



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Quality
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Arnold Schwarzenegger
Governor

November 10, 2010

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Mr. Steven Choi
Executive Vice President
E Poly Star
2085 Burroughs Ave.
San Leandro, California 94577

**SUBJECT: NOTICE OF VIOLATION FOR STORM WATER EXPOSURE AND
DISCHARGING WITHOUT INDUSTRIAL STORM WATER PERMIT COVERAGE
ISSUED OCTOBER 6, 2010**

FACILITY: E POLY STAR, 2085 BURROUGHS AVENUE, SAN LEANDRO, CALIFORNIA

Dear Mr. Choi:

This letter is written in response to your submittal dated October 26, 2010, in response to our Notice of Violation issued October 6, 2010. We have completed a review of the submittal and have found that E Poly Star has taken all actions necessary to comply with the subject Notice of Violation at this time.

(1) Rail Car Unloading System

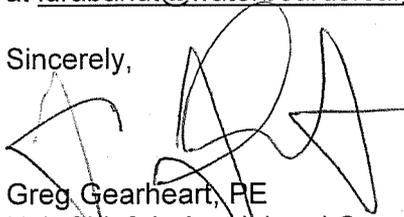
The type of system installed and documented in the photos of your October 26, 2010, submittal **does not** completely eliminate the possibility of plastic pellets discharging to the land and waters of the United States during the unloading of the rail cars. However, the risk of pellet loss from this system is small. This risk is further reduced by the use of spill containment pans below the connection points and the effectiveness can be evaluated in the inspection process discussed below. With the inspection frequency and procedures discussed below, your system satisfies the Best Available Technology (BAT) standard required by the Industrial General Storm Water Permit at this time and under these circumstances. We will review the results of your inspections described below, and may require further best management practices to satisfy BAT.

(2) Facility Inspections

On behalf of E Poly Star, you have proposed to inspect all areas where pollutants can be exposed to storm water at least once per shift with written documentation. This frequency can be reduced as experience and confidence is gained, and employee training continues. If the inspections reveal continued exposure of resin pellets to storm water, additional system improvements may be required to satisfy the BAT requirements of the Industrial General Storm Water Permit.

If you have any questions regarding this letter, please contact Mr. Chris Haynes by email at chaynes@waterboards.ca.gov, or by phone at (916)341-6899, or Staff Counsel Laura Drabandt at ldrabandt@waterboards.ca.gov or (916) 341-5180.

Sincerely,



Greg Gearheart, PE
Unit Chief, Industrial and Construction Discharges Unit
Storm Water Section, Division of Water Quality, State Water Board

cc: (via email only)

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