	0.254	mg/L	0.11	2.31	0.12	2.12
12.15.2016	Back	Copper (H)	0.0313	mg/L	0.0123	2.54	0.13	0.24
12.15.2016	Back	pH	6.1	s.u.	6.0-9.0	N/A	6.5-8.5	.4 s.u. below
12.15.2016	Roof Runoff	Zinc (H)	0.708	mg/L	0.11	6.44	0.12	5.90
12.15.2016	Roof Runoff	N+N	0.77	mg/L	0.68	1.13	none	N/A
12.15.2016	Roof Runoff	Iron	2.57	mg/L	1	2.57	none	N/A
12.15.2016	Roof Runoff	Copper (H)	0.0446	mg/L	0.0123	3.63	0.13	0.34
12.15.2016	Roof Runoff	Aluminum	1.78	mg/L	0.75	2.37	none	N/A
12.15.2016	Roof Runoff	TSS	229	mg/L	100	2.29	none	N/A
12.15.2016	Roof Runoff	Oil & Grease	84.1	mg/L	15	5.61	none	N/A
12.15.2016	Die Setup	Zinc (H)	1.79	mg/L	0.11	16.27	0.12	14.92
12.15.2016	Die Setup	N+N	0.77	mg/L	0.68	1.13	none	N/A
12.15.2016	Die Setup	Iron	31.8	mg/L	1	31.80	none	N/A
12.15.2016	Die Setup	Copper (H)	0.387	mg/L	0.0123	31.46	0.13	2.98
12.15.2016	Die Setup	Aluminum	12.7	mg/L	0.75	16.93	none	N/A
12.15.2016	Die Setup	TSS	561	mg/L	100	5.61	none	N/A
12.15.2016	Die Setup	Oil & Grease	70.5	mg/L	15	4.70	none	N/A
12.21.2016	Front	Zinc (H)	0.369	mg/L	0.11	3.35	0.12	3.08
12.21.2016	Front	Copper (H)	0.0472	mg/L	0.0123	3.84	0.13	0.36

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
12.21.2016	Front	Aluminum	0.882	mg/L	0.75	1.18	none	N/A
12.21.2016	Back	Zinc (H)	0.44	mg/L	0.11	4.00	0.12	3.67
12.21.2016	Back	N+N	2.4	mg/L	0.68	3.53	none	N/A
12.21.2016	Back	Iron	1.34	mg/L	1	1.34	none	N/A
12.21.2016	Back	Copper (H)	0.0388	mg/L	0.0123	3.15	0.13	0.30
12.21.2016	Back	Aluminum	0.95	mg/L	0.75	1.27	none	N/A
12.21.2016	Back	pH	6	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. below
01.05.2017	Front	Zinc (H)	0.328	mg/L	0.11	2.98	0.12	2.73
01.05.2017	Front	N+N	2.4	mg/L	0.68	3.53	none	N/A
01.05.2017	Front	Copper (H)	0.051	mg/L	0.0123	4.15	0.13	0.39
01.05.2017	Front	Aluminum	1.72	mg/L	0.75	2.29	none	N/A
01.05.2017	Back	Zinc (H)	0.286	mg/L	0.11	2.60	0.12	2.38
01.05.2017	Back	Copper (H)	0.0287	mg/L	0.0123	N/A	0.13	0.22
01.05.2017	Back	pH	6	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. below
01.09.2017	Front	Zinc (H)	0.365	mg/L	0.11	3.32	0.12	3.04
01.09.2017	Front	N+N	1.3	mg/L	0.68	1.91	none	N/A
01.09.2017	Front	Copper (H)	0.0339	mg/L	0.0123	2.76	0.13	0.26
01.09.2017	Front	Aluminum	1.25	mg/L	0.75	1.67	none	N/A
01.09.2017	Back	Zinc (H)	0.422	mg/L	0.11	3.84	0.12	3.52
01.09.2017	Back	N+N	1.2	mg/L	0.68	1.76	none	N/A
01.09.2017	Back	Copper (H)	0.03397	mg/L	0.0123	2.76	0.13	0.26
01.09.2017	Back	Aluminum	1	mg/L	0.75	1.33	none	N/A
01.19.2017	GA Storm	Zinc (H)	0.288	mg/L	0.11	2.62	0.12	2.40
01.19.2017	GA Storm	Copper (H)	0.0175	mg/L	0.0123	1.42	0.13	0.13
01.19.2017	GA Storm	Aluminum	0.85	mg/L	0.75	1.13	none	N/A
01.19.2017	Pump Storm	Zinc (H)	0.284	mg/L	0.11	2.58	0.12	2.37
01.19.2017	Pump Storm	Copper (H)	0.0326	mg/L	0.0123	2.65	0.13	0.25

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
01.19.2017	Pump Storm	Aluminum	1.05	mg/L	0.75	1.40	none	N/A
2017 - 2018 REPORTING YEAR								
01.09.2018	Outfall 1	Zinc (H)	0.775	mg/L	0.11	7.05	0.12	6.46
01.09.2018	Outfall 1	N+N	9.8	mg/L	0.68	14.41	none	N/A
01.09.2018	Outfall 1	Iron	1.48	mg/L	1	1.48	none	N/A
01.09.2018	Outfall 1	Copper (H)	0.103	mg/L	0.0123	8.37	0.13	0.79
01.09.2018	Outfall 1	Aluminum	2.05	mg/L	0.75	2.73	none	N/A
01.09.2018	Outfall 1	pH	6	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. below
01.09.2018	Outfall 1	Magnesium	2.12	mg/L	0.064	33.13	none	N/A
01.09.2018	Outfall 2	Zinc (H)	0.534	mg/L	0.11	4.85	0.12	4.45
01.09.2018	Outfall 2	N+N	1.83	mg/L	0.68	2.69	none	N/A
01.09.2018	Outfall 2	Iron	2.04	mg/L	1	2.04	none	N/A
01.09.2018	Outfall 2	Copper (H)	0.0801	mg/L	0.0123	6.51	0.13	0.62
01.09.2018	Outfall 2	Aluminum	1.66	mg/L	0.75	2.21	none	N/A
01.09.2018	Outfall 2	pH	5	s.u.	6.0-9.0	1 s.u. below	6.5-8.5	1.5 s.u. below
01.09.2018	Outfall 2	Magnesium	0.978	mg/L	0.064	15.28	none	N/A
03.22.2018	Outfall 1	Zinc (H)	0.474	mg/L	0.11	4.31	0.12	3.95
03.22.2018	Outfall 1	N+N	1.25	mg/L	0.68	1.84	none	N/A
03.22.2018	Outfall 1	Copper (H)	0.0667	mg/L	0.0123	5.42	0.13	0.51
03.22.2018	Outfall 1	Aluminum	1.69	mg/L	0.75	2.25	none	N/A
03.22.2018	Outfall 1	pH	6	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. below
03.22.2018	Outfall 1	Magnesium	0.674	mg/L	0.064	10.53	none	N/A
03.22.2018	Outfall 2	N+N	0.709	mg/L	0.68	1.04	none	N/A
03.22.2018	Outfall 2	Copper (H)	0.0523	mg/L	0.0123	4.25	0.13	0.40
03.22.2018	Outfall 2	pH	6	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. below
03.22.2018	Outfall 2	Magnesium	0.818	mg/L	0.064	12.78	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Alton Ave Facility

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark/ NAL	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria /WQO	Magnitude of CTR/WQO Exceedance
2018 - 2019 REPORTING YEAR								
01.14.2019	Outfall 1	Zinc (H)	0.326	mg/L	0.11	2.96	0.12	2.72
01.14.2019	Outfall 1	N+N	2.28	mg/L	0.68	3.35	none	N/A
01.14.2019	Outfall 1	Copper (H)	0.478	mg/L	0.0123	38.86	0.13	3.68
01.14.2019	Outfall 1	Aluminum	1.21	mg/L	0.75	1.61	none	N/A
01.14.2019	Outfall 1	Magnesium	0.629	mg/L	0.064	9.83	none	N/A
01.14.2019	Outfall 2	Zinc (H)	0.175	mg/L	0.11	1.59	0.12	1.46
01.14.2019	Outfall 2	Copper (H)	0.022	mg/L	0.0123	1.79	0.13	0.17
				Total Exceedances		**140**		**75**

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2014	0.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/28/2014	1.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2014	0.65
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/2/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/25/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/1/2014	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/2/2014	0.72
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/3/2014	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/12/2014	1.97
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/17/2014	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/30/2014	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2015	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/26/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/22/2015	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/23/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/2/2015	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/7/2015	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/8/2015	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/14/2015	0.37
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/15/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/18/2015	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/19/2015	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/9/2015	0.29
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/15/2015	1.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/11/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/13/2015	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/19/2015	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2015	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2016	0.88
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/6/2016	1.01
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2016	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/6/2016	0.33
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/7/2016	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/11/2016	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/17/2016	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/23/2016	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/24/2016	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/20/2016	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/21/2016	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/26/2016	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/27/2016	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/15/2016	0.44
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/16/2016	0.69
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/21/2016	0.73
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2016	0.71

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019).

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/23/2016	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/24/2016	0.31
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/31/2016	0.28
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2017	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2017	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2017	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2017	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/19/2017	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/20/2017	1.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/22/2017	2.27
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/23/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/6/2017	1.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/7/2017	0.38
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/11/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/17/2017	1.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2017	0.15
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2017	0.1
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2017	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/8/2018	0.2
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2018	0.9
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/10/2018	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/15/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/22/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/3/2018	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/12/2018	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/13/2018	0.21
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/22/2018	0.35
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/29/2018	0.77
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/5/2018	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/6/2018	3.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2019	0.5
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2019	1.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/14/2019	0.62
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/15/2019	0.95
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/16/2019	0.53
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/17/2019	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/31/2019	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/2/2019	1.55
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/3/2019	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/4/2019	0.63
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/5/2019	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/9/2019	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/10/2019	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/13/2019	0.27

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 – Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/14/2019	2.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/15/2019	0.12

ATA
AQUA TERRA AERIS LAW GROUP

February 21, 2019

VIA CERTIFIED MAIL – Return Receipt Requested

Gregory S. Keeler
Chief Executive Officer
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Ron Awrey
Plant Engineer
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Roark L. Keeler
Registered Agent for Service of Process
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

We write on behalf of Orange County Coastkeeper ("Coastkeeper") regarding violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] ("Storm Water Permit") occurring at the Aluminum Precision Products, Inc. ("Aluminum Precision") facility located along South Susan Street, Santa Ana, CA 92704 (the "Susan Street Facility" or "Facility").[3] Aluminum Precision is a California Corporation headquartered in Santa Ana, where two additional Aluminum Precision Facilities are also located. The purpose of this letter is to put Aluminum Precision as the owners and operators[4] of the Susan Street Facility, on notice of the violations of the Storm Water Permit and the Clean Water Act occurring at the Susan Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, Aluminum Precision is liable for violations of the Storm Water Permit and the Clean Water Act relating to Susan Street Facility.

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related Permits. Section 505 of

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2015-0057-DWQ.
[3] The Facility is comprised of six buildings on six separate parcels located at 3209 W. Central Ave, Santa Ana, CA, 92704; 3210 W. Central Ave, Santa Ana, CA, 92704; 3132 W. Central Ave, Santa Ana, CA, 92704; 2621 S. Susan Street, Santa Ana, CA, 92704; 2631 S. Susan Street, Santa Ana, CA, 92704; and 3151 W. Adams Street, Santa Ana, CA, 92704.
[4] The owners and/or operators of the Facility are identified in Section I (B) below and referred to hereinafter as the "the Facility Owners and/or Operators" or "Owners and/or Operators."

the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related permits. 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 file suit. 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(a)(1). This letter is being sent to you as the responsible owners and/or operators of the Susan Street Facility, or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform Aluminum Precision that Coastkeeper intends to file a federal enforcement action against Aluminum Precision for violations of the Storm Water Permit and the Clean Water Act at the Susan Street Facility sixty (60) days from the date of this Notice Letter.

This letter constitutes notice of Coastkeeper's intent to sue Aluminum Precision for violations of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311, 1342, and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("Storm Water Permit"), Water Quality Order No. 97-03-DWQ ("1997 Permit"), as superseded by Order No. 2014-0057-DWQ and amended by Order No. 2015-0122 –DWQ ("2015 Permit ") (collectively "Storm Water Permit"), and recently amended but not yet adopted Order No. 20XX-XXX-DWQ incorporating: 1) Federal Sufficiently Sensitive Test Method Ruling; 2) TMDL Implementation Requirements; and 3) Statewide Compliance Options Incentivizing On-Site or Regional Storm Water Capture and Use. ("2018 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit includes many of the same fundamental requirements, and implements many of the same statutory requirements, as the 1997 Permit. Violations of these requirements constitute ongoing violations for purposes of Clean Water Act enforcement.

I. BACKGROUND

A. <u>Orange County Coastkeeper</u>

Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Coastkeeper has over 6,000 members who live and/or recreate in and around the Santa Ana River, Huntington Beach State Park, and greater Santa Ana River Watershed. Coastkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Orange County. To further these goals, Coastkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Coastkeeper live and own homes in the Santa Ana River Watershed, and use and enjoy the waters to which the Susan Street Facility discharges storm water, including the

Santa Ana River and the Pacific Ocean, to participate in a variety of water sports and other activities, to view wildlife, recreate, and engage in scientific studies including monitoring activities. The discharge of pollutants from the Susan Street Facility impairs each of these uses. These discharges of polluted storm water from the Susan Facility are ongoing and continuous. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by Aluminum Precisions' failure to comply with the Clean Water Act and the Storm Water Permit at the Susan Street Facility.

B. The Owners and/or Operators of the Aluminum Precision Facility

Aluminum Precision is currently an active California Corporation with California entity number C0497022. The listed registered agent for service is Roark L. Keeler, 3333 W. Warner Ave, Santa Ana, CA 92704. The registered California entity lists the entity address with the California Secretary of State as 3333 W. Warner Ave, Santa Ana, CA 92704.

Information available to Coastkeeper indicates that the Facility is comprised of six (6) Assessor's Parcel Number(s) ("APN"): 414-111-04, 414-111-11, 414-111-12, 414-111-35, 414-121-01, and 414-121-10, each with a separate address, but all adjacent to one another.[5] Each parcel is owned by Aluminum Precision. When Coastkeeper refers to owners and operators herein, those legally responsible for Aluminum Precision are referred to collectively as the Susan Street Facility "Owners and/or Operators."

The Susan Street Facility Owners and/or Operators have violated and continue to violate the procedural and substantive terms of their Storm Water Permits and the Clean Water Act for the Facility, including, but not limited to, the illegal discharge of pollutants into local surface waters and are liable for violations of the Storm Water Permits and the Clean Water Act.

C. The Aluminum Precision Facility's Storm Water Permit Coverage

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* 2015 Permit, Finding #12. Upon information and belief, Aluminum Precision obtained Storm Water Permit coverage for the Facility on or about April 1, 1992 and obtained coverage under the 1997 Permit on May 21, 1997. On March 17, 2015, Aluminum Precision submitted an NOI for coverage under the 2015 Permit. The Facility NOI identifies the owner/operator of the Susan Street Facility as Aluminum Precision, with an address of 3333 W. Warner Ave, Santa Ana, CA 92704.

The NOI lists the Facility site size as five (5) acres,[6] with one (1) acre of industrial area exposed to Storm Water. The Industrial Receipt letter from the State Board to Aluminum Precision provides 8 30I002610 as the Waste Discharger Identification ("WDID") number for

[5]Addresses for the six (6) contiguous properties were detailed above.
[6] The April 17, 2018 SWPPP lists the facility as 5.3 acres total.

the Facility. The NOI lists the Primary Standard Industrial Classification ("SIC") code for the Facility as 3463 (Nonferrous Forgings). The Storm Water Permit classifies facilities with SIC code 3463 under "Fabricated Metal Products." *See* 2015 Permit §XI(B) Table 1.

D. Storm Water Pollution and the Waters Receiving the Aluminum Precision Facility's Discharges

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Susan Street Facility pour into storm drains and local waterways. 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. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from industrial manufacturing facilities such as the Susan Street Facility can contain pH-affecting substances; metals such as iron, magnesium and aluminum; toxic metals such as lead, zinc, nickel, cadmium, chromium, copper, arsenic, and mercury; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS"); total organic carbon ("TOC"); benzene; gasoline and diesel fuels; cyanide; ammonia-N; fuel additives; coolants; antifreeze; nitrate + nitrite nitrogen ("N+N"); trash; and oil and grease ("O&G"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to the Santa Ana River and Pacific Ocean pose threats to the public, dramatically affect the use and enjoyment of the surrounding environment, and adversely affect the aquatic environment.

The Facility discharges into the Santa Ana municipal separate storm sewer system ("MS4"). The MS4 drains to the Greenville Banning Channel, which empties to the Santa Ana River, which flows to the Pacific Ocean at Huntington Beach State Park. These bodies of water are collectively referred to herein as the "Receiving Waters." These discharges pose threats as described above and affect the use and enjoyment of these waters sought by members of Coastkeeper.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied species, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The existing and/or potential Beneficial Uses for the Santa Ana River include, at a minimum: warm freshwater habitat (WARM); water contact recreation (REC1); non-contact water recreation (REC2); commercial and sportfishing (COMM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). *See* Basin Plan at Table 3-1. The Pacific Ocean from the San Gabriel River to Corona Del Mar also has numerous listed Beneficial Uses including water contact recreation (REC1); non-contact water recreation (REC2); shell fish harvesting (SHEL); commercial and sportfishing (COMM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). *Id.*

According to the 2016 303(d) List of Impaired Water Bodies, the Santa Ana River is impaired for Indicator Bacteria.[7] Polluted discharges from industrial sites, such as the Susan Street Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife that depends on these waters.

II. THE ALUMINUM PRECISION FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. <u>The Susan Street Facility Site Description and Industrial Activities</u>

The Susan Street Facility is located in Santa Ana, CA 92704 near the intersection of South Susan Street and West Central Ave, specifically at the address of 2621 South Susan Street, Santa Ana, CA 92704.

This Facility is an aluminum forging facility that produces precision parts and components for aerospace and automotive applications including closed die and open ("hand") aluminum forgings. According to the SWPPP the Susan Street Facility operates 24 hours per day (Monday through Thursday) and 18 hours per day (Friday and Saturday). The company's website notes that the company employs approximately 650 people.[8]

Information available to Coastkeeper indicates that the Susan Street Facility has buildings purposed for several activities, including offices, burnishing operations, etching, pressing, heat treating and zyglo die penetrant, a die shop, and a maintenance shop. Used oil, oily water, coolants, solvents, acids, used lubricants, and scrap metals are pollutant used in, and byproducts of, these industrial processes. Track-out of metal debris, metal and other pollutant particulate, liquids such as coolant, solvent, degreaser, waste oil, oily water by machinery, and vehicle and foot traffic, and other fugitive emissions at the Facility, impact the storm water and the

[7] 2016 Integrated Report – All Assessed Waters, *available at https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/category5_report.shtml* (last accessed on January 22, 2018).
[8] See *http://www.aluminumprecision.com/about-app/* (last accessed on December 12, 2018).

environment due to a lack of containment. Exhaust and other internal discharge at the Susan Street Facility also impacts storm water. Certain industrial activities and storage occur outside, without adequate cover, containment or other measures, resulting in discharges of polluted storm water. Scrap metal, active and inactive industrial equipment, raw materials and finished product are stored outdoors and impact storm water runoff. Fugitive dust, debris, particulate, exhaust emissions and other pollutants at Facility are also uncontained and enter local waterways via storm water, unauthorized non-storm water discharge and aerial deposition. These industrial activities and contaminant factors create significant sources of pollution at the Facility.

Pollutants associated with operations at the Facility include, but are not limited to: pH-affecting substances; metals such as iron and aluminum; toxic metals such as lead, copper and zinc; TSS; gasoline and diesel fuels; fuel additives; coolants; trash; and nitrate as nitrogen.

Coastkeeper alleges that Aluminum Precision has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the Susan Street Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events storm water carries pollutants from the Facility's raw and finished material, oil, and chemical storage areas, parking areas, fueling and maintenance areas, loading and unloading areas, garbage and refuse storage areas, scrap metal areas, equipment washing areas, and other areas into the municipal separate storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Coastkeeper indicates that metal particulates have been and continue to be tracked from the manufacturing buildings, raw material and refuse storage areas, parking areas, and equipment maintenance and washing areas throughout the Susan Street Facility. Further, numerous pollutants are believed to accumulate on the roofs of the Facility due to exhaust emissions from furnaces, other industrial heat sources, air conditioners and other heating and air discharge equipment, resulting in polluted storm water and non-storm water discharges from the Facility. In addition to the roofs, these pollutants accumulate in parking, loading and unloading areas, and the driveways of the Facility. As a result, trucks and vehicles leaving the Facility via the driveways are track sediment, dirt, metal particles, and other pollutants off-site.

B. <u>The Aluminum Precision Facility's Storm Water Flow and Discharge Locations</u>

Publicly available information indicates that storm water at the Susan Street Facility is discharged off site from seven (7) discharge points via driveways into West Central Avenue ("West Central"), West Adams Street ("West Adams") and South Susan Street ("South Susan"). Storm water flows west from West Central and West Adams and drains to South Susan. From there, the storm water flows near to the intersection with Segerstrom Street where it enters the Santa Ana MS4. Outfall 1 is on the 3029 West Central property adjacent to South Susan. Outfall 2 is on the same property next to the parking lot, near to West Central. Outfall 3 is located on the 3210 West Central property between the two parking lots. Outfall 4 is between the 3210 West Central building and the 2621 South Susan building near South Susan. Outfall 5 is south of the

2621 South Susan building, and Outfall 6 is between the buildings at 3151 West Adams and 2631 South Susan in the parking lot. Outfall 7 is near the corner of South Susan Street and West Adams on the 2631 South Susan property.

The Susan Street Facility Storm Water Pollution Prevention Plan ("SWPPP") does not identify down spouts from the roofed areas of the manufacturing buildings; it is unknown which discharge points handle storm water runoff originating from roofed areas. After storm water enters the drain inlets it flows into the MS4 and is discharged to the Greenville Banning Channel and into the Santa Ana River.

Coastkeeper obtained information indicating that machinery, equipment and industrial and raw materials are stored outdoors at the Susan Street Facility. The exposed die storage area is on the 3209 West Central property at the northernmost part of the Susan Street Facility, close to the hazardous waste storage area. Drums, pallets, scrap metal and casts exist throughout the outdoor areas of the Facility without adequate secondary containment. These industrial materials are uncovered, stored on the ground, and exposed to storm water. Information available to Coastkeeper also indicates that the Facility has large air conditioning and cooling units that produce non-storm water discharges. Several roofs of the buildings at the Susan Street Facility are stained with what appears to be soot from exhaust and other emissions resulting from the industrial activity at the Facility.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMITS

The Clean Water Act requires that any person discharging pollutants to a water of the United States from a point source[9] obtain coverage under an NPDES permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 CFR § 122.117(c)(1). CWA § 402 further requires each discharger to meet minimum technology-based treatment requirements. Discharges of toxic pollutants must be treated pursuant to the best available technology ("BAT"), 33 U.S.C. § 1311 (b)(2)(A), and other pollutant discharges must comply with best conventional technology ("BCT"). 33 U.S.C. § 1311(b)(2)(E).

In addition to implementing technology-based controls, each point source discharger must achieve "any more stringent limitation necessary to meet water quality standards[.]" 33 U.S.C. § 1311(b)(1)(C). Water quality standards establish the water quality goals for a water body. 40 C.F.R. § 131.2. They serve as the regulatory basis for the establishment of water quality-based controls over point sources, as required under § 301 and § 306 of the CWA. Once water quality standards are established for a particular water body, any NPDES permit authorizing discharges of pollutants into that water body must ensure that the applicable water

[9] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); *see* 40 C.F.R. § 122.2

quality standard will be met. 33 U.S.C. § 1311(b)(1)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d).

The 1997 Permit requires dischargers meet all applicable provisions of Sections 301 and 402 of the CWA. Rather than requiring specific application of BAT and BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constitutes failure to subject discharges to BAT/BCT, and is a violation of the CWA.

The 2015 Permit includes the same fundamental terms as the 1997 Permit. The 2015 Permit retains this core statutory requirement to meet BAT/BCT standards. Just like the 1997 Permit, the 2015 Permit requires all facility operators to develop and implement SWPPP that includes BMPs, although the 2015 Permit now requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary, to achieve compliance with the effluent and receiving water limitations of the 2015 Permit. Advanced BMP categories are defined as follows: (1) exposure minimization BMPs, (2) storm water containment and discharge reduction BMPs, (3) treatment control BMPs, and (4) additional advanced BMPs needed to meet the effluent limitations of the 2015 Permit. Coastkeeper alleges that Susan Street Facility Owners and/or Operators have failed to implement advanced BMPs as necessary to meet the effluent limitations of the 2015 Permit, as borne out by the Facility's self-reported storm water sampling results. *See* Exhibit A. The 2015 Permit also requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare sample and analytical results with numeric action levels ("NALs").

Under the 2015 Permit Facility operators are required to perform Exceedance Response Actions ("ERA") as appropriate whenever sampling indicates NAL exceedances. An annual NAL exceedance occurs when the average of all the analytical results for a parameter from samples taken within a reporting year[10] exceeds the annual NAL value for that parameter. An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NAL value or are outside of the instantaneous maximum NAL range for pH. 2015 Permit XII.A. There are two (2) ERA levels, Level 1 and Level 2. If a discharger enters Level 1 for exceedances of any constituent in a reporting year that facility must prepare a Level 1 ERA to adequately address the polluted discharges. Should the facility's sample results average over the annual NAL for a second consecutive year for the same constituent, the facility must prepare a Level 2 ERA requiring further BMPs to address the exceedances.

Coastkeeper has reviewed each of the four (4) ERA's submitted by the Owners and/or Operators of the Susan Street Facility and alleges that each of the ERA's are inadequate to address pollutant discharges from the Facility, in part due to the lack of implemented advanced BMPs, or plans for implementing advanced BMPs. The two (2) ERA's submitted in December

[10] A reporting year encompasses a full calendar year from July 1, through June 30 of the following year.

2018 fail to include implementation of any additional BMPs, and do not address constituents for which the Susan Street Facility should have entered Level 2: zinc, aluminum, and nitrate and nitrite nitrogen. Similarly, the ERA Level 1 submitted in December 2017 also ignored zinc, aluminum, and nitrate and nitrite nitrogen despite the Susan Street Facility averaging over the NAL for those constituents. The 2017 Level 1 ERA and 2018 Level 2 ERA address only iron. The 2018 Level 1 ERA addresses copper and magnesium.

Industrial activities conducted at the Susan Street Facility under SIC code 3463 require Aluminum Precision to obtain Storm Water Permit coverage for the Facility. Both the 1997 Permit and the 2015 Permit generally require facility operators to: (1) submit a Notice of Intent ("NOI") that certifies the type of activity or activities undertaken at the facility and committing the operator to comply with the terms and conditions of the permit; (2) eliminate unauthorized non-storm water discharges; (3) develop and implement a SWPPP; (4) perform monitoring of storm water discharges and authorized non-storm water discharges; and (5) file an Annual Report that summarizes the year's industrial activities and compliance with the Storm Water Permit. Facilities must strictly comply with all of the terms and conditions of the Storm Water Permit. A violation of the Storm Water Permit is a violation of the CWA.

A. Applicable Effluent Standards or Limitations

The Storm Water Permit requires all industrial facilities to sample and analyze storm water discharges for the following parameters: pH, total suspended solids ("TSS"), and oil and grease ("O&G"). *See* 1997 Permit, § B(5)(c)(i); 2015 Permit, §§ XI(B)(6)(a), (b). Facilities classified under SIC code 3463 – Nonferrous Forgings – must also sample and analyze samples for zinc ("Zn"), iron ("Fe"), aluminum ("Al"), and nitrate and nitrite nitrogen ("N+N"). *See* 2015 Permit, § VI(B) at Table 1. Indeed, dischargers must also sample for additional parameters identified by the Discharger that are likely to be present under the Facility pollutant source assessment and additional parameters related to receiving waters with 303(d) listed impairments. 2015 Permit, § XI(B). Here, the Susan Street Facility did not sample for copper until 2018 and immediately realized effluent limit exceedances resulting in the Facility's entry into Level 1 ERA. A copper test result from January 8, 2018 registered at 0.305 mg/l, 24 times over the EPA Benchmark adjusted for an expected water hardness level in the Receiving Water.

The EPA has published "benchmark" levels as numeric thresholds for helping to determine whether a facility discharging industrial storm water has implemented the requisite BAT and BCT mandated by the CWA. (See *United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective June 4, 2015.[11]) These benchmarks represent pollutant concentrations at which a storm water discharge could potentially impair, or contribute to impairing, water quality, or affect human health from ingestion of water or fish. EPA benchmarks have been established for pollutants discharged by the Facility, and include: TSS—100 mg/L; Zn—0.11 mg/L; Cu—.0123 mg/L; and pH—6.0-9.0 s.u. However, the Basin Plan

[11] Available at https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf (last accessed on December 12, 2018).

contains narrower effluent levels for pH: for bays and estuary waters, pH—7.0-8.6 s.u; for inland surface waters, pH —6.5-8.5 s.u.

The Criteria for Priority Toxic Pollutants in the State of California, or California Toxics Rule ("CTR"), set forth in 40 C.F.R. § 131.38, establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR sets forth lower numeric limits for zinc and other pollutants such as copper (0.010 mg/l) and nickel (0.037) in freshwater surface waters with water hardness calculation of 75 mg/L[12]; CTR criteria can be as low as 0.067 mg/L for zinc in freshwater surface waters with water hardness calculation of 50 mg/L.[13] Coastkeeper puts Aluminum Precision on notice that they have violated, and continue to violate the CTR, and by extension the Clean Water Act, for zinc, copper and other constituents each time polluted storm water discharges from the Susan Street Facility.

Courts have expressly held that the EPA Benchmarks are relevant objective standards for evaluating whether the best management practices implemented by a permittee achieve effluent limitations. *See* Santa Monica Baykeeper v. Kramer Metals, Inc., 619 F.Supp.2d 914, 924 (C.D. Cal. 2009) (holding that "EPA Benchmarks are relevant guidelines that should be used to evaluate the efficacy of a facility's BMPs"). Thus, comparing EPA Benchmarks and NALs to stormwater monitoring data is sufficient to support a good faith allegation of noncompliance with the technology and/or water-quality based effluent limitations in the General Permit: [exceedance] of the benchmark levels is evidence . . . that [Defendant] did not have BMPs that achieve BAT/BCT[;] . . . however, this evidence in and of itself does not establish a violation of [BAT/BCT]. . . . There can be no reasonable dispute that the Benchmarks are relevant to the inquiry as to whether a facility implemented BMPs. Id. at 925 (emphasis added), citing Waterkeepers Northern California v. AG Industrial Mfg., Inc., 375 F.3d 913, 919 n. 5 (9th Cir. 2004).

Thus, storm water sampling results provide well-founded evidence of a failure to comply with the Storm Water Permit's discharge prohibitions, receiving water limitations and effluent limitations. A monitoring report showing "a water sample with pollutant discharges in excess of permit limits is conclusive evidence of a violation . . .. A defendant may not impeach its own publicly filed reports which are submitted under penalty of perjury." San Francisco Baykeeper v. West Bay Sanitary District, 791 F.Supp.2d 719, 755 (N.D. Cal 2011) [cites and quotes omitted); see also Sierra Club v. Union Oil, 813 F.2d 1480, 1493 (9th Cir. 1988).

The Susan Street Facility Owners and/or Operators have self-reported numerous exceedances of relevant standards at least since 2014, including values several orders of

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[12] Exhibit A uses CTR limits with a water hardness calculation of 100 mg/L for zinc, copper and lead.

[13] The CTR numeric limits, or "criteria," are expressed as dissolved metal concentrations in the CTR, but the Storm Water Permit required permittees to report their sample results as total metal concentrations. *See* 1997 Permit § B(10)(b); 2015 Permit, Attachment H at 18. To compare sample results reported by the Facility with the CTR criteria, Coastkeeper will use the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i). The applicable CTR criteria also requires a hardness value.

magnitude above regulatory limits. *See* Exhibit A. For example, based upon a hardness value of 75-100 mg/L for the receiving waters, the effluent limitation for Cu is .0123 mg/L. See 2015 Permit, Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals." Self-reported testing submitted to the Regional Water Quality Control Board (RWQCB) showed exceedances of the EPA Benchmark for Cu, among others, by magnitudes as great as 24.8 and 10.97 at the Facility. *Id.*

Thus, Coastkeeper alleges that the Susan Street Facility Owners and/or Operators violate the Storm Water Permit by discharging storm water containing pollutants in excess of, or outside the range of, the applicable effluent limitations each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every day the Owners and/or Operators discharge storm water from the Facility that contains concentrations of pollutants in excess of, or outside the range of, the applicable effluent limitations. Coastkeeper will include additional violations as information and data become available. Further, given that these effluent limitation violations are ongoing, and recent test results evidence additional effluent violations, Coastkeeper puts the Owners and/or Operators on notice that Effluent Limitation V.B. of the 2015 Permit is violated each time storm water is discharged from the Facility. Every Facility discharge of polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V.B. of the 2015 Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

B. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Storm Water Permit Effluent Limitations

The Storm Water Permit states that storm water discharges from facilities shall not exceed specified effluent limitations. 1997 Permit, Effluent Limitation B(1); 2015 Permit, Effluent Limitation V.B. Compliance with the effluent limitation guidelines constitutes compliance with best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") for the specified pollutants and must be met to comply with the Storm Water Permit. 1997 Permit, Fact Sheet at VIII; 2015 Permit, Fact Sheet at pp. 15-17.

Certain activities undertaken at the Susan Street Facility produce significant risks to water quality, including metal shavings and dust and other scrap metal. The Facility's April 2018 SWPPP indicates in Table 4-3, On-Site Industrial Material Management, that materials present include oils and lubricants, acids and solvents, cutting fluid, transmission fluid, die protectant, cleaners, flocculent, scrap metal, and sludge. Discharges of storm water from this Facility contain elevated levels of many of the pollutants that the Facility is required to test for, and self-report and include numerous self-reported sampling results over applicable benchmarks. *See* Exhibit A. These exceedances of applicable benchmarks degrade water quality. BAT/BCT standards are intended to reduce pollutants in storm water discharges through required implementation of BMPs, implementation of BMPs that Coastkeeper alleges have been inadequate. Thus far only a single advanced BMP has been implemented at the Susan Street

Facility pursuant to the Facility ERAs. Recent sample results provide needed evidence that the BMPs at the Facility are not meeting the BAT/BCT requirements of the Storm Water Permit.

Because manufacturing facilities using metals are likely to discharge storm water runoff that is contaminated, the EPA provides a storm water fact sheet for Primary Metals Facilities. *See* Environmental Protection Agency, *Sector F: Primary Metals Facilities* (EPA-833-F-06-021) December 2006 ("Sector F Fact Sheet").[14] The fact sheet offers facility operators guidance on how to prepare storm water management programs that are appropriate for their facility and operations. Table 1 of the Sector F Fact Sheet sets forth the EPA chart regarding the various pollutant sources and pollutants that are typically associated with facilities such as the Aluminum Precision Facility. Despite this EPA guidance, Aluminum Precision only started sampling for copper, nickel, lead and magnesium in 2018.

C. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of BAT/BCT

The Storm Water Permit and Clean Water Act require dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic[15] and non-conventional pollutants and BCT for conventional pollutants.[16] 33 U.S.C. §§ 1311 (b)(2)(A) and (b)(2)(E); 1997 Permit, Effluent Limitation B(3); 2015 Permit, Effluent Limitation V.A. The Effluent Limitations define application of BAT for TSS and pH as numeric effluent limitations. A discharge of storm water which exceeds the Effluent Limitations is strong evidence of a failure to achieve BAT/BCT. EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards.[17]

Publicly available information shows that the Susan Street Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards. Consistent with Aluminum Precision's lack of adequate BMPs, the analytical results of storm water sampling at the Facility demonstrates the Owners and/or Operators have failed and continue to fail to implement BAT/BCT. Specifically, analysis of discharges from the Susan Street Facility reveals that storm water discharges consistently contain concentrations of pollutants above the Effluent Limitations and EPA Benchmarks. *See* Exhibit A. For example, taking into account EPA water hardness calculations, the EPA Benchmark for zinc is .11 mg/L. A storm water sample that Aluminum Precision collected from the Susan Street Facility in January 2019 exceeded the EPA Benchmark by over 11 times. Testing for zinc from February 2014 through November 2018 evidences 96

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[14] Available at: https://www3.epa.gov/npdes/pubs/sector_f_primarymetals.pdf (last accessed on December 11, 2018)
[15] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.
[16] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.
[17] *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) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit") at 136; *see also*, 65 Federal Register 64851 (2000).

exceedances of the EPA Benchmark. The EPA Benchmark for aluminum is .75 mg/L. A storm water sample that Aluminum Precision collected from the Facility in November 2018 exceeded the aluminum EPA Benchmark by over 3 times. Testing for aluminum from February 2014 through November 2018 shows 62 exceedances of the EPA Benchmark. In sum, Coastkeeper identified 302 exceedances of EPA Benchmarks over the last four and a half reporting years.

As noted above in Section III(B), with an estimated hardness value for the receiving waters of 75-100 mg/L, the EPA Benchmark for Cu is .0123 mg/L. Testing for Cu between September 2015 into November 2018 shows 19 exceedances of the EPA Benchmark level, two of which by magnitudes of 24.8 and 10.98. The repeated and significant exceedances of the EPA Benchmark demonstrate that the Susan Street Facility Owners and/or Operators have failed to develop and/or implement required BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Publicly available evidence indicates that the Susan Street Facility Owners and/or Operators violate the Storm Water Permit and Clean Water Act for failing to develop and/or implement BMPs that achieve BAT/BCT each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time the Susan Street Facility discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Coastkeeper will add dates of violation when additional data becomes available, indeed the most recent samples show additional exceedances. Further, the Facility has violated Effluent Limitation B(3) of the 1997 Permit or Effluent Limitation V.A. of the 2015 Permit each time storm water discharged from the Susan Street Facility since February 21, 2014, and each discharge represents a distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act over the past five years and continuing until full compliance with the Storm Water Permit is achieved.

D. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Receiving Water Limitations

The Storm Water Permit and the CWA prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[18] 33 U.S.C. § 1311 (b)(1)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d); 2015 Permit, Receiving Water Limitation VI.A; 1997 Permit, Receiving Water Limitation C(2). Discharges that contain pollutants in excess of an applicable WQS violate these requirements.

[18] 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 impairment of 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 water quality objectives in the Basin Plan.

The Storm Water Permit also prohibits storm water discharges and unauthorized non-storm water discharges to surface water that adversely impact human health or the environment. 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and the Clean Water Act.

Storm water sampling at the Susan Street Facility demonstrates discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS. For example, the pH Basin Plain criteria range is between 6.5-8.5 s.u. for inland surface waters such as the Santa Ana River, and 7-8.6 s.u. for estuary and bay water bodies, such as the Santa Ana River estuary. The Facility's 2016-17 storm water samples measured 8.65 s.u. at Outfall 6 (12/16/2016), 8.54 s.u. at Outfall 2 (12/21/2016), 8.81 s.u. at Outfall 1, 8.79 s.u. at Outfall 2, and 9.0 s.u. at Outfall 3 (1/5/2017), all above the Basin Plan criteria for pH. These exceedances of WQS demonstrate that Aluminum Precision has violated and continues to violate Receiving Water Limitation C(2) of the 1997 Permit, and Receiving Water Limitation VI.A. of the 2015 Permit.

The Receiving Waters may become impaired with pollutants discharging from Facilities like the Susan Street Facility. Information available to Coastkeeper indicates that the Susan Street Facility's storm water discharges contain elevated concentrations of pollutants, such as copper and pH, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Santa Ana River, and the Pacific Ocean. *See* Exhibit A. These harmful discharges from the Facility are violations of Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI.B. of the 2015 Permit.

Coastkeeper puts the Susan Street Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or (2) of the 1997 Permit VI.A. and VI.B. of the 2015 Permit were/are violated with each polluted storm water discharge from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time contaminated storm water is discharged in violation of Receiving Water Limitations. Each time discharges of storm water from the Susan Street Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time discharges from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Coastkeeper will update the dates of violation when additional information and data becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

E. Unauthorized Non-Storm Water Discharges from the Aluminum Precision Facility

The Storm Water Permit prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. 2015 Permit, Discharge Prohibition III.B; 1997 Permit, Discharge Prohibition A(1). Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* 1997 Permit, Discharge Prohibition A(1); 2015 Permit, Discharge Prohibition III.B.

Further, Coastkeeper is informed and believes that unauthorized non-storm water discharges occur at the Susan Street Facility due to inadequate BMP development and/or implementation necessary to prevent these discharges. As an example, unauthorized non-storm water discharges may occur at the Facility from process water, cooling functions, and/or equipment, vehicle and machinery cleaning activities. The Facility Owners and/or Operators conduct these activities without BMPs to prevent related non-storm water discharges. Non-storm water discharges resulting from cooling functions and equipment washing are not listed among the authorized non-storm water discharges in the Storm Water Permit and thus are always prohibited.

Coastkeeper puts the Facility Owners and/or Operators on notice that the Storm Water Permit is violated each time non-storm water is discharged from the Facility. These discharge violations are ongoing and will continue until the Facility Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges or obtain separate NPDES permit coverage. Each time the Facility Owners and/or Operators discharge prohibited non-storm water in violation of Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III.B. of the 2015 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 Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

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

The Storm Water Permit requires 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 objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from an industrial Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. 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, and must be revised as necessary to ensure compliance with the Storm Water Permit. *See* 1997 Permit, §§ A(1)-A(10) and Provision E(2); 2015 Permit, §§ X.A.-C.

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, areas of industrial activity, and other features of the Facility and its industrial activities; a list of significant materials handled and stored at the site; 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; and 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. 1997 Permit §§ A(3)-A(10); 2015 Permit, § X.D.-H.

The Susan Street Facility Owners and/or Operators have continuously conducted operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, descriptions of 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, are inadequate and incomplete, and do not address all the applicable constituents, notwithstanding the Facility's history of noncompliance regarding those constituents. The Owners and/or Operators have failed to properly revise the Facility's SWPPP to ensure compliance with the Storm Water Permit. The Facility's current SWPPP is recent, dated April 2018, yet despite the significant concentrations of pollutants in the Facility's storm water discharges every year since at least the 2014-2015 Wet Season[19], it does not include sufficiently effective BMPs to eliminate or reduce these pollutants, as required by the 1997 Permit or the 2015 Permit.

The Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate violation of the Storm Water Permit and the Clean Water Act. The Facility Owners and/or Operators have been in daily violation of the Storm Water Permit's SWPPP requirements since at least February 21, 2014. Violations are ongoing, subjecting Aluminum Precision to civil penalties for each past violation of the Clean Water Act with additional violations added when such information is available.

G. Failure to Develop and Implement an Adequate Monitoring Plan

Section B(1) and Provision E(3) of the 1997 Permit require Facility Owners and/or Operators to develop and implement an adequate Monitoring and Reporting Program by October 1, 1992, or prior to the commencement of industrial activities at the Facility, that meets all of the requirements of the Storm Water Permit. Section XI of the 2015 requires dischargers to prepare a Monitoring Implementation Plan. The primary objective of the required monitoring is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with

[19] The Storm Water Permit defines the Wet Season as October 1 – May 30.

the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 1997 Permit, § B(2); 2015 Permit § XI. Monitoring 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(5) and B(7) of the 1997 and Section XI of the 2015 Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under the 1997 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, total organic carbon or O&G, and other pollutants that are likely to be present in the Facility's discharges in significant quantities, and pursuant to a facility's SIC code. *See* 1997 Permit, § B(5)(c). Under the 2015 Permit discharges must collect at least two (2) samples from QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs from the second half of each reporting year (January 1 to June 30) (2015 Permit § X.B.3), which must be analyzed for TSS, pH, O&G, and additional parameters identified on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment – in addition to those required under the SIC code. 2015 Permit § X.G.2.

The Owners and/or Operators of the Susan Street Facility have conducted operations at the Facility with an inadequately developed, implemented, and/or revised monitoring plan. Upon information and belief, the Facility Owners and/or Operators have not collected samples from sufficient Qualifying Storm Events ("QSE") at the Facility in at least one reporting year over the past five years. Failing to collect sufficient Aluminum Precision under reported for those years, in violation of Section B(5) of the Storm Water Permit. For example, only two (2) QSE were sampled in the 2017-2018 reporting year though there were seven (7) rain events of over .1 inch of rain in the first three months on 2018 reported at the Santa Ana Airport. Five of those rain events were at least 48 hours apart.

Additionally, the Facility Owners and/or Operators failed to provide adequate records, as required by Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit, for the monthly visual observations of storm water discharges. The Storm Water Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997 Permit, § B(4)(c); 2015 Permit § X.2.C. Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit. *See* Exhibit B.

Thus, Coastkeeper alleges that the Susan Street Facility Owners and/or Operators failed to properly collect samples from an adequate number of QSE annually, and conduct, fully document and report the required observations of storm water discharges.

The Susan Street Facility Owners' and/or Operators' failure to conduct sampling and monitoring as required by the Storm Water Permit provides sufficient evidence that the Facility's

monitoring plan fails to comply with the requirements of Section B and Provision E(3) of the 1997 Permit and Section XI of the 2015 Permit. Every day that operations at the Facility are conducted in violation of the monitoring requirements of the Storm Water Permit is a separate violation of the Storm Water Permit and the Clean Water Act. The Susan Street Facility has violated the Storm Water Permit's monitoring requirements each day since at least February 21, 2014, subjecting the Facility Owners and/or Operators to civil penalties for all violations of the Clean Water Act since February 21, 2014. These violations are ongoing.

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

Section B(14) of the 1997 Permit and Section XVI of the 2015 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Annual Report must include an explanation for incomplete visual observations and sampling results and an explanation of why a permittee did not implement any activities required by the Storm Water Permit. *See* 1997 Permit § B(13); 2015 Permit, § XVI.

Coastkeeper alleges that the Susan Street Facility Owners and/or Operators have failed and continue to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Facility Owners and/or Operators certified that the SWPPP's BMPs address existing potential pollutant sources, complies with the Storm Water Permit or will be revised to achieve compliance. Coastkeeper has information suggesting that these certifications are erroneous. Storm water samples collected from the Facility have consistently contained concentrations of pollutants above Benchmark Levels, demonstrating that the SWPPP's BMPs have never adequately addressed existing potential pollutant sources. Further, the Facility's SWPPP does not include elements required by the Storm Water Permit, such as additional advanced BMPs given the Facility's industrial activities (metal forging).

Coastkeeper alleges that the Susan Street Facility submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Owners and/or Operators are in daily violation of the Storm Water Permit. Every day the Facility Owners and/or Operators conduct operations at the Facility without reporting as required by the Storm Water Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Susan Street Facility has been in daily and continuous violation of the Storm Water Permit's reporting requirements each day since at least February 21, 2014, subjecting them to civil penalties for such violations over this same time period. These violations are ongoing, and additional violations will be included when such information becomes available, including further violations of the 2015 Permit reporting requirements (*see* 2015 Permit, § XVI.).

IV. RELIEF 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 occurring before November 2, 2015 commencing five years prior to the date of this Notice of Violation and Intent to File Suit subjects Aluminum Precision to a penalty

of up to $37,500 per day; violations occurring after November 2, 2015 and assessed on or after January 15, 2018 subjects Aluminum Precision to a penalty of up to $53,484 per day. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d) of the Clean Water Act (33 U.S.C. §§ 1365(a), (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Clean Water Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

V. CONCLUSION

Coastkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Aluminum Precision's violations of the Storm Water Permit.

If you wish to pursue settlement discussions, please contact Coastkeeper's legal counsel:

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EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
			2018 - 2019 REPORTING YEAR						
C	11/29/2018	Sample Point #1	Zinc (H)	0.32	mg/L	0.11	2.91	0.12	2.67
C	11/29/2018	Sample Point #1	Aluminum	3.6	mg/L	0.75	4.80	none	N/A
C	11/29/2018	Sample Point #1	Copper (H)	0.042	mg/L	0.0123	3.41	0.013	3.23
C	11/29/2018	Sample Point #1	Iron	2.1	mg/L	1	2.10	none	N/A
C	11/29/2018	Sample Point #1	N+N	2.6	mg/L	0.68	3.82	none	N/A
C	11/29/2018	Sample Point #2	Zinc (H)	0.48	mg/L	0.11	4.36	0.12	4.00
C	11/29/2018	Sample Point #2	Aluminum	4.2	mg/L	0.75	5.60	none	N/A
C	11/29/2018	Sample Point #2	Copper (H)	0.085	mg/L	0.0123	6.91	0.013	6.54
C	11/29/2018	Sample Point #2	Iron	3	mg/L	1	3.00	none	N/A
D	11/29/2018	Sample Point #1	Zinc (H)	0.186	mg/L	0.11	1.69	0.12	1.55
D	11/29/2018	Sample Point #2	Zinc (H)	0.133	mg/L	0.11	1.21	0.12	1.11
D	11/29/2018	Sample Point #3	Zinc (H)	0.236	mg/L	0.11	2.15	0.12	1.97
D	11/29/2018	Sample Point #4	Zinc (H)	0.282	mg/L	0.11	2.56	0.12	2.35
D	11/29/2018	Sample Point #5	Zinc (H)	0.164	mg/L	0.11	1.49	0.12	1.37
D	11/29/2018	Sample Point #6	Zinc (H)	0.311	mg/L	0.11	2.83	0.12	2.59
D	11/29/2018	Sample Point #7	Zinc (H)	0.312	mg/L	0.11	2.84	0.12	2.60
D	11/29/2018	Sample Point #1	Aluminum	1.02	mg/L	0.75	1.36	none	N/A
D	11/29/2018	Sample Point #2	Aluminum	1	mg/L	0.75	1.33	none	N/A
D	11/29/2018	Sample Point #3	Aluminum	3.56	mg/L	0.75	4.75	none	N/A
D	11/29/2018	Sample Point #4	Aluminum	1.69	mg/L	0.75	2.25	none	N/A
D	11/29/2018	Sample Point #5	Aluminum	1.44	mg/L	0.75	1.92	none	N/A
D	11/29/2018	Sample Point #6	Aluminum	1.13	mg/L	0.75	1.51	none	N/A
D	11/29/2018	Sample Point #1	Magnesium	0.547	mg/L	0.064	8.55	none	N/A
D	11/29/2018	Sample Point #2	Magnesium	0.871	mg/L	0.064	13.61	none	N/A
D	11/29/2018	Sample Point #3	Magnesium	0.822	mg/L	0.064	12.84	none	N/A
D	11/29/2018	Sample Point #4	Magnesium	1.06	mg/L	0.064	16.56	none	N/A
D	11/29/2018	Sample Point #5	Magnesium	0.747	mg/L	0.064	11.67	none	N/A
D	11/29/2018	Sample Point #6	Magnesium	0.924	mg/L	0.064	14.44	none	N/A
D	11/29/2018	Sample Point #7	Magnesium	0.737	mg/L	0.064	11.52	none	N/A
D	11/29/2018	Sample Point #1	Copper (H)	0.0161	mg/L	0.0123	1.31	0.013	1.24
D	11/29/2018	Sample Point #2	Copper (H)	0.0204	mg/L	0.0123	1.66	0.013	1.57
D	11/29/2018	Sample Point #3	Copper (H)	0.0318	mg/L	0.0123	2.59	0.013	2.45
D	11/29/2018	Sample Point #4	Copper (H)	0.0766	mg/L	0.0123	6.23	0.013	5.89
D	11/29/2018	Sample Point #5	Copper (H)	0.0267	mg/L	0.0123	2.17	0.013	2.05
D	11/29/2018	Sample Point #6	Copper (H)	0.0354	mg/L	0.0123	2.88	0.013	2.72
D	11/29/2018	Sample Point #7	Copper (H)	0.0555	mg/L	0.0123	4.51	0.013	4.27
D	11/29/2018	Sample Point #1	Iron	2.76	mg/L	1	2.76	none	N/A
D	11/29/2018	Sample Point #2	Iron	1.32	mg/L	1	1.32	none	N/A
D	11/29/2018	Sample Point #3	Iron	3.34	mg/L	1	3.34	none	N/A
D	11/29/2018	Sample Point #6	Iron	1.67	mg/L	1	1.67	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	11/29/2018	Sample Point #3	N+N	2.08	mg/L	0.68	3.06	none	N/A
D	11/29/2018	Sample Point #4	N+N	3	mg/L	0.68	4.41	none	N/A
D	11/29/2018	Sample Point #5	N+N	0.937	mg/L	0.68	1.38	none	N/A
D	11/29/2018	Sample Point #7	N+N	0.745	mg/L	0.68	1.10	none	N/A
D	11/29/2018	Sample Point #3	pH	8.63	s.u.	6.0-9.0	N/A	6.5-8.5	.13 s.u. above
			2017 - 2018 REPORTING YEAR						
D	1/8/2018	Sample Point #1	Zinc (H)	0.369	mg/L	0.11	3.35	0.12	3.08
D	1/8/2018	Sample Point #2	Zinc (H)	0.205	mg/L	0.11	1.86	0.12	1.71
D	1/8/2018	Sample Point #3	Zinc (H)	0.487	mg/L	0.11	4.43	0.12	4.06
D	1/8/2018	Sample Point #4	Zinc (H)	0.65	mg/L	0.11	5.91	0.12	5.42
D	1/8/2018	Sample Point #5	Zinc (H)	0.918	mg/L	0.11	8.35	0.12	7.65
D	1/8/2018	Sample Point #6	Zinc (H)	0.255	mg/L	0.11	2.32	0.12	2.13
D	1/8/2018	Sample Point #7	Zinc (H)	1.24	mg/L	0.11	11.27	0.12	10.33
D	1/8/2018	Sample Point #1	Lead (H)	0.554	mg/l	0.069	8.03	0.064	8.66
D	1/8/2018	Sample Point #2	Lead (H)	0.215	mg/L	0.069	3.12	0.064	3.36
D	1/8/2018	Sample Point #3	Lead (H)	0.624	mg/L	0.069	9.04	0.064	9.75
D	1/8/2018	Sample Point #4	Lead (H)	0.129	mg/L	0.069	1.87	0.064	2.02
D	1/8/2018	Sample Point #5	Lead (H)	0.829	mg/L	0.069	12.01	0.064	12.95
D	1/8/2018	Sample Point #6	Lead (H)	0.339	mg/L	0.069	4.91	0.064	5.30
D	1/8/2018	Sample Point #7	Lead (H)	0.456	mg/L	0.069	6.61	0.064	7.13
D	1/8/2018	Sample Point #1	Copper (H)	0.017	mg/L	0.0123	1.38	0.013	1.31
D	1/8/2018	Sample Point #2	Copper (H)	0.0261	mg/L	0.0123	2.12	0.013	2.01
D	1/8/2018	Sample Point #3	Copper (H)	0.042	mg/L	0.0123	3.41	0.013	3.23
D	1/8/2018	Sample Point #4	Copper (H)	0.135	mg/L	0.0123	10.98	0.013	10.38
D	1/8/2018	Sample Point #5	Copper (H)	0.0874	mg/L	0.0123	7.11	0.013	6.72
D	1/8/2018	Sample Point #6	Copper (H)	0.0481	mg/L	0.0123	3.91	0.013	3.70
D	1/8/2018	Sample Point #7	Copper (H)	0.305	mg/L	0.0123	24.80	0.013	23.46
D	1/8/2018	Sample Point #1	Iron	2.24	mg/L	1	1.03	none	N/A
D	1/8/2018	Sample Point #3	Iron	1.97	mg/L	1	5.33	none	N/A
D	1/8/2018	Sample Point #4	Iron	1.1	mg/L	1	2.53	none	N/A
D	1/8/2018	Sample Point #5	Iron	1.98	mg/L	1	1.52	none	N/A
D	1/8/2018	Sample Point #6	Iron	1.07	mg/L	1	4.41	none	N/A
D	1/8/2018	Sample Point #2	N+N	0.961	mg/L	0.68	1.41	none	N/A
D	1/8/2018	Sample Point #3	N+N	5.19	mg/L	0.68	7.63	none	N/A
D	1/8/2018	Sample Point #4	N+N	6.84	mg/L	0.68	10.06	none	N/A
D	1/8/2018	Sample Point #5	N+N	3.77	mg/L	0.68	5.54	none	N/A
D	1/8/2018	Sample Point #6	N+N	0.948	mg/L	0.68	1.39	none	N/A
D	1/8/2018	Sample Point #7	N+N	2.73	mg/L	0.68	4.01	none	N/A
D	1/8/2018	Sample Point #1	Aluminum	1.32	mg/L	0.75	1.76	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	1/8/2018	Sample Point #2	Aluminum	0.825	mg/L	0.75	1.10	none	N/A
D	1/8/2018	Sample Point #3	Aluminum	2.56	mg/L	0.75	3.41	none	N/A
D	1/8/2018	Sample Point #4	Aluminum	1.5	mg/L	0.75	2.00	none	N/A
D	1/8/2018	Sample Point #5	Aluminum	1.95	mg/L	0.75	2.60	none	N/A
D	1/8/2018	Sample Point #6	Aluminum	1.66	mg/L	0.75	2.21	none	N/A
D	1/8/2018	Sample Point #1	Magnesium	0.846	mg/L	0.064	13.22	none	N/A
D	1/8/2018	Sample Point #2	Magnesium	0.899	mg/L	0.064	14.05	none	N/A
D	1/8/2018	Sample Point #3	Magnesium	0.966	mg/L	0.064	15.09	none	N/A
D	1/8/2018	Sample Point #4	Magnesium	1.98	mg/L	0.064	30.94	none	N/A
D	1/8/2018	Sample Point #5	Magnesium	3.08	mg/L	0.064	48.13	none	N/A
D	1/8/2018	Sample Point #6	Magnesium	1.02	mg/L	0.064	15.94	none	N/A
D	1/9/2018	Sample Point #7	Magnesium	1.49	mg/L	0.064	23.28	none	N/A
D	3/22/2018	Sample Point #1	Zinc (H)	0.118	mg/L	0.11	1.07	0.12	N/A
D	3/22/2018	Sample Point #2	Zinc (H)	0.147	mg/L	0.11	1.34	0.12	1.23
D	3/22/2018	Sample Point #3	Zinc (H)	0.315	mg/L	0.11	2.86	0.12	2.63
D	3/22/2018	Sample Point #4	Zinc (H)	0.266	mg/L	0.11	2.42	0.12	2.22
D	3/22/2018	Sample Point #5	Zinc (H)	0.295	mg/L	0.11	2.68	0.12	2.46
D	3/22/2018	Sample Point #6	Zinc (H)	0.153	mg/L	0.11	1.39	0.12	1.28
D	3/22/2018	Sample Point #7	Zinc (H)	0.231	mg/L	0.11	2.10	0.12	1.93
D	3/22/2018	Sample Point #3	Copper (H)	0.055	mg/L	0.0123	4.47	0.013	4.23
D	3/22/2018	Sample Point #4	Copper (H)	0.091	mg/L	0.0123	7.40	0.013	7.00
D	3/22/2018	Sample Point #5	Copper (H)	0.051	mg/L	0.0123	4.15	0.013	3.92
D	3/22/2018	Sample Point #6	Copper (H)	0.0331	mg/L	0.0123	2.69	0.013	2.55
D	3/22/2018	Sample Point #7	Copper (H)	0.0334	mg/L	0.0123	2.72	0.013	2.57
D	3/22/2018	Sample Point #3	Iron	3.5	mg/L	1	3.50	none	N/A
D	3/22/2018	Sample Point #4	Iron	1.18	mg/L	1	1.18	none	N/A
D	3/22/2018	Sample Point #5	Iron	1.86	mg/L	1	1.86	none	N/A
D	3/22/2018	Sample Point #6	Iron	1.21	mg/L	1	1.21	none	N/A
D	3/22/2018	Sample Point #3	N+N	1.67	mg/L	0.68	2.46	none	N/A
D	3/22/2018	Sample Point #4	N+N	2.42	mg/L	0.68	3.56	none	N/A
D	3/22/2018	Sample Point #5	N+N	1.17	mg/L	0.68	1.72	none	N/A
D	3/22/2018	Sample Point #3	Aluminum	3.68	mg/L	0.75	4.91	none	N/A
D	3/22/2018	Sample Point #4	Aluminum	1.53	mg/L	0.75	2.04	none	N/A
D	3/22/2018	Sample Point #5	Aluminum	2.13	mg/L	0.75	2.84	none	N/A
D	3/22/2018	Sample Point #6	Aluminum	1.08	mg/L	0.75	1.44	none	N/A
D	3/22/2018	Sample Point #1	Magnesium	0.569	mg/L	0.064	8.89	none	N/A
D	3/22/2018	Sample Point #2	Magnesium	0.36	mg/L	0.064	5.63	none	N/A
D	3/22/2018	Sample Point #3	Magnesium	1.21	mg/L	0.064	18.91	none	N/A
D	3/22/2018	Sample Point #4	Magnesium	1.17	mg/L	0.064	18.28	none	N/A
D	3/22/2018	Sample Point #5	Magnesium	1.8	mg/L	0.064	28.13	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	3/22/2018	Sample Point #6	Magnesium	0.898	mg/L	0.064	14.03	none	N/A
D	3/22/2018	Sample Point #7	Magnesium	0.441	mg/L	0.064	6.89	none	N/A
2016 - 2017 REPORTING YEAR									
D	12/16/2016	Sample Point #1	Zinc (H)	0.206	mg/L	0.11	1.87	0.12	1.72
D	12/16/2016	Sample Point #3	Zinc (H)	0.18	mg/L	0.11	1.64	0.12	1.50
D	12/16/2016	Sample Point #4	Zinc (H)	0.481	mg/L	0.11	4.37	0.12	4.01
D	12/16/2016	Sample Point #5	Zinc (H)	0.274	mg/L	0.11	2.49	0.12	2.28
D	12/16/2016	Sample Point #6	Zinc (H)	0.205	mg/L	0.11	1.86	0.12	1.71
D	12/16/2016	Sample Point #7	Zinc (H)	0.743	mg/L	0.11	6.75	0.12	6.19
D	12/16/2016	Sample Point #3	Aluminum	1.79	mg/L	0.75	2.39	none	N/A
D	12/16/2016	Sample Point #4	Aluminum	1.07	mg/L	0.75	1.43	none	N/A
D	12/16/2016	Sample Point #5	Aluminum	0.917	mg/L	0.75	1.22	none	N/A
D	12/16/2016	Sample Point #6	Aluminum	1.05	mg/L	0.75	1.40	none	N/A
D	12/16/2016	Sample Point #3	N+N	2.2	mg/L	0.68	3.24	none	N/A
D	12/16/2016	Sample Point #4	N+N	2	mg/L	0.68	2.94	none	N/A
D	12/16/2016	Sample Point #6	N+N	1.1	mg/L	0.68	1.62	none	N/A
D	12/16/2016	Sample Point #3	Iron	1.14	mg/L	1	1.14	none	N/A
D	12/16/2016	Sample Point #6	Iron	1.98	mg/L	1	1.98	none	N/A
D	12/16/2016	Sample Point #6	pH	8.65	s.u.	6.0-9.0	N/A	6.5-8.5	.15 s.u. above
D	12/21/2016	Sample Point #1	Zinc (H)	0.324	mg/L	0.11	2.95	0.12	2.70
D	12/21/2016	Sample Point #2	Zinc (H)	0.639	mg/L	0.11	5.81	0.12	5.33
D	12/21/2016	Sample Point #3	Zinc (H)	0.507	mg/L	0.11	4.61	0.12	4.23
D	12/21/2016	Sample Point #4	Zinc (H)	0.358	mg/L	0.11	3.25	0.12	2.98
D	12/21/2016	Sample Point #5	Zinc (H)	0.641	mg/L	0.11	5.83	0.12	5.34
D	12/21/2016	Sample Point #6	Zinc (H)	0.257	mg/L	0.11	2.34	0.12	2.14
D	12/21/2016	Sample Point #7	Zinc (H)	0.777	mg/L	0.11	7.06	0.12	6.48
D	12/21/2016	Sample Point #2	Aluminum	3.13	mg/L	0.75	4.17	none	N/A
D	12/21/2016	Sample Point #3	Aluminum	3.36	mg/L	0.75	4.48	none	N/A
D	12/21/2016	Sample Point #4	Aluminum	2.09	mg/L	0.75	2.79	none	N/A
D	12/21/2016	Sample Point #5	Aluminum	4.55	mg/L	0.75	6.07	none	N/A
D	12/21/2016	Sample Point #1	Total Suspended Solids	132	mg/L	100	1.32	none	N/A
D	12/21/2016	Sample Point #3	N+N	1.8	mg/L	0.68	3.24	none	N/A
D	12/21/2016	Sample Point #4	N+N	6.7	mg/L	0.68	2.94	none	N/A
D	12/21/2016	Sample Point #1	Iron	1.03	mg/L	1	1.03	none	N/A
D	12/21/2016	Sample Point #2	Iron	5.33	mg/L	1	5.33	none	N/A
D	12/21/2016	Sample Point #3	Iron	2.53	mg/L	1	2.53	none	N/A
D	12/21/2016	Sample Point #4	Iron	1.52	mg/L	1	1.52	none	N/A
D	12/21/2016	Sample Point #5	Iron	4.41	mg/L	1	4.41	none	N/A
D	12/21/2016	Sample Point #6	Iron	1.04	mg/L	1	1.04	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	12/21/2016	Sample Point #2	pH	8.54	s.u.	6.0-9.0	N/A	6.5-8.5	.04 s.u. above
D	1/5/2017	Sample Point #1	Zinc (H)	1.49	mg/L	0.11	13.55	0.12	12.42
D	1/5/2017	Sample Point #2	Zinc (H)	0.421	mg/L	0.11	3.83	0.12	3.51
D	1/5/2017	Sample Point #3	Zinc (H)	0.479	mg/L	0.11	4.35	0.12	3.99
D	1/5/2017	Sample Point #4	Zinc (H)	0.716	mg/L	0.11	6.51	0.12	5.97
D	1/5/2017	Sample Point #5	Zinc (H)	0.838	mg/L	0.11	7.62	0.12	6.98
D	1/5/2017	Sample Point #6	Zinc (H)	0.354	mg/L	0.11	3.22	0.12	2.95
D	1/5/2017	Sample Point #7	Zinc (H)	2.15	mg/L	0.11	19.55	0.12	17.92
D	1/5/2017	Sample Point #1	Aluminum	4.05	mg/L	0.75	5.40	none	N/A
D	1/5/2017	Sample Point #2	Aluminum	1.44	mg/L	0.75	1.92	none	N/A
D	1/5/2017	Sample Point #3	Aluminum	4.64	mg/L	0.75	6.19	none	N/A
D	1/5/2017	Sample Point #4	Aluminum	3.33	mg/L	0.75	4.44	none	N/A
D	1/5/2017	Sample Point #5	Aluminum	4.99	mg/L	0.75	6.65	none	N/A
D	1/5/2017	Sample Point #6	Aluminum	1.04	mg/L	0.75	1.39	none	N/A
D	1/5/2017	Sample Point #1	Total Suspended Solids	132	mg/L	100	1.32	none	N/A
D	1/5/2017	Sample Point #3	N+N	1.6	mg/L	0.68	2.35	none	N/A
D	1/5/2017	Sample Point #4	N+N	5.4	mg/L	0.68	7.94	none	N/A
D	1/5/2017	Sample Point #5	N+N	1.5	mg/L	0.68	2.21	none	N/A
D	1/5/2017	Sample Point #1	Iron	13.6	mg/L	1	13.60	none	N/A
D	1/5/2017	Sample Point #2	Iron	3.35	mg/L	1	3.35	none	N/A
D	1/5/2017	Sample Point #3	Iron	4.54	mg/L	1	4.54	none	N/A
D	1/5/2017	Sample Point #4	Iron	2.82	mg/L	1	2.82	none	N/A
D	1/5/2017	Sample Point #5	Iron	4.54	mg/L	1	4.54	none	N/A
D	1/5/2017	Sample Point #6	Iron	1.93	mg/L	1	1.93	none	N/A
D	1/5/2017	Sample Point #1	pH	8.81	s.u.	6.0-9.0	N/A	6.5-8.5	.31 s.u. above
D	1/6/2017	Sample Point #2	pH	8.79	s.u.	6.0-9.0	N/A	6.5-8.5	.29 s.u. above
D	1/7/2017	Sample Point #3	pH	9	s.u.	6.0-9.0	N/A	6.5-8.5	.5 s.u. above
D	1/9/2017	Sample Point #1	Zinc (H)	0.216	mg/L	0.11	1.96	0.12	1.80
D	1/9/2017	Sample Point #3	Zinc (H)	0.203	mg/L	0.11	1.85	0.12	1.69
D	1/9/2017	Sample Point #4	Zinc (H)	0.198	mg/L	0.11	1.80	0.12	1.65
D	1/9/2017	Sample Point #5	Zinc (H)	0.291	mg/L	0.11	2.65	0.12	2.43
D	1/9/2017	Sample Point #6	Zinc (H)	0.251	mg/L	0.11	2.28	0.12	2.09
D	1/9/2017	Sample Point #7	Zinc (H)	0.692	mg/L	0.11	6.29	0.12	5.77
D	1/9/2017	Sample Point #3	Aluminum	1.4	mg/L	0.75	1.87	none	N/A
D	1/9/2017	Sample Point #4	Aluminum	0.81	mg/L	0.75	1.08	none	N/A
D	1/9/2017	Sample Point #5	Aluminum	0.788	mg/L	0.75	1.05	none	N/A
D	1/9/2017	Sample Point #6	Aluminum	1.3	mg/L	0.75	1.73	none	N/A
D	1/9/2017	Sample Point #3	N+N	1.1	mg/L	0.68	1.62	none	N/A
D	1/9/2017	Sample Point #4	N+N	0.97	mg/L	0.68	1.43	none	N/A
D	1/9/2017	Sample Point #3	Iron	1.27	mg/L	1	1.27	none	N/A

EXHIBIT A
Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	1/9/2017	Sample Point #6	Iron	1.65	mg/L	1	1.65	none	N/A
D	1/9/2017	Sample Point #2	pH	8.68	s.u.	6.0-9.0	N/A	6.5-8.5	.18 s.u. above
D	1/9/2017	Sample Point #3	pH	8.8	s.u.	6.0-9.0	N/A	6.5-8.5	.3 s.u. above
D	1/19/2017	Sample Point #1	Zinc (H)	0.194	mg/L	0.11	1.76	0.12	1.62
D	1/19/2017	Sample Point #2	Zinc (H)	0.285	mg/L	0.11	2.59	0.12	2.38
D	1/19/2017	Sample Point #3	Zinc (H)	0.282	mg/L	0.11	2.56	0.12	2.35
D	1/19/2017	Sample Point #5	Zinc (H)	0.198	mg/L	0.11	1.80	0.12	1.65
D	1/19/2017	Sample Point #6	Zinc (H)	0.135	mg/L	0.11	1.23	0.12	1.13
D	1/19/2017	Sample Point #7	Zinc (H)	0.706	mg/L	0.11	6.42	0.12	5.88
D	1/19/2017	Sample Point #3	Aluminum	0.928	mg/L	0.75	1.24	none	N/A
D	1/19/2017	Sample Point #5	Aluminum	0.798	mg/L	0.75	1.06	none	N/A
D	1/19/2017	Sample Point #4	N+N	0.74	mg/L	0.68	1.09	none	N/A
D	1/19/2017	Sample Point #3	Iron	1.08	mg/L	1	1.08	none	N/A
D	1/19/2017	Sample Point #4	Iron	1.17	mg/L	1	1.17	none	N/A
D	2/6/2017	Sample Point #2	Zinc (H)	0.112	mg/L	0.11	1.02	0.12	N/A
D	2/6/2017	Sample Point #3	Zinc (H)	0.388	mg/L	0.11	3.53	0.12	3.23
D	2/6/2017	Sample Point #4	Zinc (H)	0.125	mg/L	0.11	1.14	0.12	1.04
D	2/6/2017	Sample Point #5	Zinc (H)	0.406	mg/L	0.11	3.89	0.12	3.38
D	2/6/2017	Sample Point #7	Zinc (H)	0.499	mg/L	0.11	4.54	0.12	4.16
D	2/6/2017	Sample Point #3	Aluminum	1.62	mg/L	0.75	2.16	none	N/A
D	2/6/2017	Sample Point #3	Iron	1.08	mg/L	1	1.08	none	N/A
D	2/17/2017	Sample Point #2	Zinc (H)	0.149	mg/L	0.11	1.35	0.12	1.24
D	2/17/2017	Sample Point #3	Zinc (H)	0.164	mg/L	0.11	1.49	0.12	1.37
D	2/17/2017	Sample Point #4	Zinc (H)	0.27	mg/L	0.11	2.45	0.12	2.25
D	2/17/2017	Sample Point #5	Zinc (H)	0.412	mg/L	0.11	3.75	0.12	3.43
D	2/17/2017	Sample Point #6	Zinc (H)	0.607	mg/L	0.11	5.52	0.12	5.06
D	2/17/2017	Sample Point #7	Zinc (H)	1.64	mg/L	1.11	1.48	1.12	1.46
D	2/17/2017	Sample Point #3	Aluminum	1.46	mg/L	0.75	1.95	none	N/A
D	2/17/2017	Sample Point #3	N+N	1.84	mg/L	0.68	2.71	none	N/A
D	2/17/2017	Sample Point #4	N+N	1.43	mg/L	0.68	2.10	none	N/A
D	2/17/2017	Sample Point #5	N+N	0.82	mg/L	0.68	1.21	none	N/A
D	2/17/2017	Sample Point #6	N+N	0.729	mg/L	0.68	1.07	none	N/A
			2015 - 2016 REPORTING YEAR						
D	9/15/2015	Sample Point #1	Zinc (H)	0.25	mg/L	0.11	2.27	0.12	2.08
D	9/15/2015	Sample Point #2	Zinc (H)	0.13	mg/L	0.11	1.18	0.12	1.08
D	9/15/2015	Sample Point #3	Zinc (H)	0.14	mg/L	0.11	1.27	0.12	1.17
D	9/15/2015	Sample Point #4	Zinc (H)	0.36	mg/L	0.11	3.27	0.12	3.00
D	9/15/2015	Sample Point #5	Zinc (H)	0.4	mg/L	0.11	3.27	0.12	3.33
D	9/15/2015	Sample Point #6	Zinc (H)	0.18	mg/L	0.11	3.64	0.12	1.50

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	9/15/2015	Sample Point #1	Aluminum	0.93	mg/L	0.75	1.24	none	N/A
D	9/15/2015	Sample Point #3	Aluminum	2.2	mg/L	0.75	2.93	none	N/A
D	9/15/2015	Sample Point #1	Iron	1.47	mg/L	1	1.47	none	N/A
D	9/15/2015	Sample Point #3	N+N	1.86	mg/L	0.68	2.74	none	N/A
D	9/15/2015	Sample Point #4	N+N	2.3	mg/L	0.68	3.38	none	N/A
D	9/15/2015	Sample Point #5	N+N	0.83	mg/L	0.68	1.22	none	N/A
D	1/5/2016	Sample Point #1	Zinc (H)	0.21	mg/L	0.11	1.91	0.12	1.75
D	1/5/2016	Sample Point #2	Zinc (H)	0.14	mg/L	0.11	1.27	0.12	1.17
D	1/5/2016	Sample Point #3	Zinc (H)	0.22	mg/L	0.11	2.00	0.12	1.83
D	1/5/2016	Sample Point #4	Zinc (H)	0.36	mg/L	0.11	3.27	0.12	3.00
D	1/5/2016	Sample Point #5	Zinc (H)	0.43	mg/L	0.11	3.91	0.12	3.58
D	1/5/2016	Sample Point #6	Zinc (H)	0.69	mg/L	0.11	6.27	0.12	5.75
D	1/5/2016	Sample Point #1	Aluminum	1.3	mg/L	0.75	1.73	none	N/A
D	1/5/2016	Sample Point #3	Aluminum	2.7	mg/L	0.75	3.60	none	N/A
D	1/5/2016	Sample Point #4	Aluminum	0.88	mg/L	0.75	1.17	none	N/A
D	1/5/2016	Sample Point #5	Aluminum	1.4	mg/L	0.75	1.87	none	N/A
D	1/5/2016	Sample Point #6	Aluminum	1.7	mg/L	0.75	2.27	none	N/A
D	3/11/2016	Sample Point #2	Zinc (H)	0.14	mg/L	0.11	1.27	0.12	1.17
D	3/11/2016	Sample Point #3	Zinc (H)	0.24	mg/L	0.11	2.18	0.12	2.00
D	3/11/2016	Sample Point #4	Zinc (H)	0.26	mg/L	0.11	2.36	0.12	2.17
D	3/11/2016	Sample Point #5	Zinc (H)	0.27	mg/L	0.11	2.45	0.12	2.25
D	3/11/2016	Sample Point #6	Zinc (H)	0.17	mg/L	0.11	1.55	0.12	1.42
D	3/11/2016	Sample Point #2	Aluminum	2.6	mg/L	0.75	3.47	none	N/A
D	3/11/2016	Sample Point #3	Aluminum	1.3	mg/L	0.75	1.73	none	N/A
D	3/11/2016	Sample Point #4	Aluminum	2.2	mg/L	0.75	2.93	none	N/A
D	3/12/2016	Sample Point #5	Aluminum	2.1	mg/L	0.75	2.80	none	N/A
D	3/13/2016	Sample Point #6	Aluminum	1.3	mg/L	0.75	1.73	none	N/A
D	3/11/2016	Sample Point #3	Iron	1.26	mg/L	1	1.26	none	N/A
D	3/11/2016	Sample Point #4	Iron	1.16	mg/L	1	1.16	none	N/A
D	5/6/2016	Sample Point #1	Zinc (H)	0.417	mg/L	0.11	3.79	0.12	3.48
D	5/6/2016	Sample Point #2	Zinc (H)	0.525	mg/L	0.11	4.77	0.12	4.38
D	5/6/2016	Sample Point #3	Zinc (H)	0.408	mg/L	0.11	3.71	0.12	3.40
D	5/6/2016	Sample Point #4	Zinc (H)	0.819	mg/L	0.11	7.45	0.12	6.83
D	5/6/2016	Sample Point #5	Zinc (H)	0.862	mg/L	0.11	7.84	0.12	7.18
D	5/6/2016	Sample Point #6	Zinc (H)	0.321	mg/L	0.11	2.92	0.12	2.68
D	5/6/2016	Sample Point #4	Aluminum	2.39	mg/L	0.75	3.19	none	N/A
D	5/6/2016	Sample Point #5	Aluminum	0.847	mg/L	0.75	1.13	none	N/A
D	5/6/2016	Sample Point #6	Aluminum	1.18	mg/L	0.75	1.57	none	N/A
D	5/6/2016	Sample Point #3	N+N	4.03	mg/L	0.68	5.93	none	N/A
D	5/6/2016	Sample Point #4	N+N	7.41	mg/L	0.68	10.90	none	N/A

EXHIBIT A

Aluminum Precision Products, Inc. - Susan Street Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/WQO	Magnitude of CTR/WQO Exceedance
D	5/6/2016	Sample Point #5	N+N	3.05	mg/L	0.68	4.49	none	N/A
D	5/6/2016	Sample Point #4	Iron	1.03	mg/L	1	1.03	none	N/A
2014 - 2015 REPORTING YEAR									
D	12/2/2014	Sample Point #1	Zinc (H)	0.397	mg/L	0.11	3.61	0.12	3.31
D	12/2/2014	Sample Point #2	Zinc (H)	0.303	mg/L	0.11	2.75	0.12	2.53
D	12/2/2014	Sample Point #3	Zinc (H)	0.319	mg/L	0.11	2.90	0.12	2.66
D	12/2/2014	Sample Point #4	Zinc (H)	0.825	mg/L	0.11	7.50	0.12	6.88
D	12/2/2014	Sample Point #5	Zinc (H)	2.98	mg/L	0.11	27.09	0.12	24.83
D	12/2/2014	Sample Point #6	Zinc (H)	0.926	mg/L	0.11	8.42	0.12	7.72
D	12/2/2014	Sample Point #3	Aluminum	4.49	mg/L	0.75	5.99	none	N/A
D	12/2/2014	Sample Point #4	Aluminum	2.27	mg/L	0.75	3.03	none	N/A
D	12/2/2014	Sample Point #5	Aluminum	2.53	mg/L	0.75	3.37	none	N/A
D	12/2/2014	Sample Point #6	Aluminum	0.95	mg/L	0.75	1.27	none	N/A
D	12/2/2014	Sample Point #1	pH	6.49	s.u.	6.0-9.0	N/A	6.5-8.5	.01 s.u. below
D	12/2/2014	Sample Point #5	pH	6.28	s.u.	6.0-9.0	N/A	6.5-8.5	.22 s.u. below
D	5/17/2015	Sample Point #1	Zinc (H)	0.176	mg/L	0.11	1.60	0.12	1.47
D	5/17/2015	Sample Point #2	Zinc (H)	0.399	mg/L	0.11	3.63	0.12	3.33
D	5/17/2015	Sample Point #3	Zinc (H)	0.197	mg/L	0.11	1.79	0.12	1.64
D	5/17/2015	Sample Point #4	Zinc (H)	0.146	mg/L	0.11	1.33	0.12	1.22
D	5/17/2015	Sample Point #5	Zinc (H)	0.602	mg/L	0.11	5.47	0.12	5.02
D	5/17/2015	Sample Point #6	Zinc (H)	0.252	mg/L	0.11	2.29	0.12	2.10
D	5/17/2015	Sample Point #2	Aluminum	0.77	mg/L	0.75	1.03	none	N/A
D	5/17/2015	Sample Point #4	Aluminum	2.11	mg/L	0.75	2.81	none	N/A
2013 - 2014 Reporting Year									
D	2/28/2014	Sample Point #3	Zinc (H)	0.188	mg/L	0.11	1.71	0.12	1.57
D	2/28/2014	Sample Point #4	Zinc (H)	0.166	mg/L	0.11	1.51	0.12	1.38
D	2/28/2014	Sample Point #5	Zinc (H)	0.345	mg/L	0.11	3.14	0.12	2.88
D	2/28/2014	Sample Point #6	Zinc (H)	0.188	mg/L	0.11	1.71	0.12	1.57
D	2/28/2014	Sample Point #3	Aluminum	1.7	mg/L	0.75	2.27	none	N/A
D	2/28/2014	Sample Point #5	Aluminum	1.05	mg/L	0.75	1.40	none	N/A
D	2/28/2014	Sample Point #6	Aluminum	1.28	mg/L	0.75	1.71	none	N/A
						Total Exceedances	302		145
*(H) - Hardness dependent: Assumes a hardness value of 75-100 mg/L									

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2014	0.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/28/2014	1.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2014	0.65
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/2/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/25/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/1/2014	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/2/2014	0.72
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/3/2014	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/12/2014	1.97
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/17/2014	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/30/2014	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2015	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/26/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/22/2015	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/23/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/2/2015	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/7/2015	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/8/2015	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/14/2015	0.37
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/15/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/18/2015	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/19/2015	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/9/2015	0.29
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/15/2015	1.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/11/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/13/2015	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/19/2015	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2015	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2016	0.88
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/6/2016	1.01
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2016	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/6/2016	0.33
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/7/2016	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/11/2016	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/17/2016	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/23/2016	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/24/2016	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/20/2016	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/21/2016	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/26/2016	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/27/2016	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/15/2016	0.44
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/16/2016	0.69
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/21/2016	0.73
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2016	0.71

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/23/2016	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/24/2016	0.31
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/31/2016	0.28
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2017	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2017	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2017	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2017	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/19/2017	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/20/2017	1.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/22/2017	2.27
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/23/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/6/2017	1.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/7/2017	0.38
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/11/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/17/2017	1.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2017	0.15
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2017	0.1
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2017	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/8/2018	0.2
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2018	0.9
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/10/2018	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/15/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/22/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/3/2018	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/12/2018	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/13/2018	0.21
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/22/2018	0.35
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/29/2018	0.77
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/5/2018	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/6/2018	3.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2019	0.5
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2019	1.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/14/2019	0.62
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/15/2019	0.95
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/16/2019	0.53
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/17/2019	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/31/2019	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/2/2019	1.55
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/3/2019	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/4/2019	0.63
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/5/2019	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/9/2019	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/10/2019	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/13/2019	0.27

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/14/2019	2.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/15/2019	0.12

ATA
AQUA TERRA AIRIS
LAW GROUP

February 21, 2019

VIA CERTIFIED MAIL – Return Receipt Requested

Gregory S. Keeler
Chief Executive Officer
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Ron Awrey
Plant Engineer
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Roark L. Keeler
Registered Agent for Service of Process
Aluminum Precision Products, Inc.
3333 W. Warner Ave
Santa Ana, CA 92704

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

We writing on behalf of Orange County Coastkeeper ("Coastkeeper") regarding violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] ("Storm Water Permit") occurring at the Aluminum Precision Products, Inc. ("Aluminum Precision") facility located at 3323 Warner Avenue and 3333 Warner Avenue, Santa Ana, CA 92704 (the "Warner Avenue Facility" or "Facility").[3] Aluminum Precision is a California Corporation headquartered in Santa Ana, where two additional Aluminum Precision Facilities are also located. The purpose of this letter is to put Aluminum Precision, as the owners and operators[4] of the Warner Avenue Facility, on notice of the violations of the Storm Water Permit and the Clean Water Act occurring at the Warner Avenue Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, Aluminum Precision is liable for violations of the Storm Water Permit and the Clean Water Act relating to the Warner Avenue Facility.

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Clean Water Act and/or related Permits. Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2015-0057-DWQ.
[3] The Facility is comprised of two large buildings and one small storage building at 3323 and 3333 Warner Avenue, Santa Ana, CA 92704.
[4] The owners and/or operators of the Facility are identified in Section I (B) below and referred to hereinafter as the "the Facility Owners and/or Operators" or "Owners and/or Operators."

violation of the Clean Water Act and/or related permits. 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 file suit. 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(a)(1). This letter is being sent to you as the responsible owners and/or operators of the Warner Avenue Facility, or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform Aluminum Precision that Coastkeeper intends to file a federal enforcement action against Aluminum Precision for violations of the Storm Water Permit and the Clean Water Act at the Warner Avenue Facility sixty (60) days from the date of this Notice Letter.

This letter constitutes notice of Coastkeeper's intent to sue Aluminum Precision for violations of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311, 1342, and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("Storm Water Permit"), Water Quality Order No. 97-03-DWQ ("1997 Permit"), as superseded by Order No. 2014-0057-DWQ and amended by Order No. 2015-0122 –DWQ ("2015 Permit ") (collectively "Storm Water Permit"), and recently amended but not yet adopted Order No. 20XX-XXX-DWQ incorporating: 1) Federal Sufficiently Sensitive Test Method Ruling; 2) TMDL Implementation Requirements; and 3) Statewide Compliance Options Incentivizing On-Site or Regional Storm Water Capture and Use. ("2018 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit includes many of the same fundamental requirements, and implements many of the same statutory requirements, as the 1997 Permit. Violations of these requirements constitute ongoing violations for purposes of Clean Water Act enforcement.

I. BACKGROUND

A. <u>Orange County Coastkeeper</u>

Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Coastkeeper has over 6,000 members who live and/or recreate in and around the Santa Ana River, Huntington Beach State Park, and greater Santa Ana River Watershed. Coastkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Orange County. To further these goals, Coastkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Coastkeeper live and own homes in the Santa Ana River Watershed, and use and enjoy the waters to which the Warner Avenue Facility discharges storm water, including the Santa Ana River and the Pacific Ocean, to participate in a variety of water sports and other

activities, to view wildlife, recreate, and engage in scientific studies including monitoring activities. The discharge of pollutants from the Warner Avenue Facility impairs each of these uses. These discharges of polluted storm water from the Warner Avenue Facility are ongoing and continuous. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by Aluminum Precisions' failure to comply with the Clean Water Act and the Storm Water Permit at the Warner Avenue Facility.

B. The Owners and/or Operators of the Aluminum Precision Facility

Aluminum Precision is currently an active California Corporation with California entity number C0497022. The listed registered agent for service is Roark L. Keeler, 3333 W. Warner Ave, Santa Ana, CA 92704. The registered California entity lists the entity address with the California Secretary of State as 3333 W. Warner Ave, Santa Ana, CA 92704.

Information available to Coastkeeper indicates that the Facility is comprised of two (2) addresses, 3333 Warner Avenue and 3323 Warner Avenue, with three (3) Assessor's Parcel Number(s) ("APN"): 408-191-04, 408-191-05, and 408-191-06. When Coastkeeper refers to owners and operators herein, those legally responsible for Aluminum Precision are referred to collectively as the Warner Avenue Facility "Owners and/or Operators."

The Warner Avenue Facility Owners and/or Operators have violated and continue to violate the procedural and substantive terms of their Storm Water Permits and the Clean Water Act for the Facility, including, but not limited to, the illegal discharge of pollutants into local surface waters and are liable for violations of the Storm Water Permits and the Clean Water Act.

C. The Aluminum Precision Facility's Storm Water Permit Coverage

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* 2015 Permit, Finding #12. Upon information and belief, Aluminum Precision obtained Storm Water Permit coverage for the Facility on or about April 1, 1992 and obtained coverage under the 1997 Permit on May 21, 1997. On March 17, 2015, Aluminum Precision submitted an NOI for coverage under the 2015 Permit. The Facility NOI identifies the owner/operator of the Warner Avenue Facility as Aluminum Precision, with an address of 3333 W. Warner Ave, Santa Ana, CA 92704.

The NOI lists the Facility site size as 9.8 acres, with one (1) acre of industrial area exposed to storm water. The Waste Discharger Identification ("WDID") number for the Facility is 8 30I015996. The NOI lists the Primary Standard Industrial Classification ("SIC") code for the Facility as 3463 (Nonferrous Forgings). The Storm Water Permit classifies facilities with SIC code 3463 under "Fabricated Metal Products." *See* 2015 Permit §XI(B) Table 1.

D. Storm Water Pollution and the Waters Receiving the Aluminum Precision Facility's Discharges

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Warner Avenue Facility pour into storm drains and local waterways. 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. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from industrial manufacturing facilities such as the Warner Avenue Facility can contain pH-affecting substances; metals such as iron, magnesium and aluminum; toxic metals such as lead, zinc, nickel, cadmium, chromium, copper, arsenic, and mercury; chemical oxygen demand ("COD"); biological oxygen demand ("BOD"); total suspended solids ("TSS"); total organic carbon ("TOC"); benzene; gasoline and diesel fuels; cyanide; ammonia-N; fuel additives; coolants; antifreeze; nitrate + nitrite nitrogen ("N+N"); trash; and oil and grease ("O&G"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to the Santa Ana River and Pacific Ocean pose threats to the public, dramatically affect the use and enjoyment of the surrounding environment, and adversely affect the aquatic environment.

The Facility discharges into the Santa Ana municipal separate storm sewer system ("MS4") via four driveways on South Yale Street and Warner Avenue. The MS4 drains to the Greenville Banning Channel, which empties to the Santa Ana River, which flows to the Pacific Ocean at Huntington Beach State Park. These bodies of water are collectively referred to herein as the "Receiving Waters." These discharges pose threats as described above and affect the use and enjoyment of these waters sought by members of Coastkeeper.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied species, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The existing and/or potential Beneficial Uses for the Santa Ana River include, at a minimum: warm freshwater habitat (WARM); water contact recreation (REC1); non-contact water recreation

(REC2); commercial and sportfishing (COMM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). *See* Basin Plan at Table 3-1. The Pacific Ocean from the San Gabriel River to Corona Del Mar also has numerous listed Beneficial Uses including water contact recreation (REC1); non-contact water recreation (REC2); shell fish harvesting (SHEL); commercial and sportfishing (COMM); wildlife habitat (WILD); rare, threatened or endangered species (RARE); spawning reproduction and development (SPWN); and marine habitat (MAR). *Id.*

According to the 2016 303(d) List of Impaired Water Bodies, the Santa Ana River is impaired for Indicator Bacteria.[5] Polluted discharges from industrial sites, such as the Warner Avenue Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife that depends on these waters.

II. THE ALUMINUM PRECISION FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The Warner Avenue Facility Site Description and Industrial Activities

The Warner Avenue Facility is located in Santa Ana, CA near the intersection of Warner Avenue and South Yale Street, specifically at the addresses of 3323 and 3333 Warner Avenue, Santa Ana, CA 92704. The Facility's boundaries are Warner Avenue on the south, South Yale Street on the west, and businesses on the north and east.

This Facility is an aluminum forging facility that produces precision parts and components for aerospace and automotive applications including closed die and open ("hand") aluminum forgings. According to the Facility Storm Water Pollution Prevention Plan ("SWPPP") Warner Avenue Facility operates 24 hours per day (Monday through Thursday) and 8 hours per day (Friday and Saturday 7:30 A.M. to 3:30 P.M.). Per the company's website, the company employs approximately 650 people.[6]

Information available to Coastkeeper indicates that the Warner Avenue Facility has two large buildings and one small storage building on contiguous parcels. One building serves as company "headquarters, final product shipping, machine shop, and storage of parts and materials."[7] The other building's primary industrial activities include "final product shipping, machine shop for wheels and hand forging, hydraulic forging, and storage of parts and materials."[8] Oils and used oils of varying types, oily water, coolants, solvents, acids, used lubricants, and scrap metals are pollutant used in, and byproducts of, these industrial processes. Track-out of metal debris, metal and other pollutant particulate, liquids such as coolant, solvent, degreaser, waste oil, oily water by machinery, and vehicle and foot traffic, and other fugitive

[5] 2016 Integrated Report – All Assessed Waters, *available at https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/category5_report.shtml* (last accessed on January 22, 2018).
[6] See *http://www.aluminumprecision.com/about-app/* (last accessed on December 12, 2018).
[7] See SWPPP April 2018, Table 4-1 (p. 5).
[8] *Id.*

emissions at the Facility, impact the storm water and the environment due to a lack of containment. Exhaust from industrial manufacturing and cooling processes and other discharges from industrial activities from the Warner Avenue Facility also impacts storm water. Certain industrial activities and storage occur outside, without adequate cover, containment or other measures, resulting in discharges of polluted storm water. Scrap metal, active and inactive industrial equipment, raw materials and finished product are stored outdoors and impact storm water runoff. Fugitive dust, debris, particulate, exhaust emissions and other pollutants at Facility are also uncontained and enter local waterways via storm water, unauthorized non-storm water discharge and aerial deposition. These industrial activities and contaminant factors create significant sources of pollution at the Facility.

Pollutants associated with operations at the Facility include, but are not limited to: pH-affecting substances; metals such as iron and aluminum; toxic metals such as lead, copper and zinc; TSS; gasoline and diesel fuels; fuel additives; coolants; trash; and nitrate as nitrogen.

Coastkeeper alleges that Aluminum Precision has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the Warner Avenue Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events storm water carries pollutants from the Facility's raw and finished material, oil, and chemical storage areas, parking areas, fueling and maintenance areas, loading and unloading areas, garbage and refuse storage areas, scrap metal areas, equipment washing areas, and other areas into the municipal separate storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Coastkeeper indicates that metal particulates have been and continue to be tracked from the manufacturing buildings, raw material and refuse storage areas, parking areas, and equipment maintenance and washing areas throughout the Facility. Further, numerous pollutants are believed to accumulate on the roofs of the Facility due to exhaust emissions from furnaces, other industrial heat sources, air conditioners and other heating and air discharge equipment, resulting in polluted storm water and non-storm water discharges from the Facility. In addition to the roofs, these pollutants accumulate in parking, loading and unloading areas, and the driveways of the Facility. As a result, trucks and vehicles leaving the Facility via the driveways are track sediment, dirt, metal particles, and other pollutants off-site.

B. <u>The Aluminum Precision Facility's Storm Water Flow and Discharge Locations</u>

Publicly available information indicates that storm water at the Warner Avenue Facility is discharged off site from four (4) discharge points via driveways into Warner Avenue and South Yale Street. From there, the storm water enters the Santa Ana MS4. Outfall 1 is on the 3333 Warner Avenue property adjacent to South Yale Street. Outfall 2 is on the same property next to the parking lot, near to West Warner Avenue. Outfall 3 is located on the 3323 Warner Avenue property between the two parking lots. Outfall 4 is on the 3323 Warner Avenue property adjacent to the eastern border of the property. Outfall 5 is near Outfall 1 on the 3333 Warner Avenue property along South Yale Street.

The Warner Avenue Facility SWPPP does not identify down spouts from the roofed areas of the manufacturing buildings; it is unknown which discharge points handle storm water runoff originating from roofed areas. After storm water enters the drain inlets it flows into the MS4 and is discharged to the Greenville Banning Channel and into the Santa Ana River.

Coastkeeper obtained information indicating that machinery, equipment finished and unfinished product, and industrial and raw materials are stored outdoors at the Warner Avenue Facility. Pallets, metal tubes and rolls, scrap metal and casts are lined and stacked in outdoor areas of the Facility without adequate secondary containment. Uncovered scrap bins contain scrap wood and metal. These industrial materials are uncovered, stored on the ground, and exposed to storm water. Information available to Coastkeeper also indicates that the Facility has large air conditioning and cooling units that may lead to non-storm water discharges.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMITS

The Clean Water Act requires that any person discharging pollutants to a water of the United States from a point source[9] obtain coverage under an NPDES permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 CFR § 122.117(c)(1). CWA § 402 further requires each discharger to meet minimum technology-based treatment requirements. Discharges of toxic pollutants must be treated pursuant to the best available technology ("BAT"), 33 U.S.C. § 1311 (b)(2)(A), and other pollutant discharges must comply with best conventional technology ("BCT"). 33 U.S.C. § 1311(b)(2)(E).

In addition to implementing technology-based controls, each point source discharger must achieve "any more stringent limitation necessary to meet water quality standards[.]" 33 U.S.C. § 1311(b)(1)(C). Water quality standards establish the water quality goals for a water body. 40 C.F.R. § 131.2. They serve as the regulatory basis for the establishment of water quality-based controls over point sources, as required under § 301 and § 306 of the CWA. Once water quality standards are established for a particular water body, any NPDES permit authorizing discharges of pollutants into that water body must ensure that the applicable water quality standard will be met. 33 U.S.C. § 1311(b)(1)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d).

The 1997 Permit requires dischargers meet all applicable provisions of Sections 301 and 402 of the CWA. Rather than requiring specific application of BAT and BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constitutes failure to subject discharges to BAT/BCT, and is a violation of the CWA.

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[9] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); *see* 40 C.F.R. § 122.2

The 2015 Permit includes the same fundamental terms as the 1997 Permit. For purposes of this Notice Letter, Coastkeeper refers to the reissued permit as the "2015 Permit." The 2015 Permit retains this core statutory requirement to meet BAT/BCT standards. Just like the 1997 Permit, the 2015 Permit requires all facility operators to develop and implement SWPPP that includes BMPs, although the 2015 Permit now requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary, to achieve compliance with the effluent and receiving water limitations of the 2015 Permit. Advanced BMP categories are defined as follows: (1) exposure minimization BMPs, (2) storm water containment and discharge reduction BMPs, (3) treatment control BMPs, and (4) additional advanced BMPs needed to meet the effluent limitations of the 2015 Permit. Coastkeeper alleges that Warner Avenue Facility Owners and/or Operators have failed to implement advanced BMPs as necessary to meet the effluent limitations of the 2015 Permit, as borne out by the Facility's self-reported storm water sampling results. *See* Exhibit A. The 2015 Permit also requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare sample and analytical results with numeric action levels ("NALs").

Under the 2015 Permit, facility operators are required to perform Exceedance Response Actions ("ERA") as appropriate whenever sampling indicates NAL exceedances. An annual NAL exceedance occurs when the average of all the analytical results for a parameter from samples taken within a reporting year[10] exceeds the annual NAL value for that parameter. An instantaneous maximum NAL exceedance occurs when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NAL value or are outside of the instantaneous maximum NAL range for pH. 2015 Permit XII.A. There are two (2) ERA levels, Level 1 and Level 2. If a discharger enters Level 1 for exceedances of any constituent in a reporting year that facility must prepare a Level 1 ERA to adequately address the polluted discharges. Should the facility's sample results average over the annual NAL for a second consecutive year for the same constituent, the facility must prepare a Level 2 ERA requiring further BMPs to address the exceedances. Coastkeeper has reviewed each of the three (3) ERAs submitted by the Owners and/or Operators of the Warner Avenue Facility and alleges that each of the ERAs are inadequate to address pollutant discharges from the Facility, in part due to the lack of implemented advanced BMPs. The ERA submitted in December 2017 includes plans for implementation of two BMPs to address zinc: 1) a plan to steam clean the roofs; and 2) the roofs were to be painted. Despite again averaging over NAL for zinc in the 2017-2018 reporting year, a further ERA was not submitted for the Warner Avenue Facility at end of 2018. However, a Level 1 ERA was submitted in December 2018 for aluminum, iron, N+N, and magnesium. That ERA does not include the self-reported sampling results from January 8, 2018 and thus interprets the zinc average as below the NAL. The results for each constituent sampled on January 8, 2018 were higher on average for each constituent tested. Copper results were consistently above the EPA benchmark adjusted for water hardness.

[10] A reporting year encompasses a full calendar year from July 1, through June 30 of the following year.

Industrial activities conducted at the Warner Avenue Facility under SIC code 3463 require Aluminum Precision to obtain Storm Water Permit coverage for the Facility. Both the 1997 Permit and the 2015 Permit generally require facility operators to: (1) submit a Notice of Intent ("NOI") that certifies the type of activity or activities undertaken at the facility and committing the operator to comply with the terms and conditions of the permit; (2) eliminate unauthorized non-storm water discharges; (3) develop and implement a SWPPP; (3) perform monitoring of storm water discharges and authorized non-storm water discharges; and (4) file an Annual Report that summarizes the year's industrial activities and compliance with the Storm Water Permit.

A. Applicable Effluent Standards or Limitations

The Storm Water Permit requires all industrial facilities to sample and analyze storm water discharges for the following parameters: pH, total suspended solids ("TSS"), and oil and grease ("O&G"). *See* 1997 Permit, § B(5)(c)(i); 2015 Permit, §§ XI(B)(6)(a), (b). Facilities classified under SIC code 3463 – Nonferrous Forgings – must also sample and analyze samples for zinc ("Zn"), iron ("Fe"), aluminum ("Al"), and nitrate and nitrite nitrogen ("N+N"). *See* 1997 Permit at Table D; 2015 Permit, § VI(B) at Table 1. Indeed, dischargers must also sample for additional parameters identified by the Discharger that are likely to be present under the Facility pollutant source assessment and additional parameters related to receiving waters with 303(d) listed impairments. 2015 Permit, § XI(B). Here, the Warner Avenue Facility did not sample for copper until 2018 and immediately realized effluent limit exceedances resulting in the Facility's entry into Level 1 ERA. A copper test result from January 8, 2018 registered at 0.465 mg/l, over three (3) times the EPA Benchmark adjusted for an expected water-hardness level in the Receiving Water.

The EPA has published "benchmark" levels as numeric thresholds for helping to determine whether a facility discharging industrial storm water has implemented the requisite BAT and BCT mandated by the CWA. (See *United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective June 4, 2015.[11]) These benchmarks represent pollutant concentrations at which a storm water discharge could potentially impair, or contribute to impairing, water quality, or affect human health from ingestion of water or fish. EPA benchmarks have been established for pollutants discharged by the Facility, and include: TSS—100 mg/L; Zn—0.11 mg/L; Cu—0.0123 mg/L; and pH—6.0-9.0 s.u. However, the Basin Plan contains narrower effluent levels for pH: for bays and estuary waters, pH—7.0-8.6 s.u; for inland surface waters, pH —6.5-8.5 s.u.

The Criteria for Priority Toxic Pollutants in the State of California, or California Toxics Rule ("CTR"), set forth in 40 C.F.R. § 131.38, establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR sets forth lower numeric limits for zinc and other pollutants such as copper (0.010 mg/l) and nickel (0.037) in freshwater surface

[11] Available at https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf (last accessed on December 12, 2018).

waters with water hardness calculation of 75 mg/L[12]. CTR criteria can be as low as 0.067 mg/L for zinc in freshwater surface waters with water hardness calculation of 50 mg/L.[13] Coastkeeper puts Aluminum Precision on notice that they have violated, and continue to violate the CTR, and by extension the Clean Water Act, for zinc, copper and other constituents each time polluted storm water discharges from the Warner Avenue Facility.

Courts have expressly held that the EPA Benchmarks are relevant objective standards for evaluating whether the best management practices implemented by a permittee achieve effluent limitations. *See* Santa Monica Baykeeper v. Kramer Metals, Inc., 619 F.Supp.2d 914, 924 (C.D. Cal. 2009) (holding that "EPA Benchmarks are relevant guidelines that should be used to evaluate the efficacy of a facility's BMPs"). Thus, comparing EPA Benchmarks and NALs to stormwater monitoring data is sufficient to support a good faith allegation of noncompliance with the technology and/or water-quality based effluent limitations in the General Permit: [exceedance] of the benchmark levels is evidence . . . that [Defendant] did not have BMPs that achieve BAT/BCT[;] . . . however, this evidence in and of itself does not establish a violation of [BAT/BCT]. . . . There can be no reasonable dispute that the Benchmarks are relevant to the inquiry as to whether a facility implemented BMPs. Id. at 925 (emphasis added), citing Waterkeepers Northern California v. AG Industrial Mfg., Inc., 375 F.3d 913, 919 n. 5 (9th Cir. 2004).

Thus, storm water sampling results provide well-founded evidence of a failure to comply with the Storm Water Permit's discharge prohibitions, receiving water limitations and effluent limitations. A monitoring report showing "a water sample with pollutant discharges in excess of permit limits is conclusive evidence of a violation . . .. A defendant may not impeach its own publicly filed reports which are submitted under penalty of perjury." San Francisco Baykeeper v. West Bay Sanitary District, 791 F.Supp.2d 719, 755 (N.D. Cal 2011) [cites and quotes omitted); see also Sierra Club v. Union Oil, 813 F.2d 1480, 1493 (9th Cir. 1988).

The Warner Avenue Facility Owners and/or Operators have self-reported numerous exceedances of relevant standards at least since 2014, including values several orders of magnitude above regulatory limits. *See* Exhibit A. For example EPA Benchmark for magnesium is .064 mg/L. See 2015 Permit, Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals." The average for self-reported testing submitted to the Regional Water Quality Control Board (RWQCB) in 2018, the first year the Warner Facility tested for magnesium, was 1.364 mg/L, over 21 times the EPA Benchmark. The highest result for magnesium at the Facility came on November 29, 2018: 2.56 mg/L a magnitude of 40 times over the Benchmark. *Id.*

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[12] Exhibit A uses CTR limits with a water hardness calculation of 100 mg/L for zinc, copper and lead.

[13] The CTR numeric limits, or "criteria," are expressed as dissolved metal concentrations in the CTR, but the Storm Water Permit required permittees to report their sample results as total metal concentrations. *See* 1997 Permit § B(10)(b); 2015 Permit, Attachment H at 18. To compare sample results reported by the Facility with the CTR criteria, Coastkeeper will use the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i). The applicable CTR criteria also requires a hardness value.

Thus, Coastkeeper alleges that the Warner Avenue Facility Owners and/or Operators violate the Storm Water Permit by discharging storm water containing pollutants in excess of, or outside the range of, the applicable effluent limitations each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and will continue every day the Owners and/or Operators discharge storm water from the Facility that contains concentrations of pollutants in excess of, or outside the range of, the applicable effluent limitations. Coastkeeper will include additional violations as information and data become available. Further, given that these effluent limitation violations are ongoing, and recent test results evidence additional effluent violations, Coastkeeper puts the Owners and/or Operators on notice that Effluent Limitation V.B. of the 2015 Permit is violated each time storm water is discharged from the Facility. Every Facility discharge of polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V.B. of the 2015 Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

B. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Storm Water Permit Effluent Limitations

The Storm Water Permit states that storm water discharges from facilities shall not exceed specified effluent limitations. 1997 Permit, Effluent Limitation B(1); 2015 Permit, Effluent Limitation V.B. Compliance with the effluent limitation guidelines constitutes compliance with best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") for the specified pollutants and must be met to comply with the Storm Water Permit. 1997 Permit, Fact Sheet at VIII; 2015 Permit, Fact Sheet at pp. 15-17.

Certain activities undertaken at the Warner Avenue Facility produce significant risks to water quality, including metal shavings and dust and other scrap metal. The Facility's April 2018 SWPPP indicates in Table 4-3, On-Site Industrial Material Management, that materials present include oils and lubricants, diesel fuel, cutting fluid, spent cutting fluid, cleaning agent, scrap metals, waste chips, and shavings, and sludge. Discharges of storm water from this Facility contain elevated levels of many of the pollutants that the Facility is required to test for, and self-report and include numerous self-reported sampling results over applicable benchmarks. *See* Exhibit A. These exceedances of applicable benchmarks degrade water quality. BAT/BCT standards are intended to reduce pollutants in storm water discharges through required implementation of BMPs, implementation of BMPs that Coastkeeper alleges have been inadequate. Thus far only ineffective advanced BMPs have been implemented at the Warner Avenue Facility pursuant to the Facility ERA, to address a single constituent, zinc. The most recent ERA report from December 2018 contains detailed restatements of permit requirements for ERA reports, but fails to identify any advanced BMPs the facility plans to implement, and only includes a list reciting standard requirements of any SWPPP, without explanation, such as "minimize or prevent material tracking;" "observe all outdoor areas associated with industrial activity . . . " and "cover all stored industrial materials that can become readily mobilized by

contact with storm water."[14] This ERA is wholly inadequate as it does nothing to address Copper exceedances.

Because manufacturing facilities using metals are likely to discharge storm water runoff that is contaminated, the EPA provides a storm water fact sheet for Primary Metals Facilities. *See* Environmental Protection Agency, *Sector AA: Fabricated Metal Products Manufacturing Facilities* (EPA-833-F-06-042) December 2006 ("Sector AA Fact Sheet").[15] The fact sheet offers facility operators guidance on how to prepare storm water management programs that are appropriate for their facility and operations. Table 1 of the Sector AA Fact Sheet sets forth the EPA chart regarding the various pollutant sources and pollutants that are typically associated with facilities such as the Aluminum Precision Facility. Despite this EPA guidance, the Facility only started testing for copper in 2018, and does not test for cadmium.

C. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of BAT/BCT

The Storm Water Permit and Clean Water Act require dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic[16] and non-conventional pollutants and BCT for conventional pollutants.[17] 33 U.S.C. §§ 1311 (b)(2)(A) and (b)(2)(E); 1997 Permit, Effluent Limitation B(3); 2015 Permit, Effluent Limitation V.A. The Effluent Limitations define application of BAT for TSS and pH as numeric effluent limitations. A discharge of storm water which exceeds the Effluent Limitations is strong evidence of a failure to achieve BAT/BCT. Again, EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards.[18]

Publicly available information shows that the Warner Avenue Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards. Consistent with Aluminum Precision's lack of adequate BMPs, the analytical results of storm water sampling at the Facility demonstrates the Owners and/or Operators have failed and continue to fail to implement BAT/BCT. Specifically, analysis of discharges from the Warner Avenue Facility demonstrates that the storm water discharges consistently contain concentrations of pollutants above the Effluent Limitations and EPA Benchmarks. *See, e.g.,* Exhibit A. For example, the EPA Benchmark is .11 mg/L. A storm water sample that Aluminum Precision collected from the Warner Avenue Facility in May 2016

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[14] *See* APP Warner ERA Level 1 Evaluation Report, December 27, 2018, at 5-6.

[15] Available at: https://www.epa.gov/sites/production/files/2015-10/documents/sector_aa_fabmetal.pdf (last accessed February 14, 2019)

[16] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[17] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.

[18] *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) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit") at 136; *see also*, 65 Federal Register 64851 (2000).

exceeded the EPA Benchmark by 13 times with a more recent sample from January of 2018 reading 0.934 mg/L, over 8 times the EPA Benchmark. Testing for zinc from February 2014 through November 2018 shows 56 zinc exceedances of both the EPA Benchmark and the CTR. In total, Coastkeeper identified 146 total exceedances of EPA Benchmarks over the last four and a half reporting years at the Warner Avenue Facility. *See* Exhibit A.

As noted above in Section III(B), with a hardness value for the receiving waters of 75-100 mg/L, the EPA Benchmark for Cu is .0123 mg/L. Testing for Cu between January 2018 through November 2018 shows 14 exceedances of the EPA Benchmark level, one by a magnitude of 3.78. The repeated and significant exceedances of the EPA Benchmark demonstrate that the Warner Avenue Facility Owners and/or Operators have failed to develop and/or implement required BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Publicly available evidence indicates that the Warner Avenue Facility Owners and/or Operators violate the Storm Water Permit and Clean Water Act for failing to develop and/or implement BMPs that achieve BAT/BCT each time Aluminum Precision discharges storm water from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time the Warner Avenue Facility discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Coastkeeper will add dates of violation when additional data becomes available, indeed the most recent samples show additional exceedances. Further, the Facility has violated Effluent Limitation B(3) of the 1997 Permit or Effluent Limitation V.A. of the 2015 Permit each time storm water discharged from the Warner Avenue Facility since February 21, 2014, and each discharge represents a distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act over the past five years and continuing until full compliance with the Storm Water Permit is achieved.

D. Discharges of Polluted Storm Water from the Aluminum Precision Facility in Violation of Receiving Water Limitations

The Storm Water Permit and the CWA prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[19] 33 U.S.C. § 1311 (b)(l)(C); 40 C.F.R. §§ 122.4(d), 122.4(i), 122.44(d); 2015 Permit, Receiving Water Limitation VI.A; 1997 Permit, Receiving Water Limitation C(2). Discharges that contain pollutants in excess of an applicable WQS violate these requirements.

The Storm Water Permit also prohibits storm water discharges and unauthorized non-

[19] 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 impairment of 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 water quality objectives in the Basin Plan.

storm water discharges to surface water that adversely impact human health or the environment. 1997 Permit, Receiving Water Limitation C(1); 2015 Permit, Receiving Water Limitation VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and the Clean Water Act.

The Receiving Waters may become impaired with pollutants discharging from Facilities like the Warner Avenue Facility. Information available to Coastkeeper indicates that the Warner Avenue Facility's storm water discharges contain elevated concentrations of pollutants, such as copper, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Santa Ana River, and the Pacific Ocean. *See* Exhibit A. These harmful discharges from the Facility are violations of Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI.B. of the 2015 Permit.

Coastkeeper puts the Warner Avenue Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or (2) of the 1997 Permit VI.A. and VI.B. of the 2015 Permit were/are violated with each polluted storm water discharge from the Facility. *See, e.g.*, Exhibit B. These discharge violations are ongoing and continue every time contaminated storm water is discharged in violation of Receiving Water Limitations. Each time discharges of storm water from the Warner Avenue Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time discharges from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Coastkeeper will update the dates of violation when additional information and data becomes available. The Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

E. Unauthorized Non-Storm Water Discharges from the Aluminum Precision Facility

The Storm Water Permit prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. 2015 Permit, Discharge Prohibition III.B; 1997 Permit, Discharge Prohibition A(1). Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* 1997 Permit, Discharge Prohibition A(1); 2015 Permit, Discharge Prohibition III.B.

Further, Coastkeeper is informed and believes that unauthorized non-storm water discharges occur at the Warner Avenue Facility due to inadequate BMP development and/or implementation necessary to prevent these discharges. As an example, unauthorized non-storm water discharges may occur at the Facility from process water, cooling functions, and/or equipment, vehicle and machinery cleaning activities. Other unauthorized non-storm water

discharges may occur at the Facility from the hazardous materials storage area, where oils solvents, degreasers, and wastewater are stored. The Facility Owners and/or Operators conduct these activities without sufficient BMPs to prevent related non-storm water discharges. Non-storm water discharges resulting from cooling functions and equipment washing are not listed among the authorized non-storm water discharges in the Storm Water Permit and thus are always prohibited.

Coastkeeper puts the Facility Owners and/or Operators on notice that the Storm Water Permit is violated each time non-storm water is discharged from the Facility. These discharge violations are ongoing and will continue until the Facility Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges or obtain separate NPDES permit coverage. Each time the Facility Owners and/or Operators discharge prohibited non-storm water in violation of Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III.B. of the 2015 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 Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2014.

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

The Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all requirements of the Storm Water Permit. The objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from an industrial Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. 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, and must be revised as necessary to ensure compliance with the Storm Water Permit. *See* 1997 Permit, §§ A(1)-A(10) and Provision E(2); 2015 Permit, §§ X.A.-C.

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, areas of industrial activity, and other features of the Facility and its industrial activities; a list of significant materials handled and stored at the site; 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; and 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. 1997 Permit §§ A(3)-A(10); 2015 Permit, § X.D.-H.

The Warner Avenue Facility Owners and/or Operators have continuously conducted operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, descriptions of 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, is inadequate and incomplete, and does not address all the applicable constituents, notwithstanding the Facility's history of noncompliance regarding those constituents. The Owners and/or Operators have failed to properly revise the Facility's SWPPP to ensure compliance with the Storm Water Permit. The Facility's current SWPPP is recent, dated April 2018, yet despite the significant concentrations of pollutants in the Facility's storm water discharges every year since at least the 2015-2016 Wet Season,[20] it does not include sufficiently effective BMPs to eliminate or reduce these pollutants, as required by the 1997 Permit or the 2015 Permit.

The Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate violation of the Storm Water Permit and the Clean Water Act. The Facility Owners and/or Operators have been in daily violation of the Storm Water Permit's SWPPP requirements since at least February 21, 2014. Violations are ongoing, subjecting Aluminum Precision to civil penalties for each past violation of the Clean Water Act with additional violations added when such information is available.

G. Failure to Develop and Implement an Adequate Monitoring Plan

Section B(1) and Provision E(3) of the 1997 Permit require Facility Owners and/or Operators to develop and implement an adequate Monitoring and Reporting Program by October 1, 1992, or prior to the commencement of industrial activities at the Facility, that meets all of the requirements of the Storm Water Permit. Section XI of the 2015 requires dischargers to prepare a Monitoring Implementation Plan. The primary objective of the required monitoring 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* 1997 Permit, § B(2); 2015 Permit § XI. Monitoring 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(5) and B(7) of the 1997 and Section XI of the 2015 Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under the 1997 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, total organic carbon or O&G, and other pollutants that are likely to be present in the Facility's discharges in significant quantities, and

[20] The Storm Water Permit defines the Wet Season as October 1 – May 30.

pursuant to a facility's SIC code. *See* 1997 Permit, § B(5)(c). Under the 2015 Permit discharges must collect at least two (2) samples from QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs from the second half of each reporting year (January 1 to June 30) (2015 Permit § X.B.3), which must be analyzed for TSS, pH, O&G, and additional parameters identified on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment – in addition to those required under the SIC code. 2015 Permit § X.G.2.

The Owners and/or Operators of the Warner Avenue Facility have conducted operations at the Facility with an inadequately developed, implemented, and/or revised monitoring plan. Upon information and belief, the Facility Owners and/or Operators did not collect samples from sufficient Qualifying Storm Events ("QSE") at the Facility in the 2017-2018 reporting year where only two (2) QSE were sampled despite seven (7) rain events of over .1 inch of rain in the first three months on 2018 recorded at the Santa Ana Airport. Five of those rain events were at least 48 hours apart. *See* Exhibit B.

Additionally, Coastkeeper alleges the Facility Owners and/or Operators failed to provide adequate records, as required by Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit, for the monthly visual observations of storm water discharges. The Storm Water Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997 Permit, § B(4)(c); 2015 Permit § X.2.C. Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Section B(4) of the 1997 Permit and Section X.A of the 2015 Permit.

Thus, Coastkeeper further alleges that the Warner Avenue Facility Owners and/or Operators failed to properly collect samples from an adequate number of QSE in the 2017-2018 reporting year, and conduct, fully document and report the required observations of storm water discharges.

The Warner Avenue Facility Owners' and/or Operators' failure to conduct sampling and monitoring as required by the Storm Water Permit provides sufficient evidence that the Facility's monitoring plan fails to comply with the requirements of Section B and Provision E(3) of the 1997 Permit and Section XI of the 2015 Permit. Every day that operations at the Facility are conducted in violation of the monitoring requirements of the Storm Water Permit is a separate violation of the Storm Water Permit and the Clean Water Act. The Warner Avenue Facility has violated the Storm Water Permit's monitoring requirements each day since at least February 21, 2014, subjecting the Facility Owners and/or Operators to civil penalties for all violations of the Clean Water Act since February 21, 2014. These violations are ongoing.

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

Section B(14) of the 1997 Permit and Section XVI of the 2015 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Annual Report must include an explanation for incomplete visual observations and sampling results and

an explanation of why a permittee did not implement any activities required by the Storm Water Permit. *See* 1997 Permit § B(13); 2015 Permit, § XVI.

Coastkeeper alleges that the Warner Avenue Facility Owners and/or Operators have failed and continue to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Facility Owners and/or Operators certified that the SWPPP's BMPs address existing potential pollutant sources, complies with the Storm Water Permit or will be revised to achieve compliance. Coastkeeper has information suggesting that these certifications are erroneous. Storm water samples collected from the Facility have consistently contained concentrations of pollutants above Benchmark Levels, demonstrating that the SWPPP's BMPs have never adequately addressed existing potential pollutant sources. Further, the Facility's SWPPP does not include elements required by the Storm Water Permit, such as additional advanced BMPs given the Warner Avenue Facility's industrial activities (metal forging).

Coastkeeper alleges that the Warner Avenue Facility submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Owners and/or Operators are in daily violation of the Storm Water Permit. Every day the Facility Owners and/or Operators conduct operations at the Facility without reporting as required by the Storm Water Permit is a separate violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Warner Avenue Facility has been in daily and continuous violation of the Storm Water Permit's reporting requirements each day since at least February 21, 2014, subjecting them to civil penalties for such violations over this same time period. These violations are ongoing, and additional violations will be included when such information becomes available, including further violations of the 2015 Permit reporting requirements (*see* 2015 Permit, § XVI.).

IV. RELIEF 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 occurring before November 2, 2015 commencing five years prior to the date of this Notice of Violation and Intent to File Suit subjects Aluminum Precision to a penalty of up to $37,500 per day; violations occurring after November 2, 2015 and assessed on or after January 15, 2018 subjects Aluminum Precision to a penalty of up to $53,484 per day. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d) of the Clean Water Act (33 U.S.C. §§ 1365(a), (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Clean Water Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

V. CONCLUSION

Coastkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Aluminum Precision's violations of the Storm Water Permit.

If you wish to pursue settlement discussions, please contact Coastkeeper's legal counsel:

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Sincerely,

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VIA U.S. CERTIFIED MAIL – Return Receipt Requested

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EXHIBIT A

Aluminum Precision Products, Inc. - Warner Ave Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	EPA Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/ WQO	Magnitude of CTR/WQO Exceedance
2018 - 2019 REPORTING YEAR									
C	11/29/2018	Outfall #1	Zinc (H)	0.2	mg/L	0.11	1.82	0.12	1.67
C	11/29/2018	Outfall #1	Copper (H)	0.023	mg/L	0.0123	1.87	0.013	1.77
C	11/29/2018	Outfall #1	TSS	140	mg/L	100	1.40	none	N/A
C	11/29/2018	Outfall #2	Zinc (H)	0.27	mg/L	0.11	2.45	0.12	2.25
C	11/29/2018	Outfall #2	Aluminum	1.2	mg/L	0.75	1.60	none	N/A
C	11/29/2018	Outfall #2	Copper (H)	0.045	mg/L	0.0123	3.66	0.013	3.46
C	11/29/2018	Outfall #2	Iron	1.5	mg/L	1	1.50	none	n/a
D	11/29/2018	Outfall #1	Zinc (H)	0.152	mg/L	0.11	1.38	0.12	1.27
D	11/29/2018	Outfall #3	Zinc (H)	0.196	mg/L	0.11	1.78	0.12	1.63
D	11/29/2018	Outfall #4	Zinc (H)	0.374	mg/L	0.11	3.40	0.12	3.12
D	11/29/2018	Outfall #3	Aluminum	1.72	mg/L	0.75	2.29	none	N/A
D	11/29/2018	Outfall #1	Magnesium	2.56	mg/L	0.064	40.00	none	N/A
D	11/29/2018	Outfall #2	Magnesium	0.458	mg/L	0.064	7.16	none	N/A
D	11/29/2018	Outfall #3	Magnesium	0.88	mg/L	0.064	13.75	none	N/A
D	11/29/2018	Outfall #4	Magnesium	0.456	mg/L	0.064	7.13	none	N/A
D	11/29/2018	Outfall #5	Magnesium	0.466	mg/L	0.064	7.28	none	N/A
D	11/29/2018	Outfall #1	Copper (H)	0.03	mg/L	0.0123	2.44	0.013	2.31
D	11/29/2018	Outfall #3	Copper (H)	0.0295	mg/L	0.0123	2.40	0.013	2.27
D	11/29/2018	Outfall #4	Copper (H)	0.0172	mg/L	0.0123	1.40	0.013	1.32
D	11/29/2018	Outfall #3	Iron	1.52	mg/L	1	1.52	none	N/A
D	11/29/2018	Outfall #1	N+N	0.842	mg/L	0.68	1.24	none	N/A

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2017 - 2018 REPORTING YEAR									
D	1/8/2018	Outfall #1	Zinc (H)	0.325	mg/L	0.11	2.95	0.12	2.71
D	1/8/2018	Outfall #2	Zinc (H)	0.243	mg/L	0.11	2.21	0.12	2.03
D	1/8/2018	Outfall #3	Zinc (H)	0.36	mg/L	0.11	3.27	0.12	3.00
D	1/8/2018	Outfall #4	Zinc (H)	0.934	mg/L	0.11	8.49	0.12	7.78
D	1/8/2018	Outfall #5	Zinc (H)	0.358	mg/L	0.11	3.25	0.12	2.98
D	1/8/2018	Outfall #1	Copper (H)	0.0396	mg/L	0.0123	3.22	0.013	3.05
D	1/8/2018	Outfall #2	Copper (H)	0.0195	mg/L	0.0123	1.59	0.013	1.50
D	1/8/2018	Outfall #3	Copper (H)	0.0465	mg/L	0.0123	3.78	0.013	3.58
D	1/8/2018	Outfall #4	Copper (H)	0.0349	mg/L	0.0123	2.84	0.013	2.68
D	1/8/2018	Outfall #5	Copper (H)	0.031	mg/L	0.0123	2.52	0.013	2.38
D	1/8/2018	Outfall #1	Iron	1.76	mg/L	1	1.03	none	N/A
D	1/8/2018	Outfall #3	Iron	2.37	mg/L	1	5.33	none	N/A
D	1/8/2018	Outfall #5	Iron	1.46	mg/L	1	2.53	none	N/A
D	1/8/2018	Outfall #1	N+N	1.24	mg/L	0.68	1.82	none	N/A
D	1/8/2018	Outfall #3	N+N	0.83	mg/L	0.68	1.22	none	N/A
D	1/8/2018	Outfall #4	N+N	1.74	mg/L	0.68	2.56	none	N/A
D	1/8/2018	Outfall #5	N+N	1.6	mg/L	0.68	2.35	none	N/A
D	1/8/2018	Outfall #1	Aluminum	1.36	mg/L	0.75	1.81	none	N/A
D	1/8/2018	Outfall #3	Aluminum	2.21	mg/L	0.75	2.95	none	N/A
D	1/8/2018	Outfall #5	Aluminum	1.26	mg/L	0.75	1.68	none	N/A
D	1/8/2018	Outfall #1	Magnesium	4.5	mg/L	0.064	70.31	none	N/A
D	1/8/2018	Outfall #2	Magnesium	0.85	mg/L	0.064	13.28	none	N/A
D	1/8/2018	Outfall #3	Magnesium	1.37	mg/L	0.064	21.41	none	N/A
D	1/8/2018	Outfall #4	Magnesium	1.25	mg/L	0.064	19.53	none	N/A
D	1/8/2018	Outfall #5	Magnesium	1.41	mg/L	0.064	22.03	none	N/A
D	3/22/2018	Outfall #1	Zinc (H)	0.181	mg/L	0.11	1.65	0.12	1.5
D	3/22/2018	Outfall #2	Zinc (H)	0.152	mg/L	0.11	1.38	0.12	1.27
D	3/22/2018	Outfall #3	Zinc (H)	0.332	mg/L	0.11	3.02	0.12	2.77
D	3/22/2018	Outfall #4	Zinc (H)	0.275	mg/L	0.11	2.50	0.12	2.29
D	3/22/2018	Outfall #5	Zinc (H)	0.156	mg/L	0.11	1.42	0.12	1.30
D	3/22/2018	Outfall #1	Copper (H)	0.035	mg/L	0.0123	2.85	0.013	2.69

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D	3/22/2018	Outfall #2	Copper (H)	0.0145	mg/L	0.0123	1.18	0.013	1.12
D	3/22/2018	Outfall #3	Copper (H)	0.044	mg/L	0.0123	3.58	0.013	3.38
D	3/22/2018	Outfall #4	Copper (H)	0.0195	mg/L	0.0123	1.59	0.013	1.50
D	3/22/2018	Outfall #1	Iron	1.06	mg/L	1	1.06	none	N/A
D	3/22/2018	Outfall #2	Iron	2.23	mg/L	1	2.23	none	N/A
D	3/22/2018	Outfall #1	N+N	0.928	mg/L	0.68	1.36	none	N/A
D	3/22/2018	Outfall #1	Aluminum	1.42	mg/L	0.75	1.89	none	N/A
D	3/22/2018	Outfall #3	Aluminum	2.45	mg/L	0.75	3.27	none	N/A
D	3/22/2018	Outfall #1	Magnesium	3.99	mg/L	0.064	62.34	none	N/A
D	3/22/2018	Outfall #2	Magnesium	0.557	mg/L	0.064	8.70	none	N/A
D	3/22/2018	Outfall #3	Magnesium	1.07	mg/L	0.064	16.72	none	N/A
D	3/22/2018	Outfall #4	Magnesium	0.513	mg/L	0.064	8.02	none	N/A
D	3/22/2018	Outfall #5	Magnesium	0.135	mg/L	0.064	2.11	none	N/A

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Aluminum Precision Products, Inc. - Warner Ave Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	EPA Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/ WQO	Magnitude of CTR/WQO Exceedance
2016/2017 REPORTING YEAR									
D	12/16/2016	Outfall #1	Zinc (H)	0.215	mg/L	0.11	1.95	0.12	1.79
D	12/16/2016	Outfall #2	Zinc (H)	0.2	mg/L	0.11	1.82	0.12	1.67
D	12/16/2016	Outfall #3	Zinc (H)	0.202	mg/L	0.11	1.84	0.12	1.68
D	12/16/2016	Outfall #4	Zinc (H)	0.322	mg/L	0.11	2.93	0.12	2.68
D	12/16/2016	Outfall #5	Zinc (H)	0.582	mg/L	0.11	5.29	0.12	4.85
D	12/16/2016	Outfall #3	Aluminum	1.14	mg/L	0.75	1.52	none	N/A
D	12/16/2016	Outfall #1	N+N	0.71	mg/L	0.68	1.04	none	N/A
D	12/16/2016	Outfall #3	Iron	1.19	mg/L	1	1.19	none	N/A
D	12/21/2016	Outfall #1	Oil & Grease	15.9	mg/L	15	1.06	none	N/A
D	12/21/2016	Outfall #1	Zinc (H)	0.774	mg/L	0.11	7.04	0.12	6.45
D	12/21/2016	Outfall #2	Zinc (H)	0.345	mg/L	0.11	3.14	0.12	2.88
D	12/21/2016	Outfall #3	Zinc (H)	0.395	mg/L	0.11	3.59	0.12	3.29
D	12/21/2016	Outfall #4	Zinc (H)	0.325	mg/L	0.11	2.95	0.12	2.71
D	12/21/2016	Outfall #5	Zinc (H)	0.755	mg/L	0.11	6.86	0.12	6.29
D	12/21/2016	Outfall #1	Aluminum	1.61	mg/L	0.75	2.15	none	N/A
D	12/21/2016	Outfall #2	Aluminum	0.753	mg/L	0.75	1.00	none	N/A
D	12/21/2016	Outfall #3	Aluminum	2.87	mg/L	0.75	3.83	none	N/A
D	12/21/2016	Outfall #1	Iron	1.56	mg/L	1	1.56	none	N/A
D	12/21/2016	Outfall #3	Iron	2.04	mg/L	1	2.04	none	N/A
D	1/5/2017	Outfall #1	Zinc (H)	0.839	mg/L	0.11	7.63	0.12	6.99
D	1/5/2017	Outfall #2	Zinc (H)	0.455	mg/L	0.11	4.14	0.12	3.79
D	1/5/2017	Outfall #3	Zinc (H)	0.2	mg/L	0.11	1.82	0.12	1.67
D	1/5/2017	Outfall #4	Zinc (H)	0.201	mg/L	0.11	1.83	0.12	1.68
D	1/5/2017	Outfall #5	Zinc (H)	1.17	mg/L	0.11	10.64	0.12	9.75
D	1/5/2017	Outfall #1	Aluminum	1.51	mg/L	0.75	2.01	none	N/A
D	1/5/2017	Outfall #2	Aluminum	1.21	mg/L	0.75	1.61	none	N/A
D	1/5/2017	Outfall #1	Iron	2.36	mg/L	1	2.36	none	N/A
D	1/5/2017	Outfall #2	Iron	1.33	mg/L	1	1.33	none	N/A
D	1/9/2017	Outfall #1	Zinc (H)	0.534	mg/L	0.11	4.85	0.12	4.45
D	1/9/2017	Outfall #2	Zinc (H)	0.235	mg/L	0.11	2.14	0.12	1.96
D	1/9/2017	Outfall #4	Zinc (H)	0.254	mg/L	0.11	2.31	0.12	2.12

EXHIBIT A

Aluminum Precision Products, Inc. - Warner Ave Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	EPA Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/ WQO	Magnitude of CTR/WQO Exceedance
D	1/9/2017	Outfall #5	Zinc (H)	0.968	mg/L	0.11	8.80	0.12	8.07
D	1/9/2017	Outfall #1	Aluminum	0.894	mg/L	0.75	1.19	none	N/A
D	1/9/2017	Outfall #1	Iron	1.21	mg/L	1	1.21	none	N/A
D	1/19/2017	Outfall #1	Zinc (H)	0.261	mg/L	0.11	2.37	0.12	2.18
D	1/19/2017	Outfall #2	Zinc (H)	0.251	mg/L	0.11	2.28	0.12	2.09
D	1/19/2017	Outfall #3	Zinc (H)	0.139	mg/L	0.11	1.26	0.12	1.16
D	1/19/2017	Outfall #4	Zinc (H)	0.228	mg/L	0.11	2.07	0.12	1.90
D	1/19/2017	Outfall #5	Zinc (H)	0.32	mg/L	0.11	2.91	0.12	2.67
D	2/6/2017	Outfall #1	Zinc (H)	0.165	mg/L	0.11	1.50	0.12	1.38
D	2/6/2017	Outfall #2	Zinc (H)	0.128	mg/L	0.11	1.16	0.12	1.07
D	2/6/2017	Outfall #4	Zinc (H)	0.146	mg/L	0.11	1.33	0.12	1.22
D	2/6/2017	Outfall #5	Zinc (H)	0.452	mg/L	0.11	4.11	0.12	3.77
D	2/17/2017	Outfall #2	Zinc (H)	0.118	mg/L	0.11	1.07	0.12	N/A
D	2/17/2017	Outfall #4	Zinc (H)	0.304	mg/L	0.11	2.76	0.12	2.53
D	2/17/2017	Outfall #5	Zinc (H)	0.308	mg/L	0.11	2.80	0.12	2.57
D	2/17/2017	Outfall #3	Aluminum	0.837	mg/L	0.75	1.12	none	N/A
2015/2016 REPORTING YEAR									
D	9/15/2015	Outfall #1	Zinc (H)	0.44	mg/L	0.11	4.00	0.12	3.67
D	9/15/2015	Outfall #4	Zinc (H)	0.21	mg/L	0.11	1.91	0.12	1.75
D	1/5/2016	Outfall #1	Zinc (H)	0.22	mg/L	0.11	2.00	0.12	1.83
D	1/5/2016	Outfall #2	Zinc (H)	0.18	mg/L	0.11	1.64	0.12	1.50
D	1/5/2016	Outfall #4	Zinc (H)	0.21	mg/L	0.11	1.91	0.12	1.75
D	3/11/2016	Outfall #1	Zinc (H)	0.15	mg/L	0.11	1.36	0.12	1.25
D	3/11/2016	Outfall #2	Zinc (H)	0.13	mg/L	0.11	1.18	0.12	1.08
D	3/11/2016	Outfall #3	Zinc (H)	0.18	mg/L	0.11	1.64	0.12	1.50
D	3/11/2016	Outfall #4	Zinc (H)	0.38	mg/L	0.11	3.45	0.12	3.17
D	3/11/2016	Outfall #3	Aluminum	1.8	mg/L	0.75	2.40	none	N/A
D	3/11/2016	Outfall #3	Iron	1.14	mg/L	1	1.14	none	N/A
D	5/6/2016	Outfall #1	Zinc (H)	1.4	mg/L	0.11	12.73	0.12	11.67
D	5/6/2016	Outfall #2	Zinc (H)	0.877	mg/L	0.11	7.97	0.12	7.31
D	5/6/2016	Outfall #3	Zinc (H)	0.759	mg/L	0.11	6.90	0.12	6.33
D	5/6/2016	Outfall #4	Zinc (H)	1.43	mg/L	0.11	13.00	0.12	11.92

EXHIBIT A

Aluminum Precision Products, Inc. - Warner Ave Facility

Sample collected by Coastkeeper (C) or Discharger (D)	Date of sample collection	Sample Location	Parameter	Result	Units	EPA Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria/ WQO	Magnitude of CTR/WQO Exceedance
D	5/6/2016	Outfall #1	Aluminum	1.65	mg/L	0.75	2.20	none	N/A
D	5/6/2016	Outfall #2	Aluminum	2.88	mg/L	0.75	3.84	none	N/A
D	5/6/2016	Outfall #3	Aluminum	1.91	mg/L	0.75	2.55	none	N/A
D	5/6/2016	Outfall #4	Aluminum	0.79	mg/L	0.68	1.16	none	N/A
D	5/6/2016	Outfall #1	N+N	1.46	mg/L	0.68	2.15	none	N/A
D	5/6/2016	Outfall #2	N+N	0.835	mg/L	0.68	1.23	none	N/A
D	5/6/2016	Outfall #4	N+N	0.829	mg/L	0.68	1.22	none	N/A
D	5/6/2016	Outfall #1	Iron	1.65	mg/L	1	1.65	none	N/A
D	5/6/2016	Outfall #2	Iron	2.59	mg/L	1	2.59	none	N/A
D	5/6/2016	Outfall #3	Iron	1.91	mg/L	1	1.91	none	N/A
2014/2015 REPORTING YEAR									
D	5/7/2015	Outfall not available*	pH	6.08	s.u.	6.0-9.0	N/A	6.5-8.5	N/A
D	12/2/2014	Outfall not available*	pH	6.25	mg/L	6.0-9.0	N/A	6.5-8.5	N/A
D	12/2/2014	Outfall not available*	pH	6.31	mg/L	6.0-9.0	N/A	6.5-8.5	N/A
D	12/2/2014	Outfall not available*	Aluminum	1.1	mg/L	0.75	1.47	none	N/A
2013/2014 Reporting Year									
D	2/28/2014	Outfall #2	Aluminum	0.99	mg/L	0.75	1.32	none	N/A
							146		**76**
*(H) - Hardness dependent: Assumes a hardness value of 75-100 mg/L									
*Outfall information unavaible on the State Water Board Resources Control Board system									

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2014	0.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/28/2014	1.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2014	0.65
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/2/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	4/25/2014	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/1/2014	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/2/2014	0.72
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/3/2014	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/12/2014	1.97
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/17/2014	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/30/2014	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2015	0.6
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/26/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/22/2015	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/23/2015	0.13
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/1/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/2/2015	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/7/2015	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/8/2015	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/14/2015	0.37
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	5/15/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/18/2015	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	7/19/2015	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/9/2015	0.29
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	9/15/2015	1.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/11/2015	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/13/2015	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/19/2015	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2015	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2016	0.88
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/6/2016	1.01
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2016	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/6/2016	0.33
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/7/2016	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/11/2016	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/17/2016	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/23/2016	0.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/24/2016	0.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/20/2016	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/21/2016	0.36
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/26/2016	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/27/2016	0.18
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/15/2016	0.44
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/16/2016	0.69
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/21/2016	0.73
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/22/2016	0.71

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/23/2016	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/24/2016	0.31
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/31/2016	0.28
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2017	0.3
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2017	0.39
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/11/2017	0.12
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2017	0.49
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/19/2017	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/20/2017	1.22
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/22/2017	2.27
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/23/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/6/2017	1.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/7/2017	0.38
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/11/2017	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/17/2017	1.58
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/18/2017	0.15
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2017	0.1
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2017	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/8/2018	0.2
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/9/2018	0.9
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/26/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/27/2018	0.16
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/10/2018	0.45
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/15/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	3/22/2018	0.19
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/3/2018	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/12/2018	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	10/13/2018	0.21
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/22/2018	0.35
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	11/29/2018	0.77
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/5/2018	0.25
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	12/6/2018	3.24
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/5/2019	0.5
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/12/2019	1.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/14/2019	0.62
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/15/2019	0.95
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/16/2019	0.53
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/17/2019	0.52
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	1/31/2019	0.7
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/2/2019	1.55
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/3/2019	0.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/4/2019	0.63
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/5/2019	0.14
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/9/2019	0.23
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/10/2019	0.17
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/13/2019	0.27

EXHIBIT B

Rain Data - Santa Ana John Wayne Airport (Feb. 2014 - Feb. 2019)

STATION	NAME	DATE	PRCP
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/14/2019	2.11
USW00093184	SANTA ANA JOHN WAYNE AIRPORT, CA US	2/15/2019	0.12

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