



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

June 23, 2004

Mr. Peter Nyquist
Weston, Benshoof, Rochefort, Rubalcava & MacCuish, LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071

NOTICE OF VIOLATION OF DIRECTIVE TO CONDUCT INITIAL PERCHLORATE INVESTIGATION AT FORMER BURN PIT – 2250 WEST LOWELL STREET, RIALTO, SAN BERNARDINO COUNTY

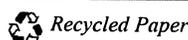
Dear Mr. Nyquist:

This letter is in response to your June 14, 2004 request that the Board identify other responsible parties to participate in the investigation of the above referenced burn pit. The burn pit investigation was required as stipulated in the Investigation Order that was issued on November 6, 2002 to your client, Pyro Spectaculars, Inc., by the Board's Executive Officer, pursuant to Section 13267 of the California Water Code. Your June 14, 2004 letter request was submitted to us on the deadline for submittal of the final results of the burn pit investigation, in lieu of submitting the required report.

We met with staff from Pyro Spectaculars, Inc., and Mr. Ward Benshoof of your law firm on May 24, 2004 to discuss the burn pit investigation. At that meeting, we acknowledged your firm's intention to submit arguments pertaining to the potential liabilities for the historical use of the burn pit by other parties. We did not, however, agree to allow Pyro Spectaculars, Inc., to defer its investigation pending review of the information you proposed to submit.

Implementation of the approved work plan and submittal of the report of the investigation of the burn pit are still required, as stipulated in the Investigation Order. Please be advised that your client is currently in violation of the Investigation Order and will remain so until the requirements specified in that Order are satisfied. In addition, your client is subject to issuance of an administrative civil liability assessment in the amount of up to \$1,000 per day beyond the July 14, 2004 deadline, for failure to submit the required investigation report.

California Environmental Protection Agency



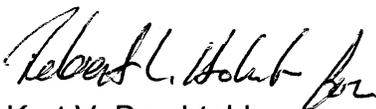
Mr. Peter Nyquist

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June 23, 2004

If you have any questions, please contact Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904, or you may call me at (909) 782-3286.

Sincerely,



Kurt V. Berchtold
Assistant Executive Officer

cc: Jorge Leon, SWRCB, Office of Chief Counsel
Wayne Praskins, U.S. EPA, Region 9
James Souza & Gary Brown, Pyro Spectaculars, Inc.
Richard Orr, Kleinfelder
Jerry Cowden, Rialto Concrete Products, Inc.
Ken Thompson, KTI
Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

KS: Rialto perchlorate/13267/pyroburnpitNOV

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