



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

Sent via Certified Mail No: 7008 1830 0003 0496 5662 January 20, 2011
Return Receipt Requested

E Poly Star
Attn: Steven Choi
2085 Burrough Ave
San Leandro CA 94577

Subject: **NOTICE OF VIOLATION and required corrective actions for failure to protect stormwater at industrial facility**

Facility: E Poly Star
Attn: Steven Choi
2085 Burrough Ave
San Leandro CA 94577
WDID No.: 2 01I022621

Dear Steven Choi:

Water Board staff recently inspected the industrial facility indicated above and found violations of the Industrial General Storm Water Permit, Order No. 97-03-DWQ¹. The details of the violations, as well as other inspection findings, are spelled out in the attached inspection form and photographs. You are required to correct the violations and send us photographs and a brief written description of your corrective actions.

Our inspection form is broken into four components:

- File review,
- Site map (for the purpose of noting where observations were made and photos taken),
- Prohibited non-stormwater discharge observations, and
- Stormwater Pollution Prevention Plan (SWPPP) implementation / Best Management Practice (BMP) observations.

Violations are noted with a "V" in the second column of each table; also noted there is a reference to the permit requirement violated.

¹ Permit: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

Consequences for not correcting violations of the Permit

Because you are currently in violation of the above-referenced requirements, you are subject to monetary administrative civil liabilities. Be advised that the Water Board staff considers both implementation speed and the effectiveness of corrective measures when deciding whether to take formal enforcement actions, including whether to assess administrative civil liabilities.

Failure to return to compliance with the Permit is a violation of CWC Section 13385(a)(2), for which the Board may impose civil liability in the amount not to exceed \$10,000 per day of each violation, plus \$10 per gallon in excess of 1,000 gallons per discharge. The days of violation count starts with the date of the inspection unless we have other substantiating evidence for an earlier start date.

Additional notes

If you need guidance, the California Stormwater Quality Association (CASQA) publishes a handbook for Industrial Stormwater Best Management Practices². The CASQA handbook is one of many online resources that describe industry standard BMPs. Please note that the Regional Water Board can not specify means of compliance. It is your responsibility to select and correctly implement an appropriate suite of BMPs. Use of the CASQA handbook or other similar guidance documents may help you achieve compliance, but it does not guarantee compliance.

If you have any questions regarding this letter, please contact me at (510) 622-2346 or by email at cboschen@waterboards.ca.gov.

Sincerely,

Christine Boschen
Section Leader,
Watershed Management Division

Encl.: 12/15/2010, Inspection Report
12/15/2010, Inspection Photo Log

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

² CASQA BMP Handbook: <http://www.cabmphandbooks.com/Industrial.asp>

Storm Water Industrial General Permit Inspection Report

| | | | |
|--------------------|-------------------------------------|---------------|-----------------------|
| Insp. Date & Time: | 12/15/2010 10:15AM | Inspected By: | Chris Haynes |
| WDID # | 2 011022621 | | Joint with City of SL |
| Operator Name: | E Poly Star, Inc. | | |
| Facility Name: | E Poly Star, Inc. | | |
| Facility Address: | 2085 Burroughs Ave, San Leandro, CA | | |
| Facility Contact: | Steven Choi, Judy Sun | | |

| | | | |
|-----------------------------|---------------|---------------------------------|-----|
| Inspection Type: Compliance | | | |
| SWPPP on site? | Yes | SWPPP Implemented/Updated? | Yes |
| Photos Taken? | Yes, attached | Appropriate Monitoring Program? | Yes |
| Weather: Clear | | Evidence of Non-SW Discharge? | No |

Inspection Summary / Comments:

E Poly Star, Inc. remains in violation of the Industrial Storm Water General Permit (IGP) for failing to clean up historic spills and for failing to implement the Best Available Technology (BAT) standard as explained below:

E Poly Star, Inc. was selected for inspection as follow-up on their site clean up activities, coverage under the IGP and to evaluate SWPPP implementation.

E Poly Star is a plastic bag and film manufacture using with both HDPE and LDPE on site. Resin materials are received both by truck and bulk rail.

The site is much cleaner than it was but several areas of residual pellets or possible new spills remain at the rail siding (see photo 8). Out door areas are generally well maintained but the rail car unloading process is not well controlled and the possibility remains for additional pellet spills (see photos 5, 6 and 7). To meet the requirements of BCT/BAT the rail car unloading process needs to be improved with better equipment; tighter management controls and/or better site clean up. Stephen Choi was not on site and we were shown the facility by Judy Sun. She did not know about the facility inspection records and could not make them available during the inspection. The inspection records were provided by email on the evening of Dec. 15th. The records are complete but indicate the rail siding is clean and cars properly connected when they are not.



Photo 1. New wind and debris barrier for outside door.



Photo 2. Truck trailer storage container spill cleaned up.



Photo 3. Screened storm drain in front parking area, plastic pellets are visible on the ground and on the screen.



Photo 4. Truck trailer storage container spill cleaned up.



Photo 5 Rail car connection as E Poly Star presented in the Storm Water Pollution Prevention Plan and one connection was this way during the inspection



Photo 6 Rail car connection during the inspection



Photo 7 Another rail car connection improperly done on day of inspection



Photo 8 Pellets in railroad ballast one of several piles of pellets