

## California Sportfishing Protection Alliance

*"An Advocate for Fisheries, Habitat and Water Quality"*

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VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

January 22, 2010

James E. O'Connor, Chairman and Chief Executive Officer  
Donald W. Slager, President and Chief Operating Officer  
Republic Services, Inc.  
18500 N. Allied Way  
Phoenix, AZ 85054

Sean Crawford, Operations Manager  
Stan Vines, Maintenance Manager  
Current Manager  
Allied Waste Services of Sacramento  
3326 Fitzgerald Road  
Rancho Cordova, CA 95742

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

Dear Messrs. O'Connor, Slager, Crawford, and Vines:

I am writing on behalf of the California Sportfishing Protection Alliance (CSPA) in regard to violations of the Clean Water Act (CWA) that CSPA believes are occurring at Republic Services, Inc./Allied Waste Services of Sacramento located at 3326 Fitzgerald Road in Rancho Cordova, 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 Sacramento River, the Sacramento-San Joaquin River Delta (the Delta), and other California waters. This letter is being sent to you as the responsible owners, officers, or operators of Allied Waste Services (all recipients are hereinafter collectively referred to as Allied Waste).

This letter addresses Allied Waste's unlawful discharge of pollutants from the Facility into the City of Rancho Cordova storm drain system, Morrison Creek, the Sacramento River, and the Delta. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System (NPDES) Permit No. CA S000001, State Water Resources Control Board, Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter General Permit). The WDID identification number for the Facility listed on documents submitted to the State Water Resources Control Board (State Board) and California Regional Water Quality Control

Board, Central Valley Region (Regional Board) is 5S34I004059. 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, and the state in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Allied Waste is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against Republic Services, Inc., Allied Waste Services of Sacramento, James E. O'Connor, Donald W. Slager, Sean Crawford, and Stan Vines under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

## **I. Background.**

On March 17, 1992, Browning-Ferris Industries (Browning-Ferris) filed its Notice of Intent For General Permit To Discharge Storm Water Associated With Industrial Activity and on May 12, 1997, Browning-Ferris filed its Notice of Intent For Existing Facility Operators to Comply With The Terms Of The General Permit To Discharge Storm Water Associated With Industrial Activity (collectively NOI). In 1999, Browning-Ferris was sold to Allied Waste Industries. In 2008, Allied Waste Industries, Inc. merged with Republic Services, Inc., forming a combined company called Republic Services, Inc. based in Phoenix. However, the most recent storm water annual report submitted by the Facility refers to the Facility as Allied Waste. CSPA will do likewise for purposes of this letter. CSPA also notes that Republic Services, Inc. lists the current name of the facility at Allied Waste Services of Sacramento.

Allied Waste certifies that the Facility is classified under SIC codes 4212 (solid waste hauler) and 4953 (refuse systems). The Facility collects and discharges storm water from its 4 acre industrial site into at least two storm drain outfalls located at the facility. Based on the Facility's NOI, the storm water discharged by Allied Waste to those drains is then discharged to the City of Sacramento storm drain system, the closest receiving water of which is the Folsom South Canal. The Folsom South Canal and the City of Sacramento storm drain system empty into the American River, which flows to the Sacramento River, and then flows to the Delta. The Facility's drains also may discharge through storm drains into Morrison Creek, a tributary of the Sacramento River. The Regional Board has identified waters of the American River (from Nimbus Dam to the confluence with the Sacramento River) and the waters of the Sacramento River (from Knights Landing to the Delta) as failing to meet applicable water quality standards for mercury and unknown toxicity. See [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/docs/303dlists2006/swrcb/r5\\_final303dlist.pdf](http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/303dlists2006/swrcb/r5_final303dlist.pdf).

The Regional Board has identified beneficial uses of the Central Valley Region's waters and established water quality standards for the Sacramento River, the Delta and their tributaries, including Morrison Creek, in "The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board, Central Valley Region of The Sacramento River Basin and The San Joaquin River Basin," generally referred to as the Basin Plan. *See* [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf). The beneficial uses of the Sacramento River, the Delta and their tributaries, including Morrison Creek, include among others water contact recreation, non-contact water recreation, municipal and domestic water supply, endangered and threatened species habitat, shellfish harvesting, and fish spawning. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, . . ., camping, boating, . . ., hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." Basin Plan at II-1.00 of II-2.00. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of Morrison Creek, the Sacramento River and Delta for contact and non-contact water recreation.

The Basin Plan establishes water quality standards for the Sacramento River, the Delta and their tributaries, including Morrison Creek. It includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." *Id.* at III-8.01. For the Delta, the Basin Plan establishes trace element water quality objectives for several metals, including 0.3 mg/L for iron. *Id.* at Table III-1. The Basin Plan also prohibits the discharges of oil and grease, stating that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses." *Id.* at III-6.00. The Basin Plan provides that the pH shall not be depressed below 6.5 nor raised above 8.5. *Id.* The Basin Plan strictly limits increases in turbidity in Central Valley waters. *Id.* at III-9.00. The Basin Plan establishes a dissolved oxygen standard of 7.0 mg/L for the Sacramento River and Delta waters. *Id.* at III-5.00. The Basin Plan establishes a maximum limit for total dissolved solids of 125 mg/L for the American River (from Folsom Dam to the Sacramento River). *Id.* at Table III-3. The Basin Plan provides that electrical conductivity in the Sacramento River shall not exceed 240 micromhos/cm (50 percentile) or 340 micromhos/cm (90 percentile) at the I Street Bridge. *Id.*

The U.S. Environmental Protection Agency ("EPA") has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT"). The following benchmarks have been established for pollutants discharged by Allied Waste: pH of 6.0-9.0 units; total suspended solids ("TSS") of 100 mg/L, oil & grease ("O&G") of 15 mg/L, total organic carbon of 120 mg/L, biochemical oxygen demand ("BOD") (5-day) of 30 mg/L, and iron of 1.0 mg/L. The State Board also has proposed adding a benchmark level to the General Permit for specific conductance (200  $\mu$ mho/cm).

## **II. Alleged Violations of the NPDES Permit.**

### ***A. Discharges in Violation of the Permit.***

Allied Waste 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, 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.

Allied Waste has discharged and continues to discharge storm water with unacceptable levels of TSS, specific conductivity, O&G, and other pollutants in violation of the General Permit. Allied Waste'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.

<b>Date</b>	<b>Parameter</b>	<b>Observed Concentration</b>	<b>Basin Plan Water Quality Objective</b>	<b>Location (as identified by the Facility)</b>
12/18/2007	pH	6.1	6.5 ó 8.5	South Drain
12/18/2007	pH	6.06	6.5 ó 8.5	North Drain
12/21/2006	pH	6.17	6.5 ó 8.5	South Drain
12/21/2006	pH	5.86	6.5 ó 8.5	North Drain

The following discharges of pollutants from Allied Waste 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.

<b>Date</b>	<b>Parameter</b>	<b>Observed Concentration</b>	<b>EPA Benchmark Value</b>	<b>Location (as identified by the Facility)</b>
4/10/2009	Total Suspended Solids	130 mg/L	100 mg/L	South Side
4/10/2009	Oil & Grease	16 mg/L	15 mg/L	South Side
12/16/2008	Total Suspended Solids	220 mg/L	100 mg/L	Back middle storm drain
12/16/2008	Oil & Grease	26 mg/L	15 mg/L	Back middle storm drain
12/16/2008	Total Suspended Solids	300 mg/L	100 mg/L	Front storm drain
12/16/2008	Oil & Grease	34 mg/L	15 mg/L	Front storm drain
12/18/2007	Total Suspended Solids	160 mg/L	100 mg/L	South Drain
12/18/2007	Oil & Grease	32 mg/L	15 mg/L	South Drain
12/18/2007	Total Suspended Solids	140 mg/L	100 mg/L	North Drain
4/11/2007	Total Suspended Solids	760 mg/L	100 mg/L	South Drain
4/11/2007	Specific Conductivity	490 µmho/cm	200 µmho/cm (proposed)	South Drain
4/11/2007	Oil & Grease	110 mg/L	15 mg/L	South Drain
4/11/2007	Total Suspended Solids	150 mg/L	100 mg/L	North Drain
4/11/2007	Specific Conductivity	440 µmho/cm	200 µmho/cm (proposed)	North Drain
4/11/2007	Oil & Grease	110 mg/L	15 mg/L	North Drain
12/21/2006	Oil & Grease	32 mg/L	15 mg/L	South Drain
12/21/2006	pH	5.86	6.0 ó 9.0	North Drain
12/21/2006	Total Suspended Solids	260 mg/L	100 mg/L	North Drain
12/21/2006	Oil & Grease	71 mg/L	15 mg/L	North Drain
5/22/2006	Total Suspended Solids	220 mg/L	100 mg/L	South Drain
5/22/2006	Specific Conductivity	340 µmho/cm	200 µmho/cm (proposed)	South Drain

5/22/2006	Oil & Grease	46 mg/L	15 mg/L	South Drain
6/16/2005	Specific Conductivity	710 µmho/cm	200 µmho/cm (proposed)	South Drain
6/16/2005	Oil & Grease	18 mg/L	15 mg/L	South Drain
6/16/2005	Specific Conductivity	3300 µmho/cm	200 µmho/cm (proposed)	East Drain
6/16/2005	Oil & Grease	17 mg/L	15 mg/L	East Drain

CSPA's investigation, including its review of Allied Waste's analytical results documenting pollutants of applicable water quality standards, EPA's benchmark values and the State Board's proposed benchmark for electrical conductivity, indicates that Allied Waste has not implemented BAT and BCT for its discharges of TSS, specific conductivity, O&G, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Allied Waste was required to have implemented BAT and BCT by no later than October 1, 1992. Thus, Allied Waste 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 January 22, 2005, and that will occur at Allied Waste 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 Allied Waste has discharged storm water containing impermissible levels of TSS, specific conductivity, and O&G 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 each of these pollutants in storm water 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, Allied Waste is subject to penalties for violations of the General Permit and the Act since January 22, 2005.

***B. Failure to Sample and Analyze for Mandatory Parameters***

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

Report why the first storm event was not sampled. *Id.* Allied Waste failed to sample a second storm event during the 2005-2006 and the 2004-2005 rainy seasons.

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 Allied Waste, must analyze each of its storm water samples for iron. *Id.*, Table D (Sector L). Allied Waste's Storm Water Pollution Prevention Plan (SWPPP), revised February 23, 2007, indicates that BOD should be monitored in the Facility's storm water discharges, given the presence of that pollutant in discharges from the Facility. CSPA's review of Allied Waste's monitoring data indicates that you have failed to analyze for BOD and iron in each sample taken at the Facility's two outfalls during the past five years. Specifically, there were eight failures during the 2008-2009 rainy season, four failures during the 2007-2008 rainy season, eight failures during the 2006-2007 rainy season, eight failures during the 2005-2006 rainy season, and eight failures during the 2004-2005 rainy season.<sup>1</sup>

Each of the above listed failures to analyze for specific required parameters is a violation of General Permit, Section B(5)(c)(ii) and 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, Allied Waste is subject to penalties for violations of the General Permit and the Act since January 22, 2005.

***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:

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<sup>1</sup> The Facility reported that it was unable to collect a second storm water samples during the 2007-2008 rainy season due to a lack of rainfall.

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 review of Allied Waste's SWPPP (revised February 23, 2007), investigation of the conditions at Allied Waste, and review of Allied Waste's Annual Reports indicate that Allied Waste has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Allied Waste has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Allied Waste has been in continuous violation of Section A and Provision E(2) of the General Permit every day since January 22, 2005 at the very latest, and will continue to be in violation every day that Allied Waste fails to prepare, implement, review, and update an effective SWPPP. Allied Waste is subject to penalties for violations of the Order and the Act occurring since January 22, 2005.

***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." Allied Waste failed to make monthly visual observations as required under Section B(4) of the General Permit during the entire 2004-2005 rainy season, for a total of eight violations of the General Permit. In addition, on information and belief, CSPA alleges that Allied Waste failed to properly record its visual observations on April 10, 2009; December 16, 2008; December 17, 2007; April 11, 2007; December 21, 2006; and May 22, 2006. On these dates, Allied Waste

conducted observations of storm water discharges and did not report observing any pollutants. However, Allied Waste's storm water sampling results for these dates indicate levels of O&G above the benchmark value of 15 mg/L ó levels at which Allied Waste should be observing the presence of oil sheens or discoloration in the storm water discharges. For example, on April 11, 2007, Allied Waste reported that the discharges were clear but reported the value of O&G in the water at 110 mg/L. CSPA alleges that it is impossible for water with an O&G level of 110 mg/L to be free of visible sheens. 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, Allied Waste is subject to penalties for violations of the General Permit and the Act since January 22, 2005.

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. In addition, on the 2008-2009 Annual Report, Allied Waste noted that its storm water samples were taken "before the filter." To the extent the storm water data collected by Allied Waste 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, Allied Waste is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since January 22, 2005.

***E. Failure to File True and Correct Annual Reports.***

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

For at least the last five years, Allied Waste and its agents, Stan Vines, Mark Koivisto, and Gary E. Bellah, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Allied Waste has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Allied Waste or its agent failed to submit a complete or correct report and every time Allied Waste or its agents falsely purported to comply with the Act. Allied Waste is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since January 22, 2005.

**IV. Persons Responsible for the Violations.**

CSPA puts Republic Services, Inc., Allied Waste Services of Sacramento, James E. O'Connor, Donald W. Slager, Sean Crawford, and Stan Vines 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 Republic Services, Inc., Allied Waste Services of Sacramento, James E. O'Connor, Donald W. Slager, Sean Crawford, and Stan Vines on notice that it intends to include those subsequently identified 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:

Michael R. Lozeau  
Douglas J. Chermak  
Lozeau Drury LLP  
1516 Oak Street, Suite 216  
Alameda, California 94501  
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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 Allied Waste to a penalty of up to \$32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of \$37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, 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 Allied Waste 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,

A handwritten signature in black ink, appearing to read "Bill Jennings", is written over a faint rectangular background.

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance

cc: CT Corporation, Agent of Service of Process for Republic Services, Inc. (C2267166)

## **SERVICE LIST**

Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

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

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

Laura Yoshii, Acting Regional Administrator  
U.S. EPA ó Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Pamela C. Creedon, Executive Officer  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

ATTACHMENT A  
Rain Dates, Allied Waste, Rancho Cordova, CA

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

ATTACHMENT A  
Rain Dates, Allied Waste, Rancho Cordova, CA

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

ATTACHMENT A  
Rain Dates, Allied Waste, Rancho Cordova, CA

January 25, 2008	December 24, 2008	May 4, 2009
January 26, 2008	December 25, 2008	May 5, 2009
January 27, 2008	December 30, 2008	June 3, 2009
January 29, 2008	December 31, 2008	June 4, 2009
January 31, 2008	January 2, 2009	June 19, 2009
February 2, 2008	January 5, 2009	September 14, 2009
February 3, 2008	January 21, 2009	September 17, 2009
February 4, 2008	January 22, 2009	October 13, 2009
February 19, 2008	January 23, 2009	October 14, 2009
February 20, 2008	January 24, 2009	October 19, 2009
February 21, 2008	January 25, 2009	November 10, 2009
February 22, 2008	February 5, 2009	November 12, 2009
February 23, 2008	February 6, 2009	November 17, 2009
February 24, 2008	February 8, 2009	November 18, 2009
March 15, 2008	February 10, 2009	November 20, 2009
March 28, 2008	February 11, 2009	November 27, 2009
March 29, 2008	February 12, 2009	December 6, 2009
April 22, 2008	February 13, 2009	December 7, 2009
April 23, 2008	February 14, 2009	December 10, 2009
April 30, 2008	February 15, 2009	December 11, 2009
October 3, 2008	February 16, 2009	December 12, 2009
October 4, 2008	February 17, 2009	December 13, 2009
October 30, 2008	February 18, 2009	December 16, 2009
October 31, 2008	February 22, 2009	December 18, 2009
November 1, 2008	February 23, 2009	December 20, 2009
November 2, 2008	February 25, 2009	December 21, 2009
November 3, 2008	March 1, 2009	December 27, 2009
November 4, 2008	March 2, 2009	December 28, 2009
November 9, 2008	March 3, 2009	December 29, 2009
November 26, 2008	March 4, 2009	December 30, 2009
November 30, 2008	March 15, 2009	January 1, 2010
December 1, 2008	March 21, 2009	January 8, 2010
December 5, 2008	March 22, 2009	January 12, 2010
December 6, 2008	April 7, 2009	January 13, 2010
December 8, 2008	April 8, 2009	January 16, 2010
December 14, 2008	April 9, 2009	January 17, 2010
December 15, 2008	April 10, 2009	January 18, 2010
December 16, 2008	April 24, 2009	January 19, 2010
December 18, 2008	April 30, 2009	January 20, 2010
December 19, 2008	May 1, 2009	January 21, 2010
December 21, 2008	May 2, 2009	
December 22, 2008	May 3, 2009	