



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

July 8, 2010

Jason Shen Project Coordinator
Uni-Poly, Inc.
1651 Aurora Drive
San Leandro, CA 94577

SUBJECT: NOTICE OF VIOLATION (NOV); SMARTS WDID 2011022584 AND
CORRECTIVE ACTIONS

Dear Mr. Shen:

Thank you for submitting your response to the Notice of Violation (NOV) issued March 9, 2010 by the San Francisco Bay Regional Water Quality Board for your facility located at 2020 Williams Street, San Leandro, CA 94577. We have completed a review of the material submitted and have the following comments and findings.

The following items have been completed as directed in the NOV.

1. General Permit Coverage has been obtained.
2. Problems noted during the inspection have been corrected.
3. Photographs and written description of the corrective actions were submitted by March 30, 2010.
4. A Stormwater Monitoring Program was submitted consistent with provision A.3 of the NOV and is accepted.

A Stormwater Pollution Prevention Plan (SWPPP) was submitted as described in provision A.3 of the NOV. However, the plan is not acceptable for the reasons stated below. **Your SWPPP must be corrected and resubmitted by July 30, 2010.** Uni-Poly, Inc. remains out of compliance until an acceptable SWPPP is submitted.

SWPPP Required Modifications and Comments

The following technical analysis cites your submitted SWPPP prepared by Otis Institute and dated April 1, 2010.

Pages 11-12 Site Activities. In this section, activities at the facility are described. The loading and unloading of materials is dismissed as a likely source of stormwater

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pollutants. We have not found this to be true. Loading, unloading and track out from warehousing operations and production areas is often a significant source of stormwater pollutants. This can cause significant exposure unless proper facilities and equipment are used and acceptable Best Management Practices are employed. To comply with the Industrial General Permit (IGP) the permittee must reduce pollutants in the storm water discharges using the Best Available Control Technology Economically Achievable (BAT). The existing rail car unloading practice at your facility does not represent BAT. The system must have completely enclosed and sealed hoses and couplings including the connections to the rail cars and air inlets for the rail cars. These systems are in use throughout the country and are a minimum for meeting BAT requirements.

Page 13 Significant Materials. The SWPPP fails to identify resin additives and cleaning materials and solvents as significant materials. Please evaluate these for possible inclusion in the SWPPP.

Page 13 Rail Car Unloading. The SWPPP concludes that the rail car unloading area is protected from stormwater contact. This is an inaccurate statement. Although covered, this area is not fully enclosed. Wind blows the resin materials out from under the cover, rain blows under the cover, there is stormwater run-on into the area, and there is a stormdrain in the area.

Page 14 Vehicle Maintenance. Forklift maintenance must be conducted consistent with the terms of the permit, regardless of whether an outside contractor is performing the maintenance. The permittee is responsible for complying with the permit in all aspects.

Page 17 Railroad Track. As noted above, the hose and coupling connections to the cars must be fully enclosed to prevent any pellets from escaping during operation. Pans should be used to catch the small spills during connection and disconnection of the hose(s) and air vent(s). Procedures must include replacing the rail car caps when the cars are disconnected. The last sentence of this paragraph in the SWPPP is incomplete.

Page 21 Treatment. The fabric screens on the stormdrains are not included in this section as a stormwater treatment process. You show screens in place in storm drains in some of the attached photos. All screens require careful design and regular maintenance to ensure that they do not plug up and cause flooding.

Resources

For further information on current best management practices for this particular type of pollutant and industry sector we recommend you visit our web page, which contains links to these and other resources:

CA Water Boards Preproduction Plastic Page

http://www.waterboards.ca.gov/water_issues/programs/stormwater/plasticdebris.shtml

Operation Clean Sweep

<http://www.opcleansweep.org/>

United States Environmental Protection Agency

<http://yosemite.epa.gov/water/owrcCatalog.nsf/e673c95b11602f2385256ae1007279fe/26ff1ab41c46a40d85256b0600724785!OpenDocument>

Questions concerning this matter can be directed to me at (916) 341-6899 or chaynes@waterboards.ca.gov.

Sincerely,



Chris A. Haynes

cc: Uni Poly Corporation
Attention: Tommy Law, Agent for Service of Process
1651 Aurora Drive
San Leandro, CA 94577