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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 8, 2013

Bill Kalpalkoff, General Manager
Thomas Blackman, Chief Executive Officer
Paramount Resource Recycling
7230 Petterson Lane
Paramount, CA 90723

Bill Kalpalkoff, President
Calmet Services, Inc.
7202 Petterson Lane
Paramount, CA 90723

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

Dear Mr. Kalpalkoff and Mr. Blackman:

I am writing on behalf of California Communities Against Toxics ("CCAT") in regard to violations of the Clean Water Act ("Act") that CCAT believes are occurring at Calmet Services, Inc.'s ("Calmet") facility, Paramount Resource Recycling, located at 7230 Petterson Lane in Paramount, California ("Facility"). CCAT is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community adjacent to the Facility and the Los Angeles River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the Los Angeles River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "PRR").

This letter addresses PRR's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the Los Angeles River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-

DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Board is 419I009715. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

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

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, PRR is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against Calmet, Paramount Resource Recycling, Bill Kalpalkoff, and Thomas Blackman under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On approximately January 25, 1993, PRR filed a Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). In its Annual Reports, PRR has certified that the Facility is classified under SIC Codes 4953 ("refuse systems") and 5093 ("scrap and waste materials"). The Facility collects and discharges storm water from its industrial site into at least four storm drain outfalls located at the Facility. The outfalls discharge into Los Angeles County's municipal storm sewer system, which discharges into the Los Angeles River.

The Regional Board has identified beneficial uses of the Los Angeles River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The beneficial uses of these waters include, among others, contact and non-contact recreation, warm freshwater habitat, wildlife habitat, wetland habitat, commercial and sport fishing, estuarine and marine habitat, and migration of aquatic organisms. The non-contact recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Commercial and sport fishing includes the commercial or recreational collection of fish and shellfish for human consumption. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Los Angeles River for contact and non-contact water recreation and commercial and sport fishing.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." *Id.* at 3-16. The Basin Plan includes a narrative oil and grease standard which states that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses." *Id.* at 3-11. The Basin Plan provides that "[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-16. The Basic Plan provides that "[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges." *Id.* at 3-15. The Basin Plan provides that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use." *Id.* at 3-8. The Basin Plan provides that "[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-9. The Basin Plan provides that "[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses." *Id.*

The EPA has adopted freshwater numeric water quality standards for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC" and Criteria Continuous Concentration – "CCC"); for copper of 0.009 mg/L (CMC) and 0.013 mg/L (CCC); and for lead of 0.065 mg/L (CMC) and 0.0025 mg/L (CCC). 65 Fed.Reg. 31712 (May 18, 2000) (California Toxics Rule).[1]

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT"). The following benchmarks have been established for pollutants discharged by PRR: pH – 6.0 - 9.0 units; total suspended solids ("TSS") – 100 mg/L, oil and grease ("O&G") – 15 mg/L, total organic carbon ("TOC") – 110 mg/L, chemical oxygen demand ("COD") – 120 mg/L, phosphorus – 2.0 mg/L, zinc – 0.13 mg/L, copper – 0.0156 mg/L, lead – 0.095 mg/L, aluminum – 0.75 mg/L, nitrate + nitrite nitrogen ("N+N") – 0.68 mg/L, and iron – 1.0 mg/L.[2]

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

PRR has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial

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[1] The values for zinc, copper, and lead are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L.

[2] The benchmark levels for lead, copper, and zinc are hardness-dependent. The numbers listed here are based on a water hardness range of 100-125 mg/L [$CaCO_3$]. This parallels the California Toxics Rule as described above.

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

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

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

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

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan and the California Toxics Rule and has thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA California Toxics Rule	Outfall (as identified by the Facility)
1/23/2012	Zinc	0.49 mg/L	0.12 mg/L (CCC and CMC)	Clarifier

1/23/2012	Zinc	0.22 mg/L	0.12 mg/L (CCC and CMC)	M Driveway
1/23/2012	Zinc	0.19 mg/L	0.12 mg/L (CCC and CMC)	W Driveway
1/23/2012	Zinc	0.52 mg/L	0.12 mg/L (CCC and CMC)	E Driveway
12/12/2011	Zinc	2 mg/L	0.12 mg/L (CCC and CMC)	Clarifier
12/12/2011	Zinc	1.8 mg/L	0.12 mg/L (CCC and CMC)	M Driveway
12/12/2011	Zinc	0.21 mg/L	0.12 mg/L (CCC and CMC)	W Driveway
12/12/2011	Zinc	0.27 mg/L	0.12 mg/L (CCC and CMC)	E Driveway
3/21/2011	Zinc	1.3 mg/L	0.12 mg/L (CCC and CMC)	Clarifier
3/21/2011	Zinc	0.16 mg/L	0.12 mg/L (CCC and CMC)	M Driveway
3/21/2011	Zinc	0.25 mg/L	0.12 mg/L (CCC and CMC)	E Driveway
12/18/2010	Zinc	1.8 mg/L	0.12 mg/L (CCC and CMC)	M Driveway
12/18/2010	Zinc	0.52 mg/L	0.12 mg/L (CCC and CMC)	W Driveway
12/18/2010	Zinc	0.74 mg/L	0.12 mg/L (CCC and CMC)	E Driveway
12/7/2009	Zinc	0.7 mg/L	0.12 mg/L (CCC and CMC)	Water Clarifier
12/7/2009	Zinc	0.87 mg/L	0.12 mg/L (CCC and CMC)	Middle Driveway
12/7/2009	Zinc	0.67 mg/L	0.12 mg/L (CCC and CMC)	West Driveway
12/7/2009	Zinc	0.58 mg/L	0.12 mg/L (CCC and CMC)	East Driveway
10/13/2009	Zinc	0.38 mg/L	0.12 mg/L (CCC and CMC)	Water Clarifier
10/13/2009	Zinc	0.33 mg/L	0.12 mg/L (CCC and CMC)	Middle Driveway
10/13/2009	Zinc	0.28 mg/L	0.12 mg/L (CCC and CMC)	West Driveway
10/13/2009	Zinc	0.55 mg/L	0.12 mg/L (CCC and CMC)	East Driveway
2/5/2009	Zinc	0.16 mg/L	0.12 mg/L (CCC and CMC)	West Driveway
1/22/2009	Zinc	0.25 mg/L	0.12 mg/L (CCC and CMC)	Middle Driveway
1/22/2009	Zinc	0.22 mg/L	0.12 mg/L (CCC and CMC)	East Driveway
1/23/2012	Copper	0.1 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	Clarifier
1/23/2012	Copper	0.039 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	M Driveway
1/23/2012	Copper	0.035 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	W Driveway
1/23/2012	Copper	0.085 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	E Driveway
12/12/2011	Copper	0.35 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	Clarifier
12/12/2011	Copper	0.33 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	M Driveway
12/12/2011	Copper	0.038 mg/L	0.009 mg/L (CMC) / 0.013 mg/L (CCC)	W Driveway
12/12/2011	Copper	0.052 mg/L	0.009 mg/L (CMC) /	E Driveway

			0.013 mg/L (CCC)	
1/23/2012	Lead	0.1 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	Clarifier
1/23/2012	Lead	0.033 mg/L	0.0025 mg/L (CCC)	M Driveway
1/23/2012	Lead	0.033 mg/L	0.0025 mg/L (CCC)	W Driveway
1/23/2012	Lead	0.16 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	E Driveway
12/12/2011	Lead	0.43 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	Clarifier
12/12/2011	Lead	0.3 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	M Driveway
12/12/2011	Lead	0.042 mg/L	0.0025 mg/L (CCC)	W Driveway
12/12/2011	Lead	0.059 mg/L	0.0025 mg/L (CCC)	E Driveway
3/21/2011	Lead	0.36 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	Clarifier
3/21/2011	Lead	0.022 mg/L	0.0025 mg/L (CCC)	M Driveway
3/21/2011	Lead	0.0098 mg/L	0.0025 mg/L (CCC)	W Driveway
3/21/2011	Lead	0.081 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	E Driveway
12/18/2010	Lead	0.38 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	M Driveway
12/18/2010	Lead	0.1 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	W Driveway
12/18/2010	Lead	0.42 mg/L	0.065 mg/L (CMC) / 0.0025 mg/L (CCC)	E Driveway
Unknown – either February or March 2012	Narrative	Coloration	Basin Plan 3-9	Clarifier
Unknown – either February or March 2012	Narrative	Coloration	Basin Plan 3-9	East Driveway
1/23/2012	Narrative	Coloration	Basin Plan 3-9	Clarifier
1/23/2012	Narrative	Coloration	Basin Plan 3-9	East Driveway
10/24/2011	Narrative	Sheen	Basin Plan 3-11	Clarifier
10/24/2011	Narrative	Sheen	Basin Plan 3-11	East Driveway

The information in the above table reflects data gathered from PRR's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those wet seasons and continuing through today, PRR has discharged storm water

contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Zinc – 0.12 mg/L (CMC and CCC)
- Copper – 0.009 mg/L (CMC)
- Copper – 0.013 mg/L (CCC)
- Lead – 0.065 mg/L (CMC)
- Lead – 0.0025 mg/L (CCC)
- Sheen – waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses
- Coloration – waters shall be free of coloration that causes nuisance or adversely affects beneficial uses

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
1/23/2012	Total Suspended Solids	160 mg/L	100 mg/L	Clarifier
1/23/2012	Chemical Oxygen Demand	570 mg/L	120 mg/L	Clarifier
1/23/2012	Iron	6.6 mg/L	1.0 mg/L	Clarifier
1/23/2012	Aluminum	3.7 mg/L	0.75 mg/L	Clarifier
1/23/2012	Zinc	0.49 mg/L	0.13 mg/L	Clarifier
1/23/2012	Copper	0.1 mg/L	0.0156 mg/L	Clarifier
1/23/2012	Iron	1.8 mg/L	1.0 mg/L	M Driveway
1/23/2012	Aluminum	1 mg/L	0.75 mg/L	M Driveway
1/23/2012	Zinc	0.22 mg/L	0.13 mg/L	M Driveway
1/23/2012	Copper	0.039 mg/L	0.0156 mg/L	M Driveway
1/23/2012	Iron	1.6 mg/L	1.0 mg/L	W Driveway
1/23/2012	Aluminum	1 mg/L	0.75 mg/L	W Driveway
1/23/2012	Zinc	0.19 mg/L	0.13 mg/L	W Driveway
1/23/2012	Copper	0.035 mg/L	0.0156 mg/L	W Driveway
1/23/2012	Total Suspended Solids	270 mg/L	100 mg/L	E Driveway
1/23/2012	Chemical Oxygen Demand	190 mg/L	120 mg/L	E Driveway
1/23/2012	Iron	5.3 mg/L	1.0 mg/L	E Driveway
1/23/2012	Aluminum	3.1 mg/L	0.75 mg/L	E Driveway
1/23/2012	Zinc	0.52 mg/L	0.13 mg/L	E Driveway
1/23/2012	Copper	0.085 mg/L	0.0156 mg/L	E Driveway
1/23/2012	Lead	0.16 mg/L	0.095 mg/L	E Driveway

12/12/2011	Total Suspended Solids	1100 mg/L	100 mg/L	Clarifier
12/12/2011	Total Organic Carbon	190 mg/L	110 mg/L	Clarifier
12/12/2011	Chemical Oxygen Demand	1800 mg/L	120 mg/L	Clarifier
12/12/2011	Iron	30 mg/L	1.0 mg/L	Clarifier
12/12/2011	Aluminum	20 mg/L	0.75 mg/L	Clarifier
12/12/2011	Zinc	2 mg/L	0.13 mg/L	Clarifier
12/12/2011	Copper	0.35 mg/L	0.0156 mg/L	Clarifier
12/12/2011	Lead	0.43 mg/L	0.095 mg/L	Clarifier
12/12/2011	Phosphorus	4.5 mg/L	2.0 mg/L	Clarifier
12/12/2011	Total Suspended Solids	1300 mg/L	100 mg/L	M Driveway
12/12/2011	Chemical Oxygen Demand	2200 mg/L	120 mg/L	M Driveway
12/12/2011	Iron	28 mg/L	1.0 mg/L	M Driveway
12/12/2011	Aluminum	17 mg/L	0.75 mg/L	M Driveway
12/12/2011	Zinc	1.8 mg/L	0.13 mg/L	M Driveway
12/12/2011	Copper	0.33 mg/L	0.0156 mg/L	M Driveway
12/12/2011	Phosphorus	4.7 mg/L	2.0 mg/L	M Driveway
12/12/2011	Aluminum	0.99 mg/L	0.75 mg/L	W Driveway
12/12/2011	Zinc	0.21 mg/L	0.13 mg/L	W Driveway
12/12/2011	Copper	0.038 mg/L	0.0156 mg/L	W Driveway
12/12/2011	Total Suspended Solids	120 mg/L	100 mg/L	E Driveway
12/12/2011	Iron	3.7 mg/L	1.0 mg/L	E Driveway
12/12/2011	Aluminum	2.3 mg/L	0.75 mg/L	E Driveway
12/12/2011	Zinc	0.27 mg/L	0.13 mg/L	E Driveway
12/12/2011	Copper	0.052 mg/L	0.0156 mg/L	E Driveway
3/21/2011	Total Suspended Solids	1100 mg/L	100 mg/L	Clarifier
3/21/2011	Chemical Oxygen Demand	1000 mg/L	120 mg/L	Clarifier
3/21/2011	Iron	29 mg/L	1.0 mg/L	Clarifier
3/21/2011	Aluminum	16 mg/L	0.75 mg/L	Clarifier
3/21/2011	Zinc	1.3 mg/L	0.13 mg/L	Clarifier
3/21/2011	Lead	0.36 mg/L	0.095 mg/L	Clarifier
3/21/2011	Phosphorus	3.2 mg/L	2.0 mg/L	Clarifier
3/21/2011	Nitrate +Nitrite Nitrogen	0.72 mg/L	0.68 mg/L	Clarifier
3/21/2011	Iron	1.5 mg/L	1.0 mg/L	M Driveway
3/21/2011	Aluminum	0.83 mg/L	0.75 mg/L	M Driveway
3/21/2011	Zinc	0.16 mg/L	0.13 mg/L	M Driveway
3/21/2011	Iron	2.6 mg/L	1.0 mg/L	E Driveway
3/21/2011	Aluminum	1.5 mg/L	0.75 mg/L	E Driveway
3/21/2011	Zinc	0.25 mg/L	0.13 mg/L	E Driveway
12/18/2010	Total Suspended Solids	790 mg/L	100 mg/L	M Driveway
12/18/2010	Chemical Oxygen Demand	520 mg/L	120 mg/L	M Driveway
12/18/2010	Iron	31 mg/L	1.0 mg/L	M Driveway
12/18/2010	Aluminum	19 mg/L	0.75 mg/L	M Driveway

12/18/2010	Zinc	1.8 mg/L	0.13 mg/L	M Driveway
12/18/2010	Lead	0.38 mg/L	0.095 mg/L	M Driveway
12/18/2010	Nitrate +Nitrite Nitrogen	220000 mg/L	0.68 mg/L	M Driveway
12/18/2010	Total Suspended Solids	150 mg/L	100 mg/L	W Driveway
12/18/2010	Iron	6.7 mg/L	1.0 mg/L	W Driveway
12/18/2010	Aluminum	3.5 mg/L	0.75 mg/L	W Driveway
12/18/2010	Zinc	0.52 mg/L	0.13 mg/L	W Driveway
12/18/2010	Nitrate +Nitrite Nitrogen	310000 mg/L	0.68 mg/L	W Driveway
12/18/2010	Total Suspended Solids	220 mg/L	100 mg/L	E Driveway
12/18/2010	Chemical Oxygen Demand	200 mg/L	120 mg/L	E Driveway
12/18/2010	Iron	11 mg/L	1.0 mg/L	E Driveway
12/18/2010	Aluminum	6.3 mg/L	0.75 mg/L	E Driveway
12/18/2010	Zinc	0.74 mg/L	0.13 mg/L	E Driveway
12/18/2010	Lead	0.42 mg/L	0.095 mg/L	E Driveway
12/18/2010	Nitrate +Nitrite Nitrogen	160000 mg/L	0.68 mg/L	E Driveway
12/7/2009	Iron	13 mg/L	1.0 mg/L	Water Clarifier
12/7/2009	Zinc	0.7 mg/L	0.13 mg/L	Water Clarifier
12/7/2009	Nitrate +Nitrite Nitrogen	4.93 mg/L	0.68 mg/L	Water Clarifier
12/7/2009	Chemical Oxygen Demand	142 mg/L	120 mg/L	Middle Driveway
12/7/2009	Iron	14 mg/L	1.0 mg/L	Middle Driveway
12/7/2009	Zinc	0.87 mg/L	0.13 mg/L	Middle Driveway
12/7/2009	Nitrate +Nitrite Nitrogen	7.14 mg/L	0.68 mg/L	Middle Driveway
12/7/2009	Iron	9 mg/L	1.0 mg/L	West Driveway
12/7/2009	Zinc	0.67 mg/L	0.13 mg/L	West Driveway
12/7/2009	Nitrate +Nitrite Nitrogen	6.83 mg/L	0.68 mg/L	West Driveway
12/7/2009	Iron	10 mg/L	1.0 mg/L	East Driveway
12/7/2009	Zinc	0.58 mg/L	0.13 mg/L	East Driveway
12/7/2009	Nitrate +Nitrite Nitrogen	5.13 mg/L	0.68 mg/L	East Driveway
10/13/2009	Chemical Oxygen Demand	166 mg/L	120 mg/L	Water Clarifier
10/13/2009	Iron	2.2 mg/L	1.0 mg/L	Water Clarifier
10/13/2009	Zinc	0.38 mg/L	0.13 mg/L	Water Clarifier
10/13/2009	Nitrate +Nitrite Nitrogen	4.93 mg/L	0.68 mg/L	Water Clarifier
10/13/2009	Chemical Oxygen Demand	136 mg/L	120 mg/L	Middle Driveway
10/13/2009	Iron	2 mg/L	1.0 mg/L	Middle Driveway
10/13/2009	Zinc	0.33 mg/L	0.13 mg/L	Middle Driveway
10/13/2009	Nitrate +Nitrite Nitrogen	5.63 mg/L	0.68 mg/L	Middle Driveway
10/13/2009	Chemical Oxygen Demand	172 mg/L	120 mg/L	West Driveway
10/13/2009	Zinc	0.28 mg/L	0.13 mg/L	West Driveway
10/13/2009	Nitrate +Nitrite Nitrogen	5.82 mg/L	0.68 mg/L	West Driveway
10/13/2009	Chemical Oxygen Demand	181 mg/L	120 mg/L	East Driveway
10/13/2009	Iron	7.4 mg/L	1.0 mg/L	East Driveway
10/13/2009	Zinc	0.55 mg/L	0.13 mg/L	East Driveway

10/13/2009	Nitrate +Nitrite Nitrogen	5.92 mg/L	0.68 mg/L	East Driveway
2/5/2009	Chemical Oxygen Demand	154 mg/L	120 mg/L	Middle Driveway
2/5/2009	Iron	1.7 mg/L	1.0 mg/L	Middle Driveway
2/5/2009	Nitrate +Nitrite Nitrogen	6.3 mg/L	0.68 mg/L	Middle Driveway
2/5/2009	Chemical Oxygen Demand	196 mg/L	120 mg/L	West Driveway
2/5/2009	Iron	2.5 mg/L	1.0 mg/L	West Driveway
2/5/2009	Zinc	0.16 mg/L	0.13 mg/L	West Driveway
2/5/2009	Nitrate +Nitrite Nitrogen	6.1 mg/L	0.68 mg/L	West Driveway
2/5/2009	Chemical Oxygen Demand	209 mg/L	120 mg/L	East Driveway
2/5/2009	Iron	1.4 mg/L	1.0 mg/L	East Driveway
2/5/2009	Nitrate +Nitrite Nitrogen	5.4 mg/L	0.68 mg/L	East Driveway
1/22/2009	Chemical Oxygen Demand	189 mg/L	120 mg/L	Middle Driveway
1/22/2009	Iron	11 mg/L	1.0 mg/L	Middle Driveway
1/22/2009	Zinc	0.25 mg/L	0.13 mg/L	Middle Driveway
1/22/2009	Nitrate +Nitrite Nitrogen	6.2 mg/L	0.68 mg/L	Middle Driveway
1/22/2009	Chemical Oxygen Demand	173 mg/L	120 mg/L	West Driveway
1/22/2009	Iron	1.2 mg/L	1.0 mg/L	West Driveway
1/22/2009	Nitrate +Nitrite Nitrogen	5.3 mg/L	0.68 mg/L	West Driveway
1/22/2009	Chemical Oxygen Demand	157 mg/L	120 mg/L	East Driveway
1/22/2009	Iron	5.4 mg/L	1.0 mg/L	East Driveway
1/22/2009	Nitrate +Nitrite Nitrogen	5.6 mg/L	0.68 mg/L	East Driveway

The information in the above table reflects data gathered from PRR's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those rainy seasons and continuing through today, PRR has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Chemical Oxygen Demand – 120 mg/L
- Total Organic Carbon – 110 mg/L
- Iron – 1.0 mg/L
- Nitrate + Nitrite Nitrogen – 0.68 mg/L[3]
- Aluminum – 0.75 mg/L
- Zinc – 0.13 mg/L
- Lead – 0.095 mg/L
- Copper – 0.0156 mg/L
- Phosphorus – 2.0 mg/L

[3] On December 18, 2010, PRR reported extremely high values of N+N, which CCAT believes may been misreported. These values are reflected in the table above. To the extent that these values were misreported, CCAT alleges that PRR violated the monitoring and reporting requirements in the General Permit.

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

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since March 8, 2008 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that PRR has discharged storm water containing impermissible levels of TSS, TOC, COD, zinc, N+N, copper, lead, aluminum, iron, phosphorus in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.[4]

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PRR is subject to penalties for violations of the General Permit and the Act since March 8, 2008.

B. Failure to Sample and Analyze for Mandatory Parameters

With some limited adjustments, facilities covered by the General Permit must sample two storm events per season from each of their storm water discharge locations. General Permit, Section B(5)(a). "Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season." *Id.* "All storm water discharge locations shall be sampled." *Id.* "Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual Report why the first storm event was not sampled." *Id.*

Collected samples must be analyzed for TSS, pH, specific conductance, and either TOC or O&G. *Id.* at Section B(5)(c)(i). Facilities also must analyze their storm water samples for "[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in

[4] The rain dates are all the days when 0.1" or more rain fell as measured by at a weather station in Long Beach approximately 10 miles away from the Facility.

significant quantities. *Id.* at Section B(5)(c)(ii). Certain SIC Codes also must analyze for additional specified parameters. *Id.* at Section B(5)(c)(iii); *id.*, Table D. A facility within SIC Codes 5093, including PRR, must analyze each of its storm water samples for iron, lead, aluminum, copper, zinc, and COD. *Id.*, Table D (Sector N).

CCAT's review of PRR's monitoring data indicates that you have failed to analyze for aluminum, copper, and lead in each and every storm water sample taken at the Facility's outfalls during the 2008-2009 and 2009-2010 wet seasons. In addition, you failed to monitor for copper in all storm water samples taken on March 21, 2011. These failures to comply with Section B(5)(c)(iii) of the General Permit result in at least 46 violations of the General Permit.

During the 2010-2011 wet season, PRR to collect a second storm water discharge sample from the "Clarifier" outfall in violation of Section B(5)(a) of the General Permit.

These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PRR is subject to penalties for violations of the General Permit and the Act since March 8, 2008.

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

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

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by PRR is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit. CCAT also alleges that PRR has failed to conduct monthly visual observation of all storm water discharge locations at the Facility during the following months: March 2012, November 2011, May 2010, November 2009, May 2009, April 2009, and October 2008.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, PRR is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since March 8, 2008.

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

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

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

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

CCAT's investigation of the conditions at the Facility as well as PRR's Annual Reports indicate that PRR has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. PRR has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. PRR has been in continuous violation of Section A and Provision E(2) of the General Permit every day since March 8, 2008, at the very latest, and will continue to be in violation every day that PRR fails to prepare, implement, review, and update an effective SWPPP. PRR is subject to penalties for violations of the Order and the Act occurring since March 8, 2008.

E. Failure to File True and Correct Annual Reports

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, PRR and its agents, John Kazarian and Ricardo Romero, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, PRR has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time PRR failed to submit a complete or correct report and every time PRR or its agents falsely purported to comply with the Act. PRR is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since at least June 29, 2009.

III. Persons Responsible for the Violations.

CCAT puts Calmet, Paramount Resource Recycling, Bill Kalpalkoff, and Thomas Blackman on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts Calmet, Paramount Resource Recycling, Bill Kalpalkoff, and Thomas Blackman on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

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

Michael R. Lozeau
Douglas J. Chermak
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410 12th Street, Suite 250
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doug@lozeaudrury.com

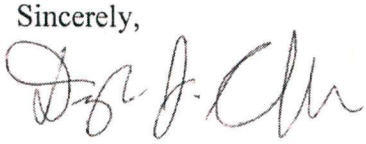
Gideon Kracov
Law Office of Gideon Kracov
801 S. Grand Street, 11th Floor
Los Angeles, CA 90017
gk@gideonlaw.net

VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects PRR to a penalty of up to $32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of $37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against PRR and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Community Against Toxics

cc via first-class mail: Verlyn N. Jensen, Agent for Service of Process for
Paramount Resource Recycling, Inc. and Calmet Services, Inc.
5100 Campus Dr, Ste 200
Newport Beach, CA 92660

SERVICE LIST

Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

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

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTCHMENT A

Rain Dates, Paramount Resource Recycling, Paramount, California

5/23/2008	4/12/2010	4/10/2012
11/4/2008	10/6/2010	4/11/2012
11/25/2008	11/20/2010	4/13/2012
11/26/2008	12/10/2010	4/25/2012
12/15/2008	12/17/2010	4/26/2012
12/17/2008	12/18/2010	7/25/2012
12/22/2008	12/19/2010	11/29/2012
12/25/2008	12/20/2010	11/30/2012
1/23/2009	12/21/2010	12/2/2012
2/5/2009	12/22/2010	12/3/2012
2/6/2009	12/23/2010	12/13/2012
2/7/2009	12/24/2010	12/24/2012
2/8/2009	12/26/2010	12/26/2012
2/9/2009	12/27/2010	12/29/2012
2/13/2009	1/30/2011	1/24/2013
2/16/2009	2/16/2011	1/25/2013
2/17/2009	2/18/2011	2/8/2013
3/4/2009	2/19/2011	2/19/2013
10/13/2009	2/25/2011	
10/14/2009	2/26/2011	
12/7/2009	3/20/2011	
12/11/2009	3/21/2011	
12/12/2009	3/23/2011	
12/13/2009	3/25/2011	
1/13/2010	3/27/2011	
1/14/2010	5/17/2011	
1/17/2010	10/4/2011	
1/18/2010	10/5/2011	
1/19/2010	11/4/2011	
1/20/2010	11/6/2011	
1/21/2010	11/12/2011	
1/22/2010	11/20/2011	
2/5/2010	12/12/2011	
2/6/2010	1/21/2012	
2/15/2010	1/23/2012	
2/19/2010	2/15/2012	
2/23/2010	2/27/2012	
2/27/2010	3/17/2012	
3/6/2010	3/18/2012	
4/5/2010	3/25/2012	