



California Regional Water Quality Control Board

San Francisco Bay Region

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

Certified Mail No: 7008 1830 0003 0496 6997
Return Receipt Requested

July 23, 2010
SMARTS NFID: 2 01IN600452

Agent for Service of Process
Corporation Service Company
Layers Incorporating Service
2730 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

**SUBJECT: NOTICE OF VIOLATION – VIOLATING CLEANUP AND ABATEMENT
ORDER NO. R2-2010-0070 AND CALIFORNIA WATER CODE §13385;
CORRECTIVE ACTIONS REQUIRED**

FACILITY: 2451 POLVOROSA DRIVE, SAN LEANDRO, CA 94577

To Whom It May Concern:

On May 6, 2010, San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Assistant Executive Officer Thomas Mumley issued Cleanup and Abatement Order No. R2-2010-0070 (the CAO) for the property at 2451 Polvorosa Drive in San Leandro, Alameda County, California (the Site). The certified mail receipt indicates Crain Industries, Inc. Agent for Service of Process, Corporation Service Company, signed for and received the CAO on May 10, 2010.

First Violation: Failure to Apply for Coverage under Industrial General Permit

The first compliance date in the CAO for Crain Industries was to file a Notice of Intent (NOI) to obtain coverage with the State Water Resources Control Board (State Water Board) Industrial Storm Water General Permit Order 97-03-DWQ (Industrial General Permit) for the ongoing discharge of expanded polypropylene resin pellets from the Site on May 13, 2010. Crain Industries was required to send a copy of their submitted NOI and a copy of payment verification for the annual permit fee to the Regional Water Board. At the time of this letter, Crain Industries has yet to file an NOI to obtain coverage under the Industrial General Permit.

Second Violation: Failure to Submit and Implement Storm Water Pollution Prevention Plan

The second compliance date was for Crain Industries to submit a Storm Water Pollution Prevention Plan (SWPPP) as required by the CAO no later than June 7, 2010. The Industrial General Permit requires dischargers to implement management measures that will reduce pollutants from their discharges using the best available technology economically achievable described in their required SWPPP. At the time of this letter, expanded polypropylene resin

pellets continue to discharge from the Site via storm water drains during significant rain storm events and by wind, polluting the wetlands at Oyster Bay Regional Park. Crain Industries has failed to provide the Regional Water Board with a SWPPP describing how they intend to prevent the discharge or threat of discharge to the best extent economically achievable.

Enforcement

This is a Notice of Violation for violating the CAO and California Water Code. The Regional Water Board may impose an administrative civil liability pursuant to California Water Code sections 13323 et seq. and 13350 for up to \$5,000 a day for each day of discharge for violating the CAO.

Separate from violating the CAO, discharging without a permit and in violation of the San Francisco Bay Basin Water Quality Control Plan (“Basin Plan”) may result in the assessment of additional administrative civil liabilities. Pursuant to California Water Code section 13385, you may be liable up to \$10,000 *per violation per day*, and \$10 per gallon for each gallon discharged over 1,000 gallons that is not cleaned up. Such liabilities would start accruing at the time of the first discharge, prior to the issuance of the CAO.

The Regional Water Board reserves its right to take any enforcement actions authorized by law for the underlying violations at the Site including discharging without coverage under the Industrial General Permit, filling waters of the state and United States, violating the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and violating the Water Quality Control Plan for the San Francisco Bay Basin.

You remain out of compliance and in violation of the CAO until you address these issues; therefore, we urge you to respond as soon as possible. Steps for coming into compliance, by filing an NOI and submitting a SWPPP, are detailed in the CAO itself.

If you have any questions regarding this letter, please contact Staff Counsel Laura Drabandt at (916) 341-5180 or ldrabandt@waterboards.ca.gov.

Sincerely,

Christine Boschen
Section Leader
Watershed Management Division

cc: Crain Industries, Inc.
1000 Columbia Avenue
Linwood, PA 19061

City of San Leandro
Attn: John Camp
JCamp@ci.san-leandro.ca.us (via email)