234605

PHYSICAL DOCUMENT

LPS-n234605-v1

COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL PENALTIES, RESTITUTION AND REMEDIATION

Author: Woolner, Rhodora

Document Type: PLEADING

LSA(s):

Co-Counsel:

Counsel LSA(s):

Distribution List: Woolner, Rhodora (ENRD); Lattin, Sue (ENRD); Rose, Robert (ENRD); Lu, Sarah (ENRD); Berman, Lisa (ENRD)

Fileroom: LPS - Main Justice

DJ#:

Case Name:

Court: CA C.D. Cal.; 9th Cir.

Notes: CALIFORNIA RIVER WATCH VS. MARINA SHIPYARD SCANNED/UNASSIGNED

Double-Sided:

Received Date: 5/27/2014

Urgent:

Oversize:

Bound Document:

David J. Weinsoff, Esq. SB #141372
Email: david@weinsofflaw.com
Law Office of David Weinsoff
138 Ridgeway Avenue
Fairfax, CA 94930-1210
Tel. (415) 460-9760
Fax. (415) 460-9762

Attorneys for Plaintiff
CALIFORNIA RIVER WATCH

DEPT. OF JUSTICE - ENRD
ENVIRONMENT DIVISION

14 MAY 27 P2:46

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA RIVER WATCH, a 501(c)(3) nonprofit, public benefit Corporation,

Plaintiff,

v.

MARINA SHIPYARD, JERRY TRETTER, DOES 1-10, Inclusive,

Defendants.

_____/

CASE NO: CV-14-3828-DDP-MAN

CERTIFICATE OF SERVICE OF COMPLAINT ON UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND UNITED STATES DEPARTMENT OF JUSTICE

ED_001083_00000565-00002

CERTIFICATE OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 100 E Street, Suite 318, Santa Rosa, CA 95404. On the date set forth below, I served the following described document(s):

COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, CIVIL PENALTIES, RESTITUTION AND REMEDIATION (Environmental - Clean Water Act 33 U.S.C. § 1251, *et seq*)

on the following parties by placing a true copy in a sealed envelope, addressed as follows:

Citizen Suit Coordinator
U.S. Dept. of Justice
Environmental & Natural Resource Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

[X] (BY MAIL) I placed each such envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practices of Law Office of David J. Weinsoff for processing of correspondence; said practice being that in the ordinary course of business, correspondence is deposited with the United States Postal Service the same day as it is placed for processing.

[ ] (BY FACSIMILE) I caused the above referenced document(s) to be transmitted by Facsimile machine (FAX) 707-528-8675 to the number indicated after the address(es) noted above.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on May 23, 2014 at Santa Rosa, California.

Kayla Brown

ED_001083_00000565-00003

Jack Silver, Esq. SB #160575
E-mail:lhm28843@sbcglobal.net
Law Office of Jack Silver
Post Office Box 5469
Santa Rosa, CA 95402-5469
Tel.(707) 528-8175
Fax.(707) 528-8675

David J. Weinsoff, Esq. SB# 141372
Email: david@weinsofflaw.com
Law Office of David J. Weinsoff
138 Ridgeway Avenue
Fairfax, CA 94930
Tel. (415) 460-9760
Fax. (415) 460-9762

Attorneys for Plaintiff
CALIFORNIA RIVER WATCH

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA RIVER WATCH, a 501(c)(3), non-profit, Public Benefit Corporation, Plaintiff, v. MARINA SHIPYARD, JERRY TRETTER, DOES 1-10, Inclusive, Defendants. _____/	Case No.: **COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL PENALTIES, RESTITUTION AND REMEDIATION** (Environmental - Clean Water Act 33 U.S.C. § 1251, *et seq.*)

NOW COMES Plaintiff, CALIFORNIA RIVER WATCH ("RIVER WATCH "), by and through its attorneys, and for its Complaint against Defendants MARINA SHIPYARD, JERRY TRETTER and DOES 1-10, Inclusive, (collectively hereafter, "DEFENDANTS") states as follows:

I. NATURE OF THE CASE

1. This is a citizens' suit for relief brought by RIVER WATCH under the Federal Water Pollution Control Act, also known as the Clean Water Act (hereafter, "CWA") 33 U.S.C. § 1251 *et seq.*, including 33 U.S.C. § 1365, 33 U.S.C. §1311, and 33 U.S.C. § 1342, to prevent DEFENDANTS from repeated and ongoing violations of the CWA.

These violations are detailed in the "Notice of Violations and Intent to File Suit" dated February 5, 2014, personally served on March 4, 2014, made part of the pleadings of this case, and attached hereto as EXHIBIT A (hereafter, "CWA NOTICE").

2. RIVER WATCH alleges DEFENDANTS, who obtained coverage as a facility operator under California's General Industrial Storm Water Permit for Industrial Storm Water Discharges, National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ (as amended by Water Quality Order 97-03-DWQ) issued pursuant to CWA § 402(p), 33 U.S.C. § 1342(p) (hereafter, "General Permit"), for the boat repair and maintenance business located and operating at 6400 E. Marina Drive in the City of Long Beach, County of Los Angeles, California (hereafter, "the Facility,") have failed and are failing to comply with the clear and specific terms imposed by the General Permit. RIVER WATCH alleges that the failure of DEFENDANTS to comply fully with the General Permit's mandatory sampling, monitoring and reporting requirements, as well as implementing effective Best Management Practices ("BMPs") in the Storm Water Pollution Prevention Plan ("SWPPP") for the Facility, results in the illegal discharge of pollutants (specific conductance, pH, zinc, lead, iron, and aluminum) from the Facility as reported to the California State Resources Control Board ("SWRCB") in Annual Reports filed by DEFENDANTS for the Facility during the five year period 2008-2009 through 2012-2013. RIVER WATCH also alleges that DEFENDANTS in addition to the illegal discharge of pollutants that they reported, are additionally required, but have failed to report, sampling data for copper, consistent with the General Permit requirement that a facility analyze for "other pollutants likely to be present in storm water discharges in significant quantities." Copper is a "potential pollutant" regularly discharged in storm water discharges from facilities such as the Facility, that is identified under SIC 3732 ("Boat Building and Repairing"). RIVER WATCH alleges that the failure to comply strictly with the mandatory terms and conditions and BMPs required by the General Permit (e.g., identified comprehensively in the Federal Environmental Protection

ED_001083_00000565-00005

Agency's ("EPA") "Industrial Stormwater Fact Sheet Series, Sector R: Ship and Boat Building or Repair Yards" (EPA Office of Water, EPA-833-F-06-033, December 2006) results in discharges in violation of the CWA's prohibition with regard to discharging a pollutant from a point source to waters of the United States, in this instance Alamitos Bay, pursuant to CWA § 301(a), 33 U.S.C. § 1311(a) and CWA § 505(f), 33 U.S.C. § 1365(f).

3. RIVER WATCH seeks declaratory relief, injunctive relief to prohibit future violations, the imposition of civil penalties, and other relief for DEFENDANTS' violations as set forth in this Complaint.

II. PARTIES TO THE ACTION

4. RIVER WATCH is an Internal Revenue Code §501(c)(3) non-profit public benefit corporation duly organized under the laws of the State of California, with headquarters and main office located at 290 S. Main Street, #817, Sebastopol, California. RIVER WATCH is dedicated to protecting, enhancing and helping to restore the groundwater and surface water environs of California including, but not limited to, its rivers, creeks, streams, wetlands, vernal pools, aquifers, and associated environs, as well as to educate the public concerning environmental issues associated with these environs. Members of RIVER WATCH reside in southern California where the Facility which is the subject of this Complaint is located. Said members have interests in the waters and watersheds which are or may be adversely affected by DEFENDANTS' discharges and violations as alleged herein. Said members use the effected waters and watershed areas for recreation, sports, fishing, swimming, hiking, photography, nature walks and/or the like. Furthermore, the relief sought will redress the injury in fact, likelihood of future injury and interference with the interests of said members.

5. RIVER WATCH is informed and believes and on such information and belief alleges that Defendant MARINA SHIPYARD is now, and at all times relevant to this Complaint was, an entity doing business as a private boat repair and maintenance business located and operating at 6400 E. Marina Drive in the City of Long Beach, Los

Angeles County, California, and referred to in this Complaint as the Facility.

6. RIVER WATCH is informed and believes, and on such information and belief alleges, that Defendant JERRY TRETTER is now, and at all times relevant to this Complaint was, an individual residing in the County of Los Angeles and the owner of MARINA SHIPYARD located and operating at 6400 E. Marina Drive in the City of Long Beach, Los Angeles County, California.

7. RIVER WATCH is informed and believes and on such information and belief alleges that Defendant DOES 1 - 10, Inclusive, respectively, are persons, partnerships, corporations and entities, who are, or were, responsible for, or in some way contributed to, the CWA violations which are the subject of this Complaint or are, or were, responsible for the maintenance, supervision, management, operations, or insurance coverage of the Facility as identified in the CWA NOTICE and this Complaint. The names, identities, capacities, and functions of defendants DOES 1 - 10, Inclusive, are presently unknown to RIVER WATCH. RIVER WATCH shall seek leave of court to amend this Complaint to insert the true names of said DOES defendants when the same have been ascertained.

III. GENERAL ALLEGATIONS

8. DEFENDANTS submitted a Notice of Intent ("NOI") to the SWRCB for coverage under the General Permit for the Facility and on or about April 7, 1992 obtained said coverage. The SWRCB assigned Waste Discharger Identification ("WDID") number 4 19I004977 to said DEFENDANTS, authorizing them to operate the Facility consistent with the strict terms and requirements imposed under the General Permit. Compliance with the terms and conditions (the environmental protections) within the General Permit are not voluntary. In the absence of an express "exemption" by the SWRCB from any of the General Permit's terms and conditions, DEFENDANTS are required to comply strictly with each and every one of them. RIVER WATCH's review of the mandated Annual Reports submitted by DEFENDANTS to the Los Angeles Regional Water Quality Control Board ("RWQCB") for the reporting years 2008-2009 through 2012-

2013 reveals violations of the General Permit at the Facility during this time-period, specifically the failure to comply fully with the requirements to: prepare, implement, review, and update an adequate SWPPP, eliminate all non-authorized storm water discharges, and develop and implement an adequate monitoring and reporting program. These alleged violations are detailed and specifically described in the CWA NOTICE.

IV. JURISDICTIONAL ALLEGATIONS

9. Under 33 U.S.C. § 1251(e), Congress declared its goals and policies with regard to public participation in the enforcement of the CWA. 33 U.S.C. § 1251(e) provides, in relevant part:

> Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan or program established by the Administrator or any State under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.

10. Subject matter jurisdiction is conferred upon this Court by CWA § 505(a)(1), 33 U.S.C. § 1365(a)(1), which states in relevant part,

> " ... any citizen may commence a civil action on his own behalf - against any person . . . .who is alleged to be in violation of (A) an effluent standard or limitation. . . . or (B) an order issued by the Administrator or a State with respect to such a standard or limitation ..."

For purposes of CWA § 505, "the term 'citizen' means a person or persons having an interest which is or may be adversely affected." (33 U.S.C. § 1365(g)).

11. All illegal discharges and activities complained of in this Complaint and in the CWA NOTICE occur in Alamitos Bay, a water of the United States.

12. Members and supporters of RIVER WATCH reside in the vicinity of, derive livelihoods from, own property near, and/or recreate on, in or near, and/or otherwise use, enjoy and benefit from the waterways and associated natural resources into which DEFENDANTS allegedly discharges pollutants, or by which DEFENDANTS' operations at the Facility adversely affect those members' interests, in violation of the protections embedded in the NPDES Permitting program and the General Permit, CWA § 301(a), 33 U.S.C. § 1311(a), CWA § 505(a)(1), 33 U.S.C. § 1365(a)(1), and CWA §

402, 33 U.S.C. § 1342. The health, economic, recreational, aesthetic and environmental interests of RIVER WATCH and its members may be, have been, are being, and will continue to be adversely affected by DEFENDANTS' unlawful violations as alleged herein. RIVER WATCH contends there exists an injury in fact to its members, causation of that injury by DEFENDANTS' complained of conduct, and a likelihood that the requested relief will redress that injury.

13. Pursuant to CWA § 505(b)(1)(A), 33 U.S.C. § 1365(b)(1)(A), RIVER WATCH gave notice of the violations alleged in this Complaint more than sixty days prior to commencement of this action, to: (a) Defendants MARINA SHIPYARD and JERRY TRETTER, (b) the United States EPA, Federal and Regional, and (c) the California State Water Resources Control Board and Regional Water Quality Control Board.

14. Pursuant to CWA § 505(c)(3), 33 U.S.C. § 1365(c)(3), a copy of this Complaint has been served on the United States Attorney General and the Administrator of the Federal EPA.

15. Pursuant to CWA § 505(c)(1), 33 U.S.C. § 1365(c)(1), venue lies in this District as the location of Facility where the alleged illegal discharges occurred, as well as the source of the violations complained of in this action, are located within this District.

V. STATUTORY AND REGULATORY BACKGROUND

16. CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into waters of the United States unless such discharge is in compliance with various enumerated sections of the Act. Among other things, Section 301(a) prohibits discharges not authorized by, or in violation of, the terms of an individual NPDES permit or a general NPDES permit issued pursuant to CWA § 402(p), 33 U.S.C. § 1342. CWA § 402(p), 33 U.S.C. § 1342(p), establishes a framework for regulating storm water discharges under the NPDES program. States with approved NPDES permitting programs are authorized under this section to regulate storm water discharges through permits issued to dischargers and/or through the issuance of a single, statewide general permit applicable to all storm water dischargers. Pursuant to CWA § 402, the

ED_001083_00000565-00009

Administrator of the U.S. EPA has authorized the SWRCB to issue NPDES permits including general NPDES permits in California.

17. The SWRCB elected to issue a statewide general permit for industrial discharges, and issued the General Permit on or about November 19, 1991, modified the General Permit on or about September 17, 1992, and reissued the General Permit on or about April 17, 1997, pursuant to CWA § 402(p).

18. In order to discharge storm water lawfully in California, industrial dischargers must comply with the terms of the General Permit or have obtained an individual NPDES permit and complied with its terms.

19. The General Permit contains certain absolute prohibitions. Discharge Prohibition Order Section A(1) of the General Permit prohibits the direct or indirect discharge of materials other than storm water ("non-storm water discharges"), which are not otherwise regulated by a NPDES permit, to waters of the United States. Discharge Prohibition Order Section A(2) prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance. Receiving Water Limitation Order Section C(1) prohibits storm water discharges to any surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation Order Section C(2) prohibits 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 Basin Plan.

20. In addition to absolute prohibitions, the General Permit contains a variety of substantive and procedural requirements that dischargers must meet. Facilities discharging, or having the potential to discharge, storm water associated with industrial activity that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a NOI. The General Permit requires existing dischargers to file NOIs before March 30, 1992. Dischargers must also develop and implement a SWPPP which must comply with the standards of BAT and BCT. 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 BMPs to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges [Permit Section A(2)]. BMPs must implement BAT and BCT [Permit Section B(3)].
- Include a description of individuals and their responsibilities for developing and implementing the SWPPP [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 [Permit Section A(4)]; a list of significant materials handled and stored at the site [Permit Section A(5)]; and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, and 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 [Permit Section A(6)].
- Include a narrative assessment of all industrial activities and potential pollutant sources at the facility [Permit Section A(7)]. Include a narrative description of the BMPs to be implemented at the facility for each potential pollutant and its source, and consider both non-structural BMPs (including "Good Housekeeping") and structural BMPs where non-structural BMPs are not effective [Permit Section A(8)].
- Conduct one comprehensive site compliance evaluation by the facility operator in each reporting period (July 1- June 30), with SWPPP revisions made, as appropriate, and implemented within 90 days of the evaluation [Permit Section A(9)].

21. The General Permit requires dischargers to eliminate all non-storm water discharges to storm water conveyance systems other than those specifically set forth in Special Condition D(1)(a) of the General Permit and meeting each of the conditions set forth in Special Condition D(1)(b).

22. As part of their monitoring program, dischargers must identify all storm water discharge locations that produce a significant storm water discharge, evaluate the effectiveness of BMPs in reducing pollutant loading, and evaluate whether pollution control measures set out in the SWPPP are adequate and properly implemented. Dischargers must conduct visual observations of these discharge locations for at least one storm per month during the wet season (October through May) and record their findings in their Annual Report [Permit Section B(14)]. Dischargers must also collect and analyze storm water samples from at least two storms per year in compliance with the criteria set forth in Permit Section B(5). Dischargers must also conduct dry season visual observations to identify sources of non-storm water pollution in compliance with Permit Section B(7).

23. Permit Section B(14) of the General Permit requires dischargers to submit an "Annual Report" by July 1 of each year to the executive officer of the relevant Regional Water Quality Control Board. Permit Section A(9)(d) of the General Permit requires the dischargers to include in the annual report an evaluation of the dischargers' storm water controls, including certifying compliance with the General Permit. *See also* Permit Sections C(9), C(10) and B(14).

24. The EPA has established Parameter Benchmark Values ("EPA Benchmarks") as guidelines for determining whether a facility discharging storm water has implemented the requisite BAT and BCT. (65 Fed. Reg. 64746, 64767 (Oct. 30, 2000)). California Toxics Rule ("CTR") limitations are also applicable to all non storm water and storm water discharges. (40 C.F.R. part 131).

25. The RWQCB has established applicable water quality standards. This Basin Plan includes a narrative toxicity standard and a narrative oil and grease standard. The Basin

Plan provides that "[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses." The Basin Plan establishes limits on metals, solvents, pesticides and other hydrocarbons.

26. CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a "point source" into the navigable waters of the United States, unless such discharge is in compliance with applicable effluent limitations as set by the EPA and the applicable State agency. These limits are to be incorporated into a NPDES permit for that specific point source. Additional sets of regulations are set forth in the Basin Plan, CTR, the Code of Federal Regulation and other regulations promulgated by the EPA and the SWRCB.

27. CWA § 301(a) prohibits discharges of pollutants or activities not authorized by, or in violation of an effluent standard or limitation or an order issued by the EPA or a State with respect to such a standard or limitation including a NPDES permit issued pursuant to CWA § 402, 33 U.S.C. § 1342. The pollutants from the Facility are discharged from point sources under the CWA.

28. The affected waterways detailed in this Complaint and in the CWA NOTICE are navigable waters of the United States within the meaning of CWA § 502(7), 33 U.S.C. § 1362(7).

29. RIVER WATCH alleges DEFENDANTS have not fully developed BMPs and/or adequately implemented a SWPPP for the operations at the Facility and the property upon which the Facility is sited, as evidenced by the fact that DEFENDANTS have failed and are failing to operate the Facility in full compliance with the terms and conditions imposed by the General Permit.

VI. VIOLATIONS

30. The enumerated violations are detailed in the CWA NOTICE and below, designating the section of the CWA violated by the described activity

//

ED_001083_00000565-00013

VII. CLAIM FOR RELIEF

Violation of CWA § 301(a), 33 U.S.C. § 1311(a) – Violation of the terms of the General Permit.

RIVER WATCH re-alleges and incorporates by reference the allegations of Paragraphs 1 through 30 as though fully set forth herein including all allegations in the CWA NOTICE. RIVER WATCH is informed and believes, and on such information and belief alleges, as follows:

31. DEFENDANTS have violated and continue to violate the CWA as evidenced by their violations of the General Permit as set forth in Paragraphs 2 and 8 of this Complaint and the CWA NOTICE.

32. As described in the CWA NOTICE and herein, pursuant to CWA §§ 301(a) and 402(p), 33 U.S.C. §§ 1311(a) and 1342(p), and 40 C.F.R. § 122.26, RIVER WATCH alleges DEFENDANTS to be in violation of an effluent standard or limitation under the CWA and/or an order issued by the State with respect to such standard or limitation.

33. By law and by the terms of the General Permit, violations of California's General Permit are violations of the CWA. (40 C.F.R. § 122.4(a)).

34. DEFENDANTS' violations are ongoing, and will continue after the filing of this Complaint. RIVER WATCH alleges herein all violations which may have occurred or will occur prior to trial, but for which data may not have been available or submitted or apparent from the face of the reports or data submitted to the SWRCB, the RWQCB, or to RIVER WATCH with regard to the Facility prior to the filing of this Complaint. RIVER WATCH will amend this Complaint if necessary to address DEFENDANTS' State and Federal CWA violations which may occur after the filing of this Complaint. Each violation is a separate violation of the CWA.

35. RIVER WATCH alleges that without the imposition of appropriate civil penalties and the issuance of appropriate equitable relief, DEFENDANTS will continue to violate the CWA as well as State and Federal standards with respect to the enumerated discharges and releases alleged herein. Further, that the relief requested in this

Complaint will redress the injury to RIVER WATCH and its members, prevent future injury, and protect the interests of its members that are or may be adversely affected by DEFENDANTS' violations of the CWA, as well as other State and Federal standards.

36. RIVER WATCH alleges that continuing violations of the CWA by DEFENDANTS will irreparably harm RIVER WATCH and its members, for which harm RIVER WATCH and its members have no plain, speedy or adequate remedy at law.

VIII. RELIEF REQUESTED

WHEREFORE, RIVER WATCH prays that the Court grant the following relief:

37. Declare DEFENDANTS to have violated and to be in violation of the CWA;

38. Issue an injunction ordering DEFENDANTS to immediately operate the Facility in compliance with the NPDES permitting requirements in the CWA;

39. Order DEFENDANTS to pay civil penalties per violation/per day for their violations of the CWA as alleged in this Complaint;

40. Order DEFENDANTS to pay RIVER WATCH's reasonable attorneys' fees and costs (including expert witness fees), as provided by 33 U.S.C. § 1365(d) and applicable California law; and,

41. Grant such other and further relief as may be just and proper.

DATED: May 19, 2014 LAW OFFICE OF JACK SILVER

By: _____
JACK SILVER
Attorney for Plaintiff
CALIFORNIA RIVER WATCH

EXHIBIT A

LAW OFFICE OF
DAVID J. WEINSOFF
138 Ridgeway Avenue
Fairfax, California 94930
tel. 415•460•9760 fax. 415•460•9762
weinsoff@ix.netcom.com

Via Certified Mailing - Return Receipt

February 5, 2014

Mr. Jerry Tretter (President)
Ms. Cyndee Allen (General Manager)
Marina Shipyard
6400 E. Marina Drive / Suite 5
Long Beach, CA 90803

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

Dear Owner, Operator, and Site Manager:

NOTICE

This Notice is provided on behalf of California River Watch ("River Watch") in regard to violations of the Clean Water Act ("CWA" or "Act") 33 U.S.C. § 1251 *et seq.*, that River Watch believes are occurring at the Marina Shipyard facility located at 6400 E. Marina Drive in Long Beach, California. Notice is being sent to you as the responsible owners, operators, lessees, and/or managers of this facility and real property. This Notice addresses the violations of the CWA, including violation of the terms of the General California Industrial Storm Water Permit, and the unlawful discharge of pollutants from Marina Shipyard into Alamitos Bay, which is CWA § 303(d) listed as impaired for pathogens.

CWA § 505(b) requires a citizen to give notice of the intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act. 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 CWA, this Notice provides notice of the violations that have occurred, and continue to occur at the Marina Shipyard facility. Consequently, Marina Shipyard (the "Discharger") is placed on formal notice by River Watch that after the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled to

ED_001083_00000565-00017

bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, National Pollutant Discharge Elimination System ("NPDES") permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, CWA § 301(a), § 402(p), and § 505(a)(1), as well as the failure to comply with requirements set forth in the Code of Federal Regulations and the Los Angeles Regional Water Quality Control Board ("RWQCB") Water Quality Control Plan or "Basin Plan."

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto shall include sufficient information to permit the recipient to identify the following:

1. The specific standard, limitation, or order alleged to have been violated.

To comply with this requirement, River Watch notices the Discharger of ongoing violations of the substantive and procedural requirements of CWA § 402(p) and violations of NPDES Permit No. CAS000001, State Water Resources Control Board, Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (the "General Permit") relating to the boat repair and maintenance facility services at the Marina Shipyard site.

The Discharger filed a Notice of Intent ("NOI") agreeing to comply with the terms and conditions of the General Permit. The State Water Resources Control Board approved the NOI on or about April 7, 1992, and the Discharger was assigned Waste Dischargers Identification ("WDID") number 4 19I004977. River Watch contends that in the operation of the Marina Shipyard facility, the Discharger has failed and is failing to comply with the terms and conditions of the General Permit requiring the preparation, implementation, review and update of an adequate Storm Water Pollution Prevention Plan ("SWPPP"), the elimination of all non-authorized storm water discharges, and the development and implementation of an adequate monitoring and reporting program.

Compliance with the monitoring and reporting program is central to the effectiveness of the General Permit program. The Discharger, however, has failed and is failing to comply with the following General Permit requirements as detailed in the Annual Reports submitted in reporting years 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013[1]

[1] These alleged violations are in addition to those identified by the RWQCB in its August 2, 2012 "Notice of Violation: NPDES General Permit For Storm Water Discharges Associated With Industrial Activity (Order No. 97-03-DWQ; NPDES No. CAS000001), WDID #4191004977" ("August 2, 2012 RWQCB Notice") issued to Mr. Jerry Tretter via Certified Mail/Return Receipt Requested (7009 2820 0002 4163 9694), citing noncompliance with the provisions of the General Permit governing (i) development and implementation of the Storm Water Pollution Prevention Plan ("SWPPP"), (ii) Best Management Practices, (iii) Monitoring Program, and (iv) the Discharge Prohibition of unauthorized non-storm water. The violations identified in the August 2, 2012 RWQCB Notice are incorporated by reference into this River Watch Notice.

ED_001083_00000565-00018

a. Sampling and Analysis Results Were Incorrectly Provided in the 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 Annual Reports

The Annual Report form, in the Section titled *Specific Information*, "Monitoring and Reporting Program," E. Sampling and Analysis Results, identifies the following violations:

Subparagraph 10. specifically states that "Section B.5 of the General Permit requires you to analyze storm water for ... other pollutants likely to be present in storm water discharges in significant quantities ..." The requirement to identify "potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges" is also mandated under Section A.6 of the General Permit governing the preparation of the Discharger's SWPPP. The 2008-2009, 2009-2010, 2010-2011, and 2011-2012 Annual Reports contain sampling for pH, Total Suspended Solids (TSS), Specific Conductance (SC), Total Organic Carbon (TOC) or Oil and Grease (O&G) – the core set of pollutants that must be sampled by all industrial facilities covered under the General Permit. In the 2012-2013 Annual Report, following receipt of the August 2, 2012 RWQCB Notice, the Discharger initiated sampling for aluminum, iron, lead, and zinc[2]. The Discharger, however, has failed and is failing to sample for copper, the common toxic metal found in the bottom and topside paint applied to boats at the Marina Shipyard facility.

b. SWPPP and Monitoring Program Requirements Were Not Properly Revised and Implemented in the 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 Annual Reporting Years

The Annual Report form, in the Section titled *Specific Information*, "Annual Comprehensive Site Compliance Evaluation (ACSCE)," H. ACSCE Checklist, Subparagraph 2. asks "Have you reviewed your SWPPP to assure that its BMPs address existing potential pollutant sources and industrial activities areas?" The Discharger checked the box "Yes." The Discharger's SWPPP, however, fails to ensure that the Discharger's BMPs address the need for the sampling for "copper" as alleged above.

c. Corrective Action Taken for Incidents of Noncompliance are Implemented for the 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 Annual Reporting Years

[2] The only sampling of these additional metals occurred on May 8, 2013 and, as discussed in detail below, the result of this sampling revealed exceedances of EPA "Benchmarks" for each.

ED_001083_00000565-00019

The Annual Report form, in the Section titled *Specific Information*, "Annual Comprehensive Site Compliance Evaluation (ACSCE)," I. ACSCE Evaluation Report, requires "[t]he facility operator ... to provide an evaluation report that includes ... any incidents of non-compliance and the corrective actions taken." The Discharger allegedly failed and is failing to identify and correct the deficiencies in Sections "E" and "H" of the Annual Reports as detailed above, as well as the ongoing violations of EPA "Benchmarks" for the following pollutants:

- 2012-2013 Reporting Year[3]
  Specific Conductance (12/26/12) – 420 µmhos/cm
  Specific Conductance (5/6/13) – 870 µmhos/cm
  Aluminum (5/8/13) – 0.83 – mg/L
  Iron (5/8/13) – 17mg/L
  Lead (5/8/13) – 0.24 mg/L
  Zinc (5/8/13) – 0.88 mg/L

- 2011-2012 Reporting Year

  Specific Conductance (10/4/11) – 540 µmhos/cm
  Specific Conductance (11/21/11) – 762 µmhos/cm

- 2010-2011 Reporting Year

  Specific Conductance (11/20/10) – 3,200 µmhos/cm
  Specific Conductance (12/17/10) – 600 µmhos/cm
  ph (12/17/10) – 10 standard units

- 2009-2010 Reporting Year

  Specific Conductance (12/7/09) – 270 µmhos/cm
  Specific Conductance (1/8/10) – 520 µmhos/cm

- 2008-2009 Reporting Year

  Specific Conductance (11/26/08) – 470 µmhos/cm

---

[3] EPA "Benchmarks" for the listed pollutants – Specific Conductance 200 µmhos/cm; pH 6.0 – 9.0 standard units; Total Suspended Solids 100 mg/L; Aluminum 0.75mg/L; Iron 1.0 mg/L; Lead 0.0816 mg/L; and Zinc 0.117 mg/L.

ED_001083_00000565-00020

Total Suspended Solids (11/26/08) – 120 mg/L[4]

d. Certification of Compliance With General Permit Improperly Cited in the 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 Annual Reporting Years

The Annual Report form, in the Section titled *Specific Information*, "Annual Comprehensive Site Compliance Evaluation (ACSCE)," J. ACSCE Certification requires facilities covered under the General Permit to state "[b]ased on your ACSCE, do you certify compliance with the Industrial Activities Storm Water General Permit?" On each Annual Report the Discharger states "Yes." The alleged failures to fully and accurately ensure compliance with the requirements of the General Plan as detailed above contradicts both the ACSME Certification" and the signed "Annual Report Certification," which provides that the signer of the Annual Report attests that the "information submitted is, to the best of my knowledge and belief, true, accurate and complete."

2. *The activity alleged to constitute a violation.*

The Discharger's boat repair and maintenance operations (as classified in the Annual Reports under SIC Code 3732) include, but are not limited to, "Hauling & Launching," "Blister Repair," "Marine Mechanics," "Hydro-Washing," "Bottom Painting," "Shipwright," and "Fiberglass," and further identifies "Support Services/Specialists on site" to include "Stainless Fabrication," "Topside Painting," "Marine Electrician," " Marine Plumber," "Canvas & Upholstery," "Marine Electronics & Refrigeration," "Sail Repair," "Rigging," and "Dive Service." (http://www.marinashipyard.com/page4; January 20, 2014). The work at the Marina Shipyard facility is conducted both indoors and outdoors, in close proximity to the navigable waters of Alamitos Bay. Because the property on which the Marina Shipyard facility is located is subject to rain events, and because there is no RWQCB exemption from the collecting and analyzing the range of pollutants identified above, there can be a discharge of these pollutants to Alamitos Bay.

To properly regulate these activities and control the discharge of these types of pollutants, the State Water Resources Control Board requires industrial facilities to obtain and comply with the terms and conditions of an individual NPDES permit or seek coverage under the General Permit (or obtain a proper exemption under the terms of the General Permit from its requirements). Review of the public record by River Watch reveals that the Discharger obtained coverage under the General Permit but fails to comply with its environmentally protective requirements, in particular the implementation of effective BMPs (as the RWQCB itself identified in its August 2, 2012 letter), and compliance with the

[4] The Discharger's failure to comply with the EPA "Benchmark" for Total Suspended Solids resulted in the RWQCB issuing a June 8, 2010 letter to Mr. Jerry Tretter titled "Annual Report Review – Benchmark Value Exceedance: NPDES General Permit (Permit) For Storm Water Discharges Associated With Industrial Activity (Order No. 97-03 DWQ; NPDES No CAS000001), WDID #4 I91004977."

ED_001083_00000565-00021

critically important sampling and comprehensive annual reporting requirement.

River Watch, in addition to alleging illegal storm water discharges, alleges the Discharger is discharging non-storm water from its facility that is not authorized under the General Permit, in violation of CWA § 301(a). These discharges, which require a NPDES permit, include discharges from the power-washing of equipment and vessels, and painting and repair activities that allow the discharge (via surface water and drift) of pollutants to waters of the United States.

3. *The person or persons responsible for the alleged violation.*

The persons responsible for the alleged violations are Mr. Jerry Tretter (President) and Cyndee Allen (General Manager) of Marina Shipyard and Marina Shipyard – collectively referred to herein as the Discharger.

4. *The location of the alleged violation.*

The location or locations of the various violations is the permanent address of the Marina Shipyard facility at 6400 E. Marina Drive, in Long Beach, California, including the adjoining waters of Alamitos Bay – a water of the United States.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

The range of dates covered by this Notice is from February 5, 2009 to February 5, 2014. River Watch will from time to time further update this Notice to include violations which occur after the range of dates covered by this Notice. Some of the violations are continuous in nature, therefore each day constitutes a violation.

6. *The full name, address, and telephone number of the person giving notice.*

The entity giving notice is California River Watch, 290 S. Main Street,, #817, Sebastopol, CA 95472 – a non-profit corporation organized under the laws of the State of California, dedicated to protect, enhance and help restore the groundwater and surface water environs of California including, but not limited to, its rivers, creeks, streams, wetlands, vernal pools, and tributaries.

River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed to:

David Weinsoff, Esq.
Law Office of David Weinsoff
138 Ridgeway Avenue
Fairfax, CA 94930
Tel. 415-460-9760

ED_001083_00000565-00022

Fax. 707-528-8675
Email: lhm28843@sbcglobal.net

STATUTORY BACKGROUND

CWA § 301(a), 33 U.S.C. 1311(a), prohibits the discharge of any pollutant into waters of the United States unless such discharge is in compliance with various enumerated sections of the Act. Among other things, Section 301(a) prohibits discharges not authorized by, or in violation of, the terms of an individual NPDES permit or a general NPDES permit issued pursuant to CWA § 402(p), 33 U.S.C. § 1342. CWA § 402(p), 33 U.S.C. § 1342(p), establishes a framework for regulating storm water discharges under the NPDES program. States with approved NPDES permitting programs are authorized under this section to regulate storm water discharges through permits issued to dischargers and/or through the issuance of a single, statewide general permit applicable to all storm water dischargers. Pursuant to CWA § 402, the Administrator of the U.S. EPA has authorized California's State Water Resources Control Board to issue NPDES permits including general NPDES permits in California.

The State Water Resources Control Board elected to issue a statewide general permit for industrial discharges, and issued the General Permit on or about November 19, 1991, modified the General Permit on or about September 17, 1992, and reissued the General Permit on or about April 17, 1997, pursuant to CWA § 402(p).

In order to discharge storm water lawfully in California, industrial dischargers must comply with the terms of the General Permit or have obtained an individual NPDES permit and complied with its terms.

The General Permit contains certain absolute prohibitions. Discharge Prohibition Order Section A(1) of the General Permit prohibits the direct or indirect discharge of materials other than storm water ("non-storm water discharges"), which are not otherwise regulated by a NPDES permit, to waters of the United States. Discharge Prohibition Order Section A(2) prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance. Receiving Water Limitation Order Section C(1) prohibits storm water discharges to any surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation Order Section C(2) prohibits 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 Water Quality Control Board Basin Plan.

In addition to absolute prohibitions, the General Permit contains a variety of substantive and procedural requirements that dischargers must meet. Facilities discharging, or having the potential to discharge, storm water associated with industrial activity that have not obtained an individual NPDES permit must apply for coverage under the General Permit

ED_001083_00000565-00023

by filing a NOI. The General Permit requires existing dischargers to file NOIs before March 30, 1992.

Dischargers must also develop and implement a SWPPP which must comply with the standards of BAT and BCT. 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 BMPs to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges [Permit Section A(2)]. BMPs must implement BAT and BCT [Permit Section B(3)].

- Include a description of individuals and their responsibilities for developing and implementing the SWPPP [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 [Permit Section A(4)]; a list of significant materials handled and stored at the site [Permit Section A(5)]; and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, and 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 [Permit Section A(6)].

- Include a narrative assessment of all industrial activities and potential pollutant sources at the facility [Permit Section A(7)]. Include a narrative description of the BMPs to be implemented at the facility for each potential pollutant and its source, and consider both non-structural BMPs (including "Good Housekeeping") and structural BMPs where non-structural BMPs are not effective [Permit Section A(8)].

- Conduct one comprehensive site compliance evaluation by the facility operator in each reporting period (July 1- June 30), with SWPPP revisions made, as appropriate, and implemented within 90 days of the evaluation [Permit Section A(9)].

The General Permit requires dischargers to eliminate all non-storm water discharges to storm water conveyance systems other than those specifically set forth in Special Condition D(1)(a) of the General Permit and meeting each of the conditions set forth in Special Condition D(1)(b).

As part of their monitoring program, dischargers must identify all storm water discharge locations that produce a significant storm water discharge, evaluate the effectiveness of BMPs in reducing pollutant loading, and evaluate whether pollution control measures set out in the SWPPP are adequate and properly implemented. Dischargers must

ED_001083_00000565-00024

conduct visual observations of these discharge locations for at least one storm per month during the wet season (October through May) and record their findings in their Annual Report [Permit Section B(14)]. Dischargers must also collect and analyze storm water samples from at least two storms per year in compliance with the criteria set forth in Permit Section B(5). Dischargers must also conduct dry season visual observations to identify sources of non-storm water pollution in compliance with Permit Section B(7).

Permit Section B(14) of the General Permit requires dischargers to submit an "Annual Report" by July 1 of each year to the executive officer of the relevant Regional Water Quality Control Board. Permit Section A(9)(d) of the General Permit requires the dischargers to include in the annual report an evaluation of the dischargers' storm water controls, including certifying compliance with the General Permit. *See also* Permit Sections C(9), C(10) and B(14).

The EPA has established Parameter Benchmark Values ("EPA Benchmarks") as guidelines for determining whether a facility discharging storm water has implemented the requisite BAT and BCT. (65 Fed. Reg. 64746, 64767 (Oct. 30, 2000)). California Toxics Rule ("CTR") limitations are also applicable to all non storm water and storm water discharges. (40 C.F.R. part 131). The RWQCB has established applicable water quality standards. This Basin Plan includes a narrative toxicity standard and a narrative oil and grease standard. The Basin Plan provides that "[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses." The Basin Plan establishes limits on metals, solvents, pesticides and other hydrocarbons.

VIOLATIONS

River Watch contends that between February 5, 2009 and February 5, 2014 the Discharger violated the CWA, the Basin Plan and the Code of Federal Regulations by discharging pollutants from the Marina Shipyard facility to waters of the United States without an individual NPDES permit, or in violation of the General Permit.

The violations discussed herein are derived from eye witness reports and records publicly available, or records in the possession and control of the Discharger. Furthermore, River Watch contends these violations are continuing.

As discussed above, the Discharger has failed and is failing to consistently sample for the full range of pollutants mandated by the General Permit.

Finally, River Watch also believes that the Marina Shipyard site is not operated to ensure that storm and non-storm water discharges are properly contained, controlled, and/or monitored. As a result, the Discharger fails to follow the requirements of the General Permit in its sampling protocols for the Marina Shipyard by failing to accurately capture "first flush" samples and failing to properly sample from all the outfalls of the facility.

REMEDIAL MEASURES REQUESTED

River Watch believes that implementation of the following remedial measures are

ED_001083_00000565-00025

necessary in order to bring the Discharger into compliance with the CWA and reduce the biological impacts of its non-compliance upon public health and the environment surrounding the facility:

1. Prohibition of the discharges of pollutants including, but not limited to, petroleum hydrocarbons, sulfuric acid, lead, oil and grease, anti-freeze, solvents, paints, heavy metals (including aluminum, iron, lead, copper and zinc), soaps, sediment, biodegradable organic matter, sanitary waste, bacteria, and organics from the vessel repair and maintenance activities.

2. Compliance with the terms and conditions of the General Permit, and BMPs detailed in the EPA's "Industrial Stormwater Fact Sheet Series, Sector R: Ship and Boat Building or Repair Yards" (EPA Office of Water, EPA-833-F-06-033, December 2006;(www.epa.gov/npdes/pubs/sector_r_shipbuilding.pdf.).

3. Compliance with the storm water sampling, monitoring and reporting requirements of the General Permit.

4. Sampling of storm water at least four (4) times per year over each of the next five (5) years: at "first flush"; the first significant rain after "first flush"; the first significant rain after April 1; and the second significant rain after April 1.

5. 100% of the discharge from the Marina Shipyard site and facility must be discharged through discrete conveyances.

6. Any discharge from the Marina Shipyard site and facility to a water of the United States must be sampled during the four (4) sampling events identified in paragraph #4 above.

7. Preparation and submittal to the RWQCB of a "Reasonable Potential Analysis" for the Marina Shipyard site and its operations.

8. Preparation of an updated SWPPP including a monitoring program, with a copy provided to River Watch.

CONCLUSION

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person," including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to $37,500 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§19.1-19.4.

ED_001083_00000565-00026

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch use the affected watershed for recreation, sports, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's violations of the CWA as set forth in this Notice.

River Watch believes this Notice sufficiently states grounds for filing suit. At the close of the 60-day notice period or shortly thereafter River Watch has cause to file a citizen's suit under CWA § 505(a) against the Discharger for the violations of the CWA described in this Notice.

During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations identified in this Notice. However, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,

David Weinsoff

David Weinsoff

DW:lhm

cc: Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20460

Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

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

Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street / Suite 200
Los Angeles, CA 90013

ED_001083_00000565-00027

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge **Dean D. Pregerson** and to

Magistrate Judge **Margaret A. Nagle**.

The case number on all documents filed with the Court should read as follows:

CV-14-3828-DDP-MAN

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery-related motions. All discovery-related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U.S. District Court

May 21, 2014
Date

By */s/ Geneva Hunt*
Deputy Clerk

ATTENTION

A copy of this Notice must be served on all parties served with the Summons and Complaint (or, in cases removed from state court, on all parties served with the Notice of Removal) by the party who filed the Complaint (or Notice of Removal).

Law Office of David J. Weinsoff
138 Ridgeway Avenue
Fairfax, CA 94930

F

U.S. POSTAGE
$1.82
FCM LG ENV
95404
Date of sale
05/23/14
06 2S00
08259923
APC

USPS® FIRST-CLASS MAIL®

0 lb. 4.90 oz.

SHIP TO:

WASHINGTON DC 20044

ZIP

(420) 20044

X-RAYED
MAY 27 2014
DOJ Mailroom

Citizen Suit Coordinator
U.S. Dept. of Justice
Environmental & Natural Resource Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, DC 20044-7415