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October 8, 2013

VIA CERTIFIED MAIL

Jack's Disposal Service Inc.
Managing Agent
5455 Industrial Pkwy.
San Bernardino, CA 92407

Burrtec Waste Group, Inc.
9890 Cherry Ave.
Fontana, CA 92335

Burrtec Waste Industries, Inc.
9890 Cherry Ave.
Fontana, CA 92335

VIA U.S MAIL

Cole Burr
Registered Agent
Burrtec Waste Group, Inc.
9890 Cherry Ave.
Fontana, CA 92335

Cole Burr
Registered Agent
Burrtec Waste Industries, Inc.
9890 Cherry Ave.
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Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Inland Empire Waterkeeper and Orange County Coastkeeper (collectively "Waterkeeper") in regard to violations of the Clean Water Act[1] and California's Storm Water Permit[2] occurring at 5455 Industrial Parkway, San Bernardino, California 92407 ("Jack's Disposal Facility" or "Facility"). This letter is being sent to you as the responsible owners and/or operators of the Jack's Disposal Facility, or as the registered agent for those entities. This notice letter puts Jack's Disposal Services, Inc., Burrtec Waste Industries, Inc. and Burrtec Waste Group, Inc. (hereinafter referred to as the "Jack's Disposal Facility Owners and/or Operators") on notice of the violations of the Storm Water Permit occurring at the Jack's Disposal Facility, including, but not limited to, discharges of polluted storm water from the Jack's Disposal Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Jack's Disposal Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

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[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that a citizen give notice of his/her intention to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a). Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

By this letter issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act ("Notice Letter"), Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that, after the expiration of sixty (60) days from the date of this Notice Letter, Waterkeeper intends to file an enforcement action in Federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. BACKGROUND

A. Inland Empire Waterkeeper and Orange County Coastkeeper

Inland Empire Waterkeeper's office is located at 6876 Indiana Avenue, Suite D, Riverside, California 92506. Inland Empire Waterkeeper is a chapter of Orange County Coastkeeper. Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Together, Inland Empire Waterkeeper and Orange County Coastkeeper have over 2,000 members who live and/or recreate in and around San Bernardino County and the Santa Ana River watershed. Inland Empire Waterkeeper and Orange County Coastkeeper are dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of their local watersheds, including the Santa Ana River and its tributaries. To further these goals, Waterkeeper actively seeks federal and state agency implementation of the Clean Water Act and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper use and enjoy the waters into which the Jack's Disposal Facility discharges, including the Santa Ana River, and its tributaries. Members of Waterkeeper use and enjoy the Santa Ana River and its tributaries to picnic, hike, view wildlife, and engage in scientific study, including monitoring activities, among other things. Procedural and substantive violations including, but not limited to the discharge of pollutants from the Jack's Disposal Facility, impairs these uses. Further, these violations are ongoing and continuous. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by the Jack's Disposal Facility Owners' and/or Operators' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Owners and/or Operators of the Jack's Disposal Facility

Prior to beginning industrial operations, dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water

Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* Storm Water Permit, Finding #3. The State Board approved the Jack's Disposal Facility NOI on November 3, 2003. The State Board's letter acknowledging receipt of the Jack's Disposal Facility's NOI identifies the facility name and address as "Jacks Disposal Service Inc, 5455 Industrial Pkwy, San Bernardino" and identifies the facility operator as "Burrtec Waste Industries Inc." A second NOI dated July 9, 2012, which is unsigned, contains the same information. The Waste Discharge Identification ("WDID") number is listed as 8-36I018452.

Information available to Waterkeeper indicates that Burrtec Waste Industries, Inc. is an owner and/or operator of the Jack's Disposal Facility. Information available to Waterkeeper indicates that Burrtec Waste Group, Inc. is also an owner and/or operator of the Jack's Disposal Facility. Burrtec Waste Group, Inc. and Burrtec Waste Industries, Inc. are active corporations registered in California. The registered agent for both corporations is Cole Burr, 9890 Cherry Avenue, Fontana, California 92335.

Information available to Waterkeeper also indicates that there are at least two additional corporations and one limited liability company operating at 5455 Industrial Parkway, San Bernardino, California 92407: Jack's Disposal Inc., Currans Rubbish Disposal, Inc., and Empire Disposal, LLC. Empire Disposal, LLC is owned by Burrtec Waste Group, Inc., while Jack's Disposal, Inc. and Currans Rubbish Disposal, Inc. are owned by Burr Group, Inc.

The Jack's Disposal Facility Owners and/or Operators have violated and continue to violate the procedural and substantive terms of the Storm Water Permit, including, but not limited to, the illegal discharge of pollutants from the Jack's Disposal Facility into local surface waters. As explained herein, the Jack's Disposal Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act, and are put on notice of these violations.

C. Storm Water Pollution and the Waters Receiving the Jack's Disposal Facility's Discharges

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations such as the Jack's Disposal Facility pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and adversely impact aquatic-dependent wildlife. These contaminated discharges can and must be controlled for downstream ecosystems to regain their health.

Storm water discharges from hazardous waste treatment, storage, or disposal facilities, like the Jack's Disposal Facility, contain pollutants such as: oil and grease ("O&G"); hydraulic fluids; transmission fluid; antifreeze; total suspended solids ("TSS"); heavy metals (such as copper, iron, lead, aluminum, and zinc); pathogens; and nutrients. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to the

Santa Ana River and its tributaries pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Jack's Disposal Facility discharges into Cable Creek, then into Cajon Canyon Creek, and Lytle Creek, which discharges into the Santa Ana River ("Receiving Waters"). The Santa Ana River and its tributaries are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish, bird, and invertebrate species. Pollutants from facilities such as the Jack's Disposal Facility harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities, including Waterkeeper's members. The public's use of the Receiving Waters for water contact sports exposes people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for Lytle Creek and the Santa Ana River near or downstream of the point at which it receives polluted storm water discharges from the Jack's Disposal Facility (i.e., Santa Ana River Reaches 1 – 4) include: Agricultural Supply; Groundwater Recharge; Water Contact Recreation; Non-contact Water Recreation; Warm Freshwater Habitat; Wildlife Habitat; and Rare, Threatened or Endangered Species. *See* Basin Plan at Table 3-1. According to the 2010 303(d) List of Impaired Water Bodies, Lytle Creek is impaired for pathogens; Reach 4 of the Santa Ana River (into which Lytle Creek drains) is impaired for pathogens; Reach 3 of the Santa Ana River is impaired for copper, lead, and pathogens; and Reach 2 of the Santa Ana River is impaired for indicator bacteria.[3] Polluted discharges from industrial sites such as the Jack's Disposal Facility contribute to the degradation of these already impaired surface waters and of the ecosystems that depend on these waters.

II. JACK'S DISPOSAL FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. Jack's Disposal Facility Site Description

The Jack's Disposal Facility is 5 acres in size. According to the Facility's SWPPP, there are two structures on the Facility property. One structure is a shop area, which is used for vehicle and equipment maintenance, storage of materials associated with vehicle and equipment maintenance, vehicle and equipment storage, and offices. Vehicles repaired in the shop include, but are not limited to, large landfill equipment and sanitation trucks. The second structure is an office building, located in the northwestern corner of the Facility property. The remaining portion of the western side of the property along Industrial Parkway is used for employee

[3] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on September 4, 2013).

parking. Trucks are parked uncovered in the southern portion of the property, and along the eastern border of the Facility is an uncovered area used for storing vehicle and equipment parts, an uncovered area for vehicle cleaning operations, and an uncovered area used for storage of metal and plastic solid waste collection bins. The Facility also houses an underground fuel tank, a fuel island, an uncovered truck scale, and storage areas for waste oil, motor oil, waste batteries, bulk oil, and solvent throughout the site. Two points of ingress/egress are located along the western side of the Facility along Industrial Parkway.

B. Jack's Disposal Facility Industrial Activities and Associated Pollutants

According to the Storm Water Pollution Prevention Plan ("SWPPP"), the Facility functions as a service facility for Burrtec Waste Industries, Inc.'s large equipment, office administration, and storage. The Jack's Disposal Facility Owners' and/or Operators' industrial activities are pollutant sources and include, but are not limited to: maintenance and repair of vehicles and equipment; vehicle and equipment cleaning operations; vehicle and equipment fueling; vehicle and equipment storage; and fuel and hazardous materials storage, including storage of motor oil, hydraulic/lube oil, degreasers, paints, cleaning detergents and solvents.

Information available to Waterkeeper indicates that the Standard Industrial Classification ("SIC") Code for the Jack's Disposal Facility is 4212 (Motor Freight Transportation and Warehousing), 4953 (Hazardous Waste Treatment Storage or Disposal), and 5093 (Processing, Reclaiming, and Wholesale Distribution of Scrap and Waste Materials).[4] Facilities classified under SIC Codes 4953 and 5093 require Storm Water Permit coverage for the entire facility.

For facilities classified as SIC Code 4212, the Storm Water Permit requires permit coverage for "vehicle maintenance shops, equipment cleaning operations, or airport deicing operations." Storm Water Permit, Attachment 1. The Storm Water Permit regulates the portions of the facility which are used for "vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity." Storm Water Permit, Attachment 1; *see also* Storm Water Permit, Attachment 4 (stating that "storm water associated with industrial activity" includes storm water discharges from material handling activities and storage areas for material handling equipment). Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that one or more of these regulated activities is conducted at locations throughout the entire Jack's Disposal Facility, and thus the entire Facility requires Storm Water Permit coverage. In addition, even if the regulated industrial activities are not occurring throughout the entire Facility at all times, under the Storm Water Permit's definition of "storm water associated with industrial activities" and explanation of material handling activities, Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that since no best management practices ("BMPs") or other controls exist to separate the storm water flows from portions of the Facility where non-regulated activities may occur from storm water flows from the regulated industrial activities, storm water at the Facility commingles and thus, all storm water discharges from the Facility are

[4] The Facility's 2008-2009 Annual Report lists the following SIC Codes: 4212, 4953, and 5090. Given the consistency with which the other Annual Reports list the SIC Code 5093, not 5090, for the Facility, Waterkeeper assumes the listing of SIC Code 5090 was a typographical error and should have been "5093."

regulated under the Storm Water Permit.

The Jack's Disposal Facility SWPPP identifies the following pollutants associated with operations at Facility: metals, organic compounds from solvents and cleaning compounds, O&G; and trash and debris. Information available to Waterkeeper indicates that additional pollutants associated with solid waste vehicle and equipment maintenance facilities include, but are not limited to: hydraulic fluids; transmission fluid; antifreeze; TSS; pathogens; and nutrients.

Information available to Waterkeeper indicates that fueling, storage of vehicles and bins, vehicle washing, and other industrial activities occur at the Jack's Disposal Facility without adequate cover to prevent storm water and non-storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water and non-storm water from discharging from the Jack's Disposal Facility. Additionally, information available to Waterkeeper indicates that pollutants are tracked out of the shop building, causing pollutants associated with vehicle maintenance to come into contact with storm water. The resulting illegal discharges of polluted water impact Waterkeeper's members' use and enjoyment of the Receiving Waters by degrading the quality of the Receiving Waters and by posing risks to human health and aquatic life.

C. Jack's Disposal Facility Storm Water Flow and Discharge Locations

The Jack's Disposal Facility SWPPP indicates that the entire Facility drains westward, toward Industrial Parkway. The site map identifies two discharge points: one located at the northwest corner of the Facility and the other located at the southwest corner of the Facility. The Jack's Disposal Facility Owners and/or Operators indicate that the Facility has one discharge point, identified as "S/W Front Gate," in their 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012 Annual Reports, and as "MP1" in their 2012-2013 Annual Report.

However, based on Waterkeeper's review of the Facility's SWPPP site map, there are at least five discharge points at the Jack's Disposal Facility. These discharge points include, but are not limited to: (1) the discharge point identified in the site map on the northwest corner of the Facility; (2) the discharge point identified on the site map in the southwest corner of the Facility; (3) the northern curb of the northern driveway, along which water flows to Industrial Parkway; (4) the southern curb of the northern driveway, along which water flows to Industrial Parkway, and/or at the drain outlet located near the southern curb of the northern driveway; and (5) the northern curb of the southern driveway, along which water flows to Industrial Parkway. Further, the Annual Reports for the Facility conflict in the number of reported discharge points, including stating that the Facility has 2 discharge points (2008-2009 and 2012-2013 Annual Reports), 3 discharge points (2009-2010 Annual Report), and 4 discharge points (2010-2011 and 2011-2012 Annual Reports).

Additionally, the Facility SWPPP states that the shop area is equipped with floor drain(s) that flow to a clarifier. The SWPPP only states that the clarifier is "regularly maintained," but does not describe the capacity of the clarifier or to where it discharges when its capacity is exceeded. Unmarked rectangles with flow arrows pointing to the middle of the rectangles are

also indicated on the SWPPP site map on the eastern border of the Facility, but there is no indication of where storm water flowing into these areas is discharged. Thus, Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that the Facility contains at least five (5) discharge points, but may update this number as additional information becomes available.

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

A. Discharges of Polluted Storm Water from the Jack's Disposal Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants[5] and best conventional pollutant control technology ("BCT") for conventional pollutants.[6] EPA's Industrial Storm Water Permit contains benchmark values, which are objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT, as required by Effluent Limitation B(3) of the Storm Water Permit ("EPA Benchmarks").[7]

Storm water sampling at the Jack's Disposal Facility demonstrates that concentrations of pollutants in storm water discharges repeatedly exceed applicable EPA Benchmarks. Attachment A contains a table with the dates on which storm water samples collected from the Jack's Disposal Facility since October 8, 2008 exceed one or more EPA Benchmarks.

The continued and repeated exceedances of EPA Benchmarks demonstrate that the Jack's Disposal Facility Owners and/or Operators have failed to develop and/or implement required BMPs at the Jack's Disposal Facility that achieve compliance with the BAT/BCT standards. Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that they violate Effluent Limitation B(3) of the Storm Water Permit each time storm water discharges from the Facility without BMPs that achieve BAT/BCT, including but not limited to the dates identified in Attachment A. These violations are ongoing and will continue every time the Jack's Disposal Facility Owners and/or Operators discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time the Jack's Disposal Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §

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[5] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper and lead, among others.
[6] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O & G, pH, and fecal coliform.
[7] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective May 27, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; *see also*, 73 Federal Register 56572 (2008).

1311(a). The Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 8, 2008.

B. Discharges of Polluted Storm Water from the Jack's Disposal Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or groundwater that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standards ("WQS").[8] Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). Basin Plan sets out additional WQSs, including WQSs for total coliform and fecal coliform when the Beneficial Uses of a lake or stream include Municipal and Domestic Supply, Non-contact Water Recreation, and Water Contact Recreation, such as the Receiving Waters. Discharges that contain pollutants in excess of an applicable WQSs violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Information available to Waterkeeper indicates that storm water discharges from the Jack's Disposal Facility contain elevated concentrations of pollutants such as copper, lead, zinc, and pathogens, including coliform bacteria and *Escherichia coli*, among others. The Receiving Waters are impaired for copper, lead, and pathogens. Information available to Waterkeeper indicates that storm water discharges from the Jack's Disposal Facility containing elevated concentrations of pollutants can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Information available to Waterkeeper further indicates that storm water discharges from the Jack's Disposal Facility containing elevated concentrations of pollutants cause or contribute to a violation of an applicable WQS.

The repeated and significant exceedances of WQS demonstrate that the Jack's Disposal Facility Owners and/or Operators have violated and continue to violate Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2). Attachment A contains a table with the dates on which storm water samples collected from the Jack's Disposal Facility since October 8, 2008 exceed one or more CTR criteria.

Waterkeeper puts Jack's Disposal Facility Owners and/or Operators on notice that they violate Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) each time storm water discharges from the Facility containing pollutants that adversely affect human health or the environment and/or cause or contribute to a violation of an applicable WQS. Each time

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[8] WQS include pollutant concentration levels determined by the State Water Resources Control Board and the EPA to be protective of the Beneficial Uses of the Receiving Water. Discharges above WQS contribute to the impairment of the Receiving Water's Beneficial Uses.

that discharges of storm water from the Jack's Disposal Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time that discharges of storm water from the Jack's Disposal Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These discharge violations are ongoing and Waterkeeper will update the dates of violation when additional information and data becomes available. The Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since at least October 8, 2008.

C. Unauthorized and Authorized Non-Storm Water Discharges from the Jack's Disposal Facility in Violation of Discharge Prohibition A(1) of the Storm Water Permit

Except as allowed in Special Conditions D(1) of the Storm Water Permit, Discharge Prohibition A(1) prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United State. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. Storm Water Permit, Discharge Prohibition A(1).

Information available to Waterkeeper indicates that unauthorized non-storm water discharges occur at the Facility from dust control, truck, vehicle, equipment, and/or parts cleaning and washing that is conducted on-site. These non-storm water discharges are not from sources that are listed among the authorized non-storm water discharges in Special Conditions D(1) of the Storm Water Permit and thus are always prohibited without a separate NPDES permit. Information available to Waterkeeper indicates that the Jack's Disposal Facility Owners and/or Operators have not obtained a separate NPDES permit for the Facility's unauthorized non-storm water discharges, as thus these discharges are in violation of Discharge Prohibition A(1) of the Storm Water Permit.

Certain non-storm water discharges are allowed, such as fire hydrant flushing, drinking fountain water, and landscape watering, only if all requirements under Special Conditions D(1) of the Storm Water Permit are met. Special Conditions D(1) requires, among other things, the development and implementation of BMPs, which must be specifically listed in the SWPPP, to prevent or reduce the contact of non-storm water discharges with significant materials or equipment. The non-storm water discharges also cannot contain significant quantities of pollutants. The Jack's Disposal Facility Owners and/or Operators stated in every Annual Report since the 2009-2010 Wet Season[9] that they observed authorized non-storm water discharges at the Facility, but do not describe the source of these non-storm water discharges, as required by Special Conditions D(1)(b)(v). In addition, the SWPPP fails to include BMPs for these "authorized" non-storm water discharges, and information available to Waterkeeper indicates that the non-storm water discharges contain significant quantities of pollutants. Thus, even if the

[9] The Wet Season is defined as October 1 – May 31.

non-storm water discharges are from one of the sources listed in Special Conditions D(1), they are still prohibited because the Special Conditions in Provision D(1) have not been met. Therefore, the "authorized" non-storm water discharges observed by the Jack's Disposal Facility Owners and/or Operators are in violation of Discharge Prohibition A(1) of the Storm Water Permit.

Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that Discharge Prohibition A(1) is violated each time non-storm water discharges occur at the Facility. These discharge violations are ongoing and will continue until the Jack's Disposal Facility Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges, or obtain separate NPDES permit coverage. Each time the Jack's Disposal Facility Owners and/or Operators discharge prohibited non-storm water in violation of Discharge Prohibition A(1) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 8, 2008.

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

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

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other information, the SWPPP must include: identification of individual(s) and their responsibilities in developing, implementing, and revising the facility's SWPPP (*see* Storm Water Permit Section A(3)(a)); a site map with information including storm water drainage areas with flow patterns, nearby water bodies, and the location of the storm water collection and conveyance system and associated points of discharge (*see id.,* Section A(4)); and a list of significant materials handled and stored at the facility (*see id.,* Section A(5)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that the Jack's Disposal Facility Owners and/or Operators have been conducting and continue to conduct operations at the Jack's Disposal Facility with an inadequately developed, implemented, and/or revised SWPPP. First, the SWPPP does not identify all of the specific individuals responsible for implementing the SWPPP and monitoring program activities, as required by Section A(3) of the Storm Water Permit. Although the SWPPP includes a table identifying individuals on the "Stormwater Pollution Prevention Team," it later states that the required annual and weekly inspections will be conducted by the "Environmental Coordinator" and that the "BMP Implementation Committee" will meet to consider changes to the Facility's BMPs and SWPPP. However, neither the Environmental Coordinator or the BMP Implementation Committee are positions on the Stormwater Pollution Prevention Team, and thus no individuals are identified to fill these roles.

Next, the site map does not include all of the requirements of Section A(4) of the Storm Water Permit. For example, the site map does not include: an outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; areas of soil erosion; nearby water bodies; municipal storm drain inlets where the Facility's storm water and authorized non-storm water discharges may be received; an outline of all impervious areas of the facility; locations where materials are directly exposed to precipitation; and all areas of industrial activity. Additionally, the site map included with the SWPPP lacks labels, legends, or other data to ensure that that map is understandable. For example, the site map seems to indicate that water flows toward what appear to be drains in the vehicle wash area, but does not label these rectangles or show where the water ultimately flows.

In addition, the Jack's Disposal Facility SWPPP does not include a list of significant materials handled and stored at the site, in violation of Section A(5) of the Storm Water Permit. Further, without this list, all of the other details about the significant materials are also missing, including the locations where each material is stored, received, shipped, and handled, and the typical quantities and frequency of each material at the site.

The SWPPP also does not properly describe all of the potential pollutant sources at the Jack's Disposal Facility, in violation of Sections A(6) and A(7) of the Storm Water Permit. In fact, the description in the SWPPP of what areas of the Facility are *not* potential pollutant sources is longer than the description of the areas that are potential pollutant sources, which only briefly states, "Outside storage areas, the wash rack area, and parking lot areas . . . are exposed to storm events." This one sentence does not include all of the other potential pollutant sources at the Facility, such as the parts storage areas, tracking, trash container storage area, fuel island, truck scale, and waste battery storage area. The other details about the industrial processes, material handling and storage areas, dust and particulate generating areas, and soil erosion are also not included to the extent required for compliance with Section A(6) of the Storm Water Permit, nor is the assessment of the potential pollutant sources included in the SWPPP, as required by Section A(7) of the Storm Water Permit.

Finally, the limited BMPs listed in the Facility SWPPP are not sufficient to comply with the requirements of Section A(8) of the Storm Water Permit. First, since the SWPPP does not describe any potential pollutant sources, the SWPPP also does not properly link the BMPs to be

implemented at the Facility to the potential pollutants and sources, as required by the Storm Water Permit. Second, the BMPs that are listed are too vague to effectively reduce or prevent pollutants in discharges. For example, the only structural BMPs listed in the SWPPP are that "significant storage is done inside" and parts areas are largely adjacent to water clarifiers and cleaned prior to storage. However, these BMPs do not address the many other potential pollutant sources at the Facility, such as outdoor vehicle storage, maintenance, and fueling. Third, the SWPPP does not include a summary table of all BMPs to be implemented for each pollutant source, as required by Section A(8) of the Storm Water Permit. The inadequacies of the existing BMPs are further evident, given that even though the SWPPP was apparently revised in 2011 and 2012, storm water samples taken since these revisions demonstrate continued exceedances of EPA Benchmarks and WQSs. Thus, Waterkeeper believes and thereon alleges that the Jack's Disposal Facility continues to operate with an inadequately developed, implemented, and/or revised SWPPP, in violation of the Storm Water Permit.

Waterkeeper puts the Jack's Disposal Facility Owners and/or Operators on notice that they violate Section A and Provision E(2) of the Storm Water Permit and the Clean Water Act every day that they operate the Jack's Disposal Facility with an inadequately developed, implemented, and/or revised SWPPP. Every day that the Jack's Disposal Facility Owners and/or Operators operate the Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Jack's Disposal Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements. These violations are ongoing and Waterkeeper will include additional violations in its enforcement action. The Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 8, 2008.

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

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement a monitoring and reporting plan ("M&RP") by October 1, 1992, or when industrial activities begin at the facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.* Dischargers must also revise the M&RP as necessary for compliance with the Storm Water Permit. *See id.*; *see also* Storm Water Permit, Section B(4).

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

water discharges during the first hour of discharge at each discharge point of at least one storm event per month during the Wet Season. Sections B(3) and (4) further require dischargers to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants when conducting visual observations. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and (4).

Sections B(5) and B(7) of the Storm Water Permit require dischargers collect samples of storm water discharges from all locations where storm water is discharged. Under Section B(5) of the Storm Water Permit, the Jack's Disposal Facility Owners and/or Operators are required to collect at least two samples from each discharge point during each Wet Season, including one sample from the first storm event of the Wet Season. These samples must be taken during the first hour of discharge. Storm water samples shall be analyzed for TSS, pH, specific conductance, and total organic carbon or O&G. Storm Water Permit, Section B(5)(c)(i). These samples must also be analyzed for toxic pollutants and other pollutants that are likely to be present in storm water discharges in significant quantities. Storm Water Permit, Section B(5)(c)(ii). Table D of the Storm Water Permit also requires facilities operating under SIC Codes 4212, 4953, and 5093, such as the Jack's Disposal Facility, to also analyze the facility's storm water samples for the following parameters: Ammonia ("NH_3"), Magnesium ("Mg"), Chemical Oxygen Demand ("COD"), Arsenic ("As"), Cadmium ("Cd"), Cyanide ("Cn"), Lead ("Pb"), Mercury ("Hg"), Selenium ("Se"), Silver ("Ag"), Iron ("Fe"), Aluminum ("Al"), Copper ("Cu"), and Zinc ("Zn").

Information available to Waterkeeper indicates that the Jack's Disposal Facility Owners and/or Operators have been conducting operations at the Jack's Disposal Facility with an inadequately developed, implemented, and/or revised M&RP. For example, the Jack's Disposal Facility Owners and/or Operators failed to provide the required information for their visual observations of all authorized non-storm water discharges at the Facility during the 2008-2009, 2009-2010, 2010-2011, and 2012-2013 Wet Seasons and in the Facility's 2010-2011 Annual Report even admitted that this failure was due to inexperience and lack of training. The Jack's Disposal Facility Owners and/or Operators also failed to provide the required information for their visual observations of all unauthorized non-storm water discharges at the Facility for the 2009-2010 and 2010-2011 Wet Seasons. Because the Jack's Disposal Facility Owners and/or Operators failed to take visual observations of authorized and unauthorized non-storm water discharges as required, they also failed to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, or the source of any pollutants, in violation of Section B(3) of the Storm Water Permit.

Second, the Jack's Disposal Facility Owners and/or Operators fail to conduct monthly visual observations of storm water discharges as required by Section B(4) of the Storm Water Permit. Specifically, the Jack's Disposal Facility Owners and/or Operators failed to conduct any monthly visual observations during the 2009-2010 and 2010-2011 Wet Seasons, and admitted in the Facility's 2010-2011 Annual Report that this was due to oversight and inexperience.

Additionally, in the 2008-2009 Annual Report, the Jack's Disposal Facility Owners and/or Operators only reported visual observations in November and December and then claimed that there were no qualifying storm events in any other months, yet they collected a sample from a storm event in February 2009. Similarly, in the Facility's 2011-2012 Annual Report, the Jack's Disposal Facility Owners and/or Operators wrote "no rain" for every month during the Wet Season as a reason for not performing the required visual observations, yet also collected samples from storm events in October and December, indicating that storm events occurred during at least these two months. Further, many of the visual observations conducted during the 2012-2013 Wet Season did not occur during the first hour of discharge, as required by the Storm Water Permit. All of these failures of the Jack's Disposal Facility Owners and/or Operators to properly conduct monthly visual observations are a violation of Section B(4) of the Storm Water Permit.

Even when storm water discharge observations were conducted they were not done so as required. For example, the Jack's Disposal Facility Owners and/or Operators did not conduct observations at all discharge points at the Facility, as required by Section B(4) of the Wet Season. The Facility Owners and/or Operators only conducted visual observations of storm water discharges at one discharge point during the 2008-2009, 2011-2012, and 2012-2013 Wet Seasons. However, information available to Waterkeeper indicates that there are at least five discharge points at the Facility. Additionally, none of the records of the visual observations that were conducted include documentation of the "presence of any floating and suspended material, oil and grease, discolorations, turbidity, odor, and source of any pollutants," as required by Section B(4) of the Storm Water Permit, except for the month of October 2012.

Third, the Jack's Disposal Facility Owners and/or Operators have failed to analyze the Facility's storm water samples for all parameters required by the Storm Water Permit. Although all of the Facility Annual Reports except 2011-2012 list 4212, 4953, and 5093 SIC Codes for the Facility, the Jack's Disposal Facility Owners and/or Operators also state that they are not required to analyze storm samples for any additional Table D parameters. The Jack's Disposal Facility Owners and/or Operators have never analyzed their samples for all Table D parameters. In addition, information available to Waterkeeper indicates that pathogens, including *Escherichia coli* and coliform bacteria, are likely to be present in significant quantities in storm water runoff from solid waste vehicle and equipment maintenance facilities such as the Jack's Disposal Facility, yet the Jack's Disposal Facility Owners and/or Operators have never analyzed their samples for these pollutants. Thus, the Jack's Disposal Facility Owners and/or Operators have failed to properly analyze their storm water samples since at least the 2008-2009 Wet Season, in violation of Section B(5)(c) of the Storm Water Permit.

Finally, the Jack's Disposal Facility Owners and/or Operators fail to collect storm water samples from each of the Facility's discharge points, as required by Section B(5) and B(7) of the Storm Water Permit. Since at least the 2007-2008 Wet Season, the Jack's Disposal Facility Owners and/or Operators have only collected and analyzed storm water samples from one discharge point. However, information available to Waterkeeper indicates that there are at least five discharge points at the Facility, which are identified above, and none of the reasons to reduce the number of sampling locations permitted by the Storm Water Permit apply. Further,

the 2008-2009 Annual Report for the Facility states that the second storm event was not sampled during the first hour of discharge, the Jack's Disposal Facility Owners and/or Operators did not sample the first qualifying rain event of the Wet Season, and sample results were only reported for one storm event during the 2008-2009 Wet Season. The Jack's Disposal Facility Owners and/or Operators also did not sample during the first hour of discharge during the first storm event. These failures to properly sample are violations of Sections B(5) and B(7) of the Storm Water Permit.

The Jack's Disposal Facility Owners' and/or Operators' failure to conduct sampling and monitoring as required by the Storm Water Permit demonstrates that they have failed to develop, implement and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the Jack's Disposal Facility Owners and/or Operators conduct operations with an inadequately developed, implemented, and/or revised M&RP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Jack's Disposal Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements. These violations are ongoing and Waterkeeper will include additional violations in its enforcement action. The Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 8, 2008.

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

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results, 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; and 3) the Annual Comprehensive Site Compliance Evaluation Report. Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10). The facility operator must report any noncompliance at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance and, if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 3) steps taken or planned to reduce and prevent recurrence of the noncompliance. Storm Water Permit, Section C(11)(d).

The Jack's Disposal Facility Owners and/or Operators fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the 2009-2010, 2010-2011, and 2012-2013 Annual Reports were not signed, in violation of Section B(14) of the Storm Water Permit. Further, in the 2009-2010 and 2010-2011 Annual Reports for the Facility, the Jack's Disposal Facility Owners and/or Operators stated that they did not certify compliance with the Storm Water Permit. However, none of the required information was included regarding any steps taken or planned to prevent the recurrence of this noncompliance, in violation of

Section C(11) of the Storm Water Permit. The Jack's Disposal Facility Owners and/or Operators were required to also state and describe their noncompliance with the Storm Water Permit in the Facility's 2008-2009, 2011-2012, and 2012-2013 Annual Reports, given the Storm Water Permit violations during these Wet Seasons described above, and the failure to do so is also a violation of Sections C(11) of the Storm Water Permit. This step is crucial to ensuring future compliance with the Storm Water Permit and preventing recurring noncompliance, as has now happened at the Jack's Disposal Facility since at least the 2008-2009 Wet Season.

The Annual Reports submitted by the Jack's Disposal Facility Owners and/or Operators are also incomplete. For example, many of the worksheets to document visual observations that are included with the Annual Reports are left blank, and laboratory reports of sample analysis have not been submitted in many Annual Reports, as required by the Storm Water Permit. Additionally, the 2008-2009, 2009-2010, 2010-2011, and 2012-2013 Annual Reports for the Facility did not include the Annual Comprehensive Site Compliance Evaluation Report required by the Storm Water Permit.

The Storm Water Permit requires a permittee whose discharge exceeds the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to Waterkeeper indicates that the Jack's Disposal Facility Owners and/or Operators have failed to submit the reports, in violation of Receiving Water Limitations C(3) and C(4) of the Storm Water Permit.

Each of the failures to report as required is a violation of the Storm Water Permit, and indicates a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements. Every day that the Jack's Disposal Facility Owners and/or Operators operate the Jack's Disposal Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Jack's Disposal Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day. These violations are ongoing. The Jack's Disposal Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since October 8, 2008.

IV. RELIEF AND PENALTIES SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $32,500 per day per violation for all Clean Water Act violations between March 15, 2004 and January 12, 2009, and $37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such

other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. CONCLUSION

Waterkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for Union Pacific's violations of the Storm Water Permit. Please direct all communications to Waterkeeper's legal counsel:

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Sincerely,

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Attachment A: Table of Storm Water Sampling Data at the Jack's Disposal Facility Demonstrating Storm Water Permit Violations

Sampling Date	Sampling Location[1]	Parameter	Sample Result	Units	Benchmark[2]	Magnitude of Benchmark Exceedance	CTR Criteria, if exceeded[3, 4]
2/5/09	S/W Front Gate	Aluminum	7.0	mg/L	0.75	9.33	
2/5/09	S/W Front Gate	COD	440	mg/L	120	3.67	
2/5/09	S/W Front Gate	Copper	0.097	mg/L	0.0123	7.89	0.014
2/5/09	S/W Front Gate	Iron	10.0	mg/L	1.0	10	
2/5/09	S/W Front Gate	O & G	49	mg/L	15	3.27	
2/5/09	S/W Front Gate	pH	2.2	pH units	6.0-9.0	n/a	
2/5/09	S/W Front Gate	SC	3700	umhos/cm	200	18.5	
2/5/09	S/W Front Gate	TSS	400	mg/L	100	4	
2/5/09	S/W Front Gate	Zinc	0.44	mg/L	0.11	4	0.12
10/13/09	S/W Front Gate	Aluminum	3.9	mg/L	0.75	5.2	
10/13/09	S/W Front Gate	COD	540	mg/L	120	4.5	
10/13/09	S/W Front Gate	Copper	0.098	mg/L	0.0123	7.97	0.014
10/13/09	S/W Front Gate	Iron	4.9	mg/L	1.0	4.9	
10/13/09	S/W Front Gate	O & G	29	mg/L	15	1.93	
10/13/09	S/W Front Gate	SC	530	umhos/cm	200	2.65	

[1] The Jack's Disposal Facility Owners and/or Operators use inconsistent terms in their Annual Reports and their SWPPP to identify sampling locations. Samples were taken at points identified in Annual Reports variously as "S/W Front Gate," "Main Drain @ Street," "MP1," and "South Drain @ Street." Neither the SWPPP nor the Annual Reports use these terms or include descriptions of where samples were taken.

[2] Copper and zinc are water hardness dependent. The EPA Benchmarks listed in this table are based on a hardness of 75-100 mg/L. *See* Multi-Sector Permit, pp. 89 and 102 (Subsector K and N Benchmark Values).

[3] The CTR criteria for "priority toxic pollutants" are set forth in 40 C.F.R. § 131.38. These criteria are expressed as dissolved metal concentrations in the CTR. However, the Storm Water Permit requires permittees to report their sample results as total metal concentrations. *See* Storm Water Permit, Section B(10)(b). In order to compare the sample results reported in the Jack's Disposal Facility's Annual Reports with the CTR criteria, Waterkeeper used the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database, available at http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i).

[4] WQS for copper and zinc are hardness dependent. The CTR criteria listed in this table are based on an assumed hardness of 100 mg/L. *See* 40 C.F.R. § 131.38.

10/13/09	S/W Front Gate	TSS	140	mg/L	100	1.4	
10/13/09	S/W Front Gate	Zinc	0.91	mg/L	0.11	8.27	0.12
12/7/09	S/W Front Gate	Aluminum	1.0	mg/L	0.75	1.33	
12/7/09	S/W Front Gate	Iron	1.6	mg/L	1.0	1.6	
12/7/09	S/W Front Gate	Zinc	0.12	mg/L	0.11	1.09	
10/6/10	S/W Front Gate	SC	840	umhos/cm	200	4.2	
10/6/10	S/W Front Gate	TSS	120	mg/L	100	1.2	
10/5/11	MP1/Main Drain @ Street	Aluminum	2.3	mg/L	0.75	3.01	
10/5/11	MP1/Main Drain @ Street	COD	290	mg/L	120	2.42	
10/5/11	MP1/Main Drain @ Street	Copper	0.05	mg/L	0.0123	4.07	0.014
10/5/11	MP1/Main Drain @ Street	Iron	4.2	mg/L	1.0	4.2	
10/5/11	MP1/Main Drain @ Street	SC	230	umhos/cm	200	1.15	
10/5/11	MP1/Main Drain @ Street	Zinc	0.28	mg/L	0.11	2.55	0.12
10/5/11	MP1/Main Drain @ Street	TSS	130	mg/L	100	1.3	
12/12/11	MP1/South Drain @ Street	Aluminum	2.1	mg/L	0.75	2.8	
12/12/11	MP1/South Drain @ Street	COD	220	mg/L	120	1.83	
12/12/11	MP1/South Drain @ Street	Copper	0.028	mg/L	0.0123	2.77	0.014
12/12/11	MP1/South Drain @ Street	Zinc	0.15	mg/L	0.11	1.36	0.12
12/12/11	MP1/South Drain @ Street	Iron	3.0	mg/L	1.0	3	
10/11/12	MP1	Aluminum	6.3	mg/L	0.75	8.4	
10/11/12	MP1	COD	770	mg/L	120	6.42	

10/11/12	MP1	Copper	0.1	mg/L	0.0123	8.13	0.014
10/11/12	MP1	Iron	13.0	mg/L	1.0	13	
10/11/12	MP1	SC	520	umhos/cm	200	2.6	
10/11/12	MP1	TSS	340	mg/L	100	3.4	
10/11/12	MP1	Zinc	0.7	mg/L	0.11	6.36	0.12
11/8/12	MP1	Aluminum	2.6	mg/L	0.75	3.47	
11/8/12	MP1	Copper	0.087	mg/L	0.0123	7.07	0.014
11/8/12	MP1	Iron	5.3	mg/L	1.0	5.3	
11/8/12	MP1	SC	440	umhos/cm	200	2.2	
11/8/12	MP1	COD	620	mg/L	120	5.17	
11/8/12	MP1	TSS	270	mg/L	100	2.7	
11/8/12	MP1	Zinc	0.38	mg/L	0.11	3.45	0.12