

California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

April 21, 2009

Greg Page, Cargill Chairman and Chief Executive Officer
Cargill, Incorporated
P.O. Box 9300
Minneapolis, MN
55440-9300

Sean Riley, Environmental Manager
Richard Rose, Bay Area Solar Manager
James Heard, Operations Manager, V.P.
Cargill Salt Newark
7220 Central Avenue
Newark, CA 94560

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

Dear Messrs. Page, Riley, Rose, and Heard:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act ("Act") that CSPA believes are occurring at Cargill Salt Newark, located at 7220 Central Avenue, Newark, California ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the San Francisco Bay and other California waters. This letter is being sent to you as the responsible owner, officer, or operator of the Facility (all recipients are hereinafter collectively referred to as "Cargill Salt").

This letter addresses Cargill Salt's unlawful discharge of pollutants from the Facility into Plummer Creek, Newark Slough, Newark Barge Canal, Mowry Slough, and the San Francisco Bay. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WID identification number for the Facility listed on documents submitted to the Regional Board is 201I002740. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

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

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Cargill Salt is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violation and Intent to Sue, CSPA intends to file suit in federal court against Cargill, Incorporated, Cargill Salt, Greg Page, Sean Riley, Richard Rose, and James Heard under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On October 8, 2001, Cargill Salt filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (“NOI”). Cargill Salt certifies that the Facility is classified under SIC codes 2899 (“chemicals and chemical preparations, NEC”) and 4953 (“refuse systems”). The Facility collects and discharges storm water from its approximately 17-acre industrial site into at least twelve storm water discharge locations at the Facility. The storm water discharged by Cargill Salt is discharged to Plummer Creek, Newark Slough, and Newark Barge Canal. Plummer Creek and Newark Barge Canal empty into Newark Slough just before it meets the San Francisco Bay.

The Regional Board has identified beneficial uses of the Bay region’s waters and established water quality standards for the San Francisco Bay as well as its tributaries, including Plummer Creek, Newark Barge Canal, and Newark Slough in the “Water Quality Control Plan for the San Francisco Bay Basin,” generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/basin_plan/docs/basin_plan07.pdf. The beneficial uses of these waters include among others contact and non-contact recreation, fish migration, endangered and threatened species habitat, shellfish harvesting, and fish spawning. The non-contact recreation use is defined as “[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities. Water quality considerations relevant to non-contact water recreation, such as hiking, camping, or boating, and those activities related to tide pool or other nature studies require protection of habitats and aesthetic features.” *Id.* at 2.1.16. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of Plummer Creek, Newark Slough, Newark Barge Canal, and the Bay for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal or that produce other detrimental responses in aquatic organisms.” *Id.* at 3.3.18. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or otherwise adversely affect beneficial uses.” *Id.* at 3.3.7. The Basin Plan provides that “[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3.3.14. The Basin Plan provides that “[t]he pH shall not be depressed below 6.5 nor raised above 8.5.”

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). 65 Fed.Reg. 64767 (October 30, 2000). The following benchmarks have been established for pollutants discharged by Cargill Salt: pH – 6.0-9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, and iron – 1.0 mg/L. The State Water Resources Control Board (“State Board”) also has proposed adding a benchmark level to the General Permit for specific conductance (200 µmho/cm).

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit.

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

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

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

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

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

Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective	Location (as identified by the Facility)
12/4/2007	pH	6.47	6.5 – 8.5	Area 1
10/10/2007	pH	8.69	6.5 – 8.5	Area 6
11/29/2005	pH	8.6	6.5 – 8.5	Area 5E
11/29/2005	pH	8.62	6.5 – 8.5	Area 6
10/19/2004	pH	8.6	6.5 – 8.5	Area 3

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

Date	Parameter	Observed Concentration	Benchmark Value	Location (as identified by the Facility)
2/20/2008	Total Suspended Solids	410 mg/L	100 mg/L	Area 3
2/20/2008	Specific Conductivity	140,000 µmho/cm	200 µmho/cm (proposed)	Area 3
1/3/2008	Specific Conductivity	8,100 µmho/cm	200 µmho/cm (proposed)	Area 5E
12/18/2007	Total Suspended Solids	180 mg/L	100 mg/L	Area 3

12/18/2007	Specific Conductivity	54,000 µmho/cm	200 µmho/cm (proposed)	Area 3
12/18/2007	Specific Conductivity	280 µmho/cm	200 µmho/cm (proposed)	Area 5E
12/18/2007	Total Suspended Solids	110 mg/L	100 mg/L	Area 1
12/18/2007	Specific Conductivity	7,200 µmho/cm	200 µmho/cm (proposed)	Area 1
12/4/2007	Total Suspended Solids	190 mg/L	100 mg/L	Area 1
12/4/2007	Specific Conductivity	4,300 µmho/cm	200 µmho/cm (proposed)	Area 1
12/4/2007	Total Suspended Solids	130 mg/L	100 mg/L	Area 6
12/4/2007	Specific Conductivity	4,700 µmho/cm	200 µmho/cm (proposed)	Area 6
10/10/2007	Total Suspended Solids	3,200 mg/L	100 mg/L	Area 6
2/8/2007	Specific Conductivity	2,400 µmho/cm	200 µmho/cm (proposed)	Area 5E
12/12/2006	Specific Conductivity	1,200 µmho/cm	200 µmho/cm (proposed)	Area 5E
12/12/2006	Specific Conductivity	4,600 µmho/cm	200 µmho/cm (proposed)	Area 1
11/14/2006	Specific Conductivity	7,800 µmho/cm	200 µmho/cm (proposed)	Area 1
11/14/2006	Total Suspended Solids	220 mg/L	100 mg/L	Area 6
11/14/2006	Specific Conductivity	910 µmho/cm	200 µmho/cm (proposed)	Area 6
10/5/2006	Total Suspended Solids	420 mg/L	100 mg/L	Area 6
10/5/2006	Specific Conductivity	42,000 µmho/cm	200 µmho/cm (proposed)	Area 6
1/18/2006	Total Suspended Solids	300 mg/L	100 mg/L	Area 1
1/18/2006	Specific Conductivity	4,700 µmho/cm	200 µmho/cm (proposed)	Area 1
1/18/2006	Total Suspended Solids	400 mg/L	100 mg/L	Area 3
1/18/2006	Specific Conductivity	130,000 µmho/cm	200 µmho/cm (proposed)	Area 3
1/18/2006	Specific Conductivity	1,200 µmho/cm	200 µmho/cm (proposed)	Area 5E
1/18/2006	Total Suspended Solids	150 mg/L	100 mg/L	Area 6
1/18/2006	Specific Conductivity	890 µmho/cm	200 µmho/cm (proposed)	Area 6
12/2/2005	Specific Conductivity	130,000 µmho/cm	200 µmho/cm (proposed)	Area 3
11/29/2005	Specific Conductivity	9,000 µmho/cm	200 µmho/cm (proposed)	Area 1

11/29/2005	Total Suspended Solids	601 mg/L	100 mg/L	Area 5E
11/29/2005	Specific Conductivity	11,000 μ mho/cm	200 μ mho/cm (proposed)	Area 5E
11/29/2005	Specific Conductivity	3,000 μ mho/cm	200 μ mho/cm (proposed)	Area 6
1/7/2005	Total Suspended Solids	2,100 mg/L	100 mg/L	Area 3
1/7/2005	Specific Conductivity	57,000 μ mho/cm	200 μ mho/cm (proposed)	Area 3
12/7/2004	Total Suspended Solids	360 mg/L	100 mg/L	Area 1
12/7/2004	Specific Conductivity	15,000 μ mho/cm	200 μ mho/cm (proposed)	Area 1
12/7/2004	Specific Conductivity	1,200 μ mho/cm	200 μ mho/cm (proposed)	Area 5E
12/7/2004	Specific Conductivity	510 μ mho/cm	200 μ mho/cm (proposed)	Area 6
10/19/2004	Total Suspended Solids	490 mg/L	100 mg/L	Area 1
10/19/2004	Specific Conductivity	12,000 μ mho/cm	200 μ mho/cm (proposed)	Area 1
10/19/2004	Total Suspended Solids	4,900 mg/L	100 mg/L	Area 3
10/19/2004	Specific Conductivity	48,000 μ mho/cm	200 μ mho/cm (proposed)	Area 3
10/19/2004	Total Suspended Solids	1,200 mg/L	100 mg/L	Area 5E
10/19/2004	Specific Conductivity	930 μ mho/cm	200 μ mho/cm (proposed)	Area 5E
10/19/2004	Total Suspended Solids	4,700 mg/L	100 mg/L	Area 6
10/19/2004	Specific Conductivity	1,400 μ mho/cm	200 μ mho/cm (proposed)	Area 6

CSPA's investigation, including its review of Cargill Salt's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, EPA's benchmark values and the State Board's proposed benchmark for electrical conductivity, indicates that Cargill Salt has not implemented BAT and BCT at the Facility for its discharges of TSS, pH, specific conductivity and other pollutants in violation of Effluent Limitation B(3) of the General Permit. Cargill Salt was required to have implemented BAT and BCT by no later than October 1, 1992. Thus, Cargill Salt is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT. In addition, the above numbers indicate that the facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since at least April 21, 2004, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that Cargill Salt has discharged storm water containing impermissible levels

of TSS, specific conductivity, and pH in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Cargill Salt is subject to penalties for violations of the General Permit and the Act since April 21, 2004.

B. Failure to Sample and Analyze for Mandatory Parameters

With some limited adjustments, facilities covered by the General Permit must sample two storm events per season from each of their storm water discharge locations. General Permit, Section B(5)(a). Collected samples must be analyzed for TSS, pH, specific conductance, and either TOC or O&G. *Id.* at Section B(5)(c)(i). Facilities also must analyze their storm water samples for “[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities. *Id.* at Section B(5)(c)(ii). Certain SIC Codes also must analyze for additional specified parameters. *Id.* at Section B(5)(c)(iii); *id.*, Table D. Facilities within SIC Code 4953, including Cargill Salt, must analyze each of its storm water samples for iron. *Id.*, Table D (Sector N). CSPA’s review of Cargill Salt’s monitoring data indicates that you have failed to analyze for iron the following samples taken on the following dates at the identified storm water discharge locations at the Facility:

Date	Location (as identified by the Facility)
2/20/2008	Area 3
1/3/2008	Area 5E
12/18/2007	Area 3
12/18/2007	Area 5E
12/18/2007	Area 1
12/4/2007	Area 1
12/4/2007	Area 6
10/10/2007	Area 6
2/8/2007	Area 5E
12/12/2006	Area 5E
12/12/2006	Area 1
11/14/2006	Area 1
11/14/2006	Area 6
10/5/2006	Area 6
1/18/2006	Area 1
1/18/2006	Area 3

1/18/2006	Area 5E
1/18/2006	Area 6
12/2/2005	Area 3
11/29/2005	Area 1
11/29/2005	Area 5E
11/29/2005	Area 6
1/7/2005	Area 3
12/7/2004	Area 1
12/7/2004	Area 5E
12/7/2004	Area 6
10/19/2004	Area 1
10/19/2004	Area 3
10/19/2004	Area 5E
10/19/2004	Area 6

Each of the above listed failures to analyze for iron is a violation of General Permit, Section B(5)(c)(iii). These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Cargill Salt is subject to penalties for violations of the General Permit and the Act since April 21, 2004.

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

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

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

Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

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

CSPA's investigation of the conditions at the Facility as well as Cargill Salt's Annual Reports indicate that Cargill Salt has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Cargill Salt has failed to evaluate the effectiveness of its BMPs, to implement structural BMPs, and to revise its SWPPP as necessary. Cargill Salt has been in continuous violation of Section A and Provision E(2) of the General Permit every day since at least April 21, 2004, and will continue to be in violation every day that Cargill Salt fails to prepare, implement, review, and update an effective SWPPP. Cargill Salt is subject to penalties for violations of the Order and the Act occurring since April 21, 2004.

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

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

The above referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Cargill Salt is not representative of the quality of the Facility's various storm water discharges, CSPA, on information and belief, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Cargill Salt is

subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since April 21, 2004.

E. Failure to File True and Correct Annual Reports.

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

In addition, since 2004, Cargill Salts and its agents, Keith Long, Tom Miller, James Heard, and Richard Rose inaccurately certified in their Annual Reports that the Facility was in compliance with the General Permit. Consequently, Cargill Salt has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Cargill Salt failed to submit a complete or correct report and every time Cargill Salt or its agents falsely purported to comply with the Act. Cargill Salt is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since April 21, 2004.

IV. Persons Responsible for the Violations.

CSPA puts Cargill Salt, Greg Page, Sean Riley, Richard Rose, and James Heard on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts Cargill Salt, Greg Page, Sean Riley, Richard Rose, and James Heard on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party.

Our name, address and telephone number is as follows:

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

VI. Counsel.

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

Greg Page, Sean Riley, Richard Rose, James Heard
Cargill Salt
April 21, 2009
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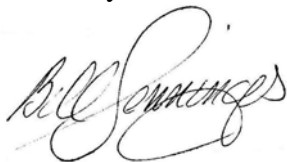
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VII. Penalties.

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

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

Sincerely,



Bill Jennings, Executive Director
California Sportfishing Protection Alliance

cc: CT Corporation, Agent of Service of Process for Cargill, Incorporated (C0211761)

SERVICE LIST

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Dorothy R. Rice, Executive Director
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Eric Holder, U.S. Attorney General
U.S. Department of Justice
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Wayne Nastri, Administrator
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Bruce H. Wolfe, Executive Officer II
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

ATTACHMENT A

Rain Dates, Cargill Salt Newark, Newark, California

April 19, 2004	February 19, 2005	December 22, 2005
April 20, 2004	February 20, 2005	December 23, 2005
May 28, 2004	February 21, 2005	December 26, 2005
May 29, 2004	February 22, 2005	December 28, 2005
September 20, 2004	February 27, 2005	December 29, 2005
October 17, 2004	March 2, 2005	December 30, 2005
October 18, 2004	March 4, 2005	December 31, 2005
October 19, 2004	March 5, 2005	January 1, 2006
October 20, 2004	March 19, 2005	January 2, 2006
October 24, 2004	March 20, 2005	January 3, 2006
October 26, 2004	March 21, 2005	January 4, 2006
November 3, 2004	March 22, 2005	January 7, 2006
November 4, 2004	March 23, 2005	January 11, 2006
November 5, 2004	March 24, 2005	January 14, 2006
November 10, 2004	March 28, 2005	January 15, 2006
November 11, 2004	March 29, 2005	January 18, 2006
November 12, 2004	April 4, 2005	January 19, 2006
November 27, 2004	April 7, 2005	January 21, 2006
November 28, 2004	April 8, 2005	January 22, 2006
December 6, 2004	April 9, 2005	January 27, 2006
December 7, 2004	April 23, 2005	January 29, 2006
December 8, 2004	April 28, 2005	January 31, 2006
December 15, 2004	April 29, 2005	February 2, 2006
December 27, 2004	May 5, 2005	February 4, 2006
December 28, 2004	May 6, 2005	February 18, 2006
December 29, 2004	May 8, 2005	February 27, 2006
December 30, 2004	May 9, 2005	February 28, 2006
December 31, 2004	May 10, 2005	March 1, 2006
January 1, 2005	May 19, 2005	March 2, 2006
January 2, 2005	May 20, 2005	March 3, 2006
January 3, 2005	June 8, 2005	March 4, 2006
January 4, 2005	June 9, 2005	March 6, 2006
January 5, 2005	June 17, 2005	March 7, 2006
January 6, 2005	September 21, 2005	March 8, 2006
January 7, 2005	October 15, 2005	March 9, 2006
January 8, 2005	October 27, 2005	March 10, 2006
January 9, 2005	October 28, 2005	March 11, 2006
January 10, 2005	October 29, 2005	March 12, 2006
January 11, 2005	November 4, 2005	March 13, 2006
January 12, 2005	November 8, 2005	March 14, 2006
January 26, 2005	November 10, 2005	March 15, 2006
January 27, 2005	November 25, 2005	March 17, 2006
January 28, 2005	November 26, 2005	March 18, 2006
January 29, 2005	November 29, 2005	March 21, 2006
February 7, 2005	November 30, 2005	March 25, 2006
February 8, 2005	December 1, 2005	March 26, 2006
February 12, 2005	December 2, 2005	March 28, 2006
February 15, 2005	December 8, 2005	March 29, 2006
February 16, 2005	December 18, 2005	March 30, 2006
February 18, 2005	December 19, 2005	March 31, 2006

ATTACHMENT A

Rain Dates, Cargill Salt Newark, Newark, California

April 1, 2006	February 27, 2007	January 30, 2008
April 3, 2006	February 28, 2007	February 1, 2008
April 4, 2006	March 21, 2007	February 3, 2008
April 5, 2006	March 27, 2007	February 4, 2008
April 6, 2006	April 11, 2007	February 20, 2008
April 8, 2006	April 12, 2007	February 21, 2008
April 10, 2006	April 14, 2007	February 22, 2008
April 11, 2006	April 15, 2007	February 23, 2008
April 12, 2006	April 20, 2007	February 24, 2008
April 13, 2006	April 22, 2007	February 25, 2008
April 15, 2006	May 2, 2007	March 13, 2008
April 16, 2006	May 4, 2007	March 15, 2008
April 17, 2006	May 5, 2007	March 29, 2008
May 20, 2006	September 22, 2007	April 23, 2008
May 22, 2006	September 23, 2007	October 2, 2008
October 5, 2006	October 10, 2007	October 3, 2008
October 6, 2006	October 12, 2007	October 4, 2008
November 2, 2006	October 13, 2007	October 6, 2008
November 3, 2006	October 16, 2007	November 5, 2008
November 4, 2006	October 17, 2007	December 3, 2008
November 8, 2006	October 18, 2007	December 4, 2008
November 11, 2006	October 20, 2007	December 5, 2008
November 12, 2006	October 30, 2007	December 6, 2008
November 13, 2006	November 11, 2007	December 8, 2008
November 14, 2006	December 4, 2007	December 9, 2008
November 23, 2006	December 5, 2007	December 10, 2008
November 27, 2006	December 7, 2007	December 11, 2008
December 9, 2006	December 17, 2007	December 12, 2008
December 10, 2006	December 18, 2007	December 14, 2008
December 11, 2006	December 19, 2007	December 15, 2008
December 12, 2006	December 20, 2007	December 16, 2008
December 13, 2006	December 26, 2007	December 18, 2008
December 14, 2006	December 28, 2007	December 19, 2008
December 15, 2006	December 29, 2007	December 21, 2008
December 22, 2006	January 4, 2008	December 22, 2008
December 27, 2006	January 5, 2008	December 23, 2008
January 4, 2007	January 6, 2008	December 24, 2008
January 5, 2007	January 7, 2008	December 25, 2008
January 17, 2007	January 9, 2008	December 31, 2008
January 27, 2007	January 10, 2008	January 2, 2009
January 28, 2007	January 11, 2008	January 5, 2009
January 29, 2007	January 21, 2008	January 7, 2009
February 9, 2007	January 22, 2008	January 14, 2009
February 10, 2007	January 23, 2008	January 15, 2009
February 11, 2007	January 24, 2008	January 16, 2009
February 13, 2007	January 25, 2008	January 17, 2009
February 22, 2007	January 26, 2008	January 19, 2009
February 23, 2007	January 27, 2008	January 20, 2009
February 25, 2007	January 28, 2008	January 21, 2009
February 26, 2007	January 29, 2008	January 22, 2009

ATTACHMENT A

Rain Dates, Cargill Salt Newark, Newark, California

January 23, 2009
January 24, 2009
January 26, 2009
February 5, 2009
February 6, 2009
February 7, 2009
February 8, 2009
February 10, 2009
February 11, 2009
February 12, 2009
February 13, 2009
February 14, 2009
February 15, 2009
February 16, 2009
February 17, 2009
February 21, 2009
February 22, 2009
February 23, 2009
February 24, 2009
February 26, 2009
March 1, 2009
March 2, 2009
March 3, 2009
March 4, 2009
March 5, 2009
March 6, 2009
March 7, 2009
March 10, 2009