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18 **Attorneys for Plaintiffs**
19 *Environment California, Inc.*
20 and
21 *California Sportfishing*
22 *Protection Alliance*

23 **UNITED STATES DISTRICT COURT**

24 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 ENVIRONMENT CALIFORNIA, INC.
26 and CALIFORNIA SPORTFISHING
27 PROTECTION ALLIANCE,

28 Plaintiffs,

vs.

GRANITE ROCK COMPANY,

Defendant.

Case No.:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND CIVIL
PENALTIES**

INTRODUCTION

1
2 1. Granite Rock Company (now known as “Graniterock”) is unlawfully
3 polluting the Pajaro River by violating the National Pollutant Discharge
4 Elimination System (“NPDES”) permit that governs wastewater discharges from
5 the company’s A.R. Wilson Quarry (“Quarry”) in Aromas, California.
6 Graniterock is violating its permit limits on discharges of total dissolved solids,
7 aluminum, iron, and molybdenum. Graniterock is also violating the permit’s
8 pollutant monitoring requirements. By violating its NPDES permit, Graniterock is
9 violating the federal Clean Water Act (“CWA”).

10 2. The Pajaro River flows into Monterey Bay in the Pacific Ocean.
11 Monterey Bay and the Pajaro River watershed are heavily used for public
12 recreation. People swim, kayak, and fish in the Pajaro River, and engage in other
13 recreational activities in and along its banks and tributaries. The river is habitat
14 for a variety of species, including species listed under the federal Endangered
15 Species Act, such as the South-Central California Coast steelhead and the
16 California red-legged frog.

17 3. The Pajaro River is polluted, and this pollution diminishes the enjoyment
18 that the public (including members of plaintiffs Environment California and
19 California Sportfishing Protection Alliance) derives from the Pajaro River.
20 Graniterock’s NPDES permit violations contribute to this pollution.

21 4. Environment California and California Sportfishing Protection Alliance
22 (collectively, “Citizen Groups”), non-profit environmental organizations, bring
23 this enforcement suit on behalf of their members (and with respect to claims over
24 monitoring violations, on their own behalf) to prevent and redress Graniterock’s
25 ongoing violations of the permit and the CWA. This suit is authorized under
26 Section 505 of the CWA, 33 U.S.C. § 1365, commonly known as the CWA’s
27 “citizen suit” provision. This is a public interest lawsuit, not a suit for damages.
28

1 **JURISDICTION, VENUE, DIVISIONAL ASSIGNMENT, AND NOTICE**

2 5. This Court has subject matter jurisdiction over this action pursuant to 33
3 U.S.C. § 1365(a)(1) and 28 U.S.C. § 1331.

4 6. Venue lies in this District under 33 U.S.C. § 1365(c)(1) because the
5 Quarry is located within this District.

6 7. Pursuant to Civil L.R. 3-2(e), this case should be assigned to the San
7 Jose Division.

8 8. Pursuant to 28 U.S.C. § 2201(a), this Court may issue a declaratory
9 judgment finding that Graniterock has violated its NPDES permit and the CWA,
10 and determining the number of days of violations Graniterock has committed.
11 Injunctive relief is authorized pursuant to 33 U.S.C. § 1365(a), and civil penalties
12 are authorized pursuant to 33 U.S.C. § 1319(d).

13 9. On February 3, 2026, counsel for the Citizen Groups mailed a letter (the
14 “Notice Letter,” a copy of which is attached as Exhibit 1 and is incorporated by
15 reference herein) by certified mail, return receipt requested, to the following, each
16 of whom received the Notice Letter (a copy of each return receipt is attached as
17 part of Exhibit 3):

- 18 a. The Chief Executive Officer of Graniterock, Peter Lemon.
- 19 b. The Graniterock A.R. Wilson Quarry Manager, Nick Wenzel.
- 20 c. The Graniterock Director of Environmental Compliance, Reed Carter.
- 21 d. The Graniterock Registered Agent, Kevin Jeffery.
- 22 e. The Administrator of the Environmental Protection Agency (“EPA”),
23 Lee Zeldin.
- 24 f. The Acting Regional Administrator of EPA Region 9, Mike Martucci.
- 25 g. The Executive Director of the California State Water Resources Control
26 Board (“State Board”), Eric Oppenheimer.
- 27 h. The Executive Officer for the California Regional Water Quality Control
28 Board, Central Coast Region (“Regional Board”), Ryan Lodge.

1 10. The Notice Letter was reviewed by Lisa Cole, Chief Compliance and
2 Litigation Officer for Graniterock.

3 11. The Notice Letter satisfies the CWA’s pre-suit notice requirements, as
4 set forth in 33 U.S.C. § 1365(b)(1)(A) and 40 C.F.R. § 135.3.

5 12. Citizen Groups will serve a copy of this Complaint on the U.S. Attorney
6 General and the Administrator of the EPA, pursuant to 33 U.S.C. § 1365(c)(3).

7 **PARTIES**

8 **Environment California**

9 13. Environment California, Inc., is a California non-profit corporation with
10 over 22,000 members throughout the state.

11 14. Environment California is a “person” within the meaning of 33 U.S.C. §
12 1362(5), which defines “person” under the CWA to include “corporation.”

13 15. Environment California advocates for clean air, clean water, clean
14 energy, wildlife and open spaces, and a livable climate. As part of this work,
15 Environment California advocates for the preservation and restoration of the
16 coastal waters and rivers of California.

17 16. Among other activities in pursuit of these goals, Environment California
18 researches and distributes analytical reports on environmental issues, advocates
19 before legislative and administrative bodies, conducts public education, and
20 pursues public interest litigation on behalf of its members.

21 17. Environment California has members who live, recreate, or spend time in
22 or near the Pajaro River and areas downstream of the Quarry, or who would do so
23 if those areas were less polluted.

24 18. Environment California brings this suit on behalf of its members who are
25 adversely affected by Graniterock’s violations.

26 19. Environment California also brings this suit on its own behalf regarding
27 Graniterock’s monitoring and reporting violations, which adversely affect
28

1 Environment California’s activities in pursuit of its goals to research and distribute
2 analytical reports on environmental issues and to conduct public education.

3 **California Sportfishing Protection Alliance**

4 20. California Sportfishing Protection Alliance (“CSPA”) is a California
5 non-profit corporation with 1,000 members throughout the state, including
6 affiliated fishing clubs.

7 21. CSPA is a “person” within the meaning of 33 U.S.C. 1362(5), which
8 defines “person” under the CWA to include “corporation.”

9 22. CSPA was established in 1983 for the purpose of conserving, restoring,
10 and enhancing the state’s water quality, wildlife and fishery resources, aquatic
11 ecosystems, and associated riparian habitats.

12 23. Among other activities in pursuit of these goals, CSPA actively seeks
13 federal, state, and local agency implementation of environmental regulations and
14 statutes, routinely participates in administrative and judicial proceedings, and
15 directly initiates enforcement actions on behalf of itself and its members to protect
16 public trust resources.

17 24. CSPA has members who live, recreate, or spend time in or near the
18 Pajaro River and areas downstream of the Quarry, or who would do so if those
19 areas were less polluted.

20 25. CSPA brings this suit on behalf of its members who are adversely
21 affected by Graniterock’s violations.

22 26. CSPA also brings this suit on its own behalf regarding Graniterock’s
23 monitoring and reporting violations, which adversely affect CSPA’s Stop
24 Stormwater Pollution campaign that relies on the public availability of adequate
25 monitoring and reporting programs that are filed in true and correct reports.
26
27
28

1 **Granite Rock Company**

2 27. Graniterock is a construction materials and contracting corporation based
3 in Watsonville, California. Graniterock has operations throughout the San
4 Francisco Bay area and the Central Coast.

5 28. The CWA defines “person” to include “corporation.” 33 U.S.C. §
6 1362(5). Graniterock is a “person” within the meaning of the CWA.

7 29. Graniterock operates the Quarry.

8 30. Graniterock owns the Quarry.

9 31. The discharge of process wastewater, stormwater, groundwater, and
10 specified pollutants (collectively, “wastewater”) from the Quarry in Aromas,
11 California, is governed by NPDES permit No. CA0005274 (“Permit”). The
12 Quarry encompasses over 1,000 acres. The Permit regulates discharges from 438
13 acres of the Quarry.

14 **BACKGROUND ON THE CLEAN WATER ACT**

15 **The Clean Water Act Limits Pollution By “Point Sources”**

16 32. The objective of the CWA “is to restore and maintain the chemical,
17 physical, and biological integrity of the Nation’s water.” 33 U.S.C. § 1251(a).

18 33. Dischargers of wastewater from a “point source” must obtain and
19 comply with permits issued under the NPDES program, a federal program
20 established in Section 402 of the CWA, 33 U.S.C. § 1342. In California, the
21 NPDES program is administered by the State Board and nine Regional Water
22 Quality Control Boards, subject to the oversight of the EPA.

23 34. The CWA defines “point source” to include “any discernable, confined
24 and discrete conveyance, including, but not limited to, any pipe.” 33 U.S.C. §
25 1362.

26 35. An NPDES discharge permit contains limits on the discharge of
27 allowable pollutants and contains pollutant monitoring and reporting requirements.

28

1 36. The discharge of any pollutant in violation of an NPDES permit is
2 prohibited by Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and is thus a
3 violation of the CWA.

4 **Congress Has Authorized Federal Courts To Enforce The Clean Water Act**

5 37. The CWA authorizes a citizen to bring an enforcement action against
6 any person who violates “an effluent standard or limitation” designed to protect a
7 waterway when the citizen has an interest that is adversely affected by the
8 violation. 33 U.S.C. § 1365(a), (g).

9 38. “Effluent standard or limitation” includes any condition or requirement
10 of the CWA or of an NPDES permit. 33 U.S.C. § 1365(f).

11 39. The CWA grants jurisdiction to United States District Courts to enforce
12 effluent standards or limitations, by issuing injunctions and imposing civil
13 penalties, and to award costs of litigation to citizen plaintiffs. 33 U.S.C. §
14 1365(a), (d).

15 40. To facilitate citizen oversight of water pollution and to encourage the
16 filing of citizen enforcement suits, the CWA requires the monitoring of pollution
17 discharges and makes the monitoring data available to the public. 33 U.S.C. §
18 1318.

19 **THE A.R. WILSON QUARRY AND “QUARRY LAKE”**

20 41. Graniterock mines, processes, and stockpiles granite rock aggregates at
21 the Quarry.

22 42. Graniterock aggregates are used as basic construction materials and as
23 feed materials in on-site and off-site asphalt and concrete manufacturing plants.

24 43. A “Quarry Storage Reservoir,” also known as “Quarry Lake,” is located
25 at the Quarry.

26 44. From time to time, Quarry Lake receives stormwater.

27 45. From time to time, Quarry Lake receives process wastewater.
28

1 46. From time to time, Quarry Lake receives groundwater from an on-site
2 well named Orchard Well.

3 47. From time to time, Quarry Lake receives rainwater.

4 48. From time to time, Quarry Lake receives pollutants contained in
5 stormwater, process wastewater, and groundwater from Orchard Well.

6 **GRANITEROCK DISCHARGES POLLUTION FROM QUARRY LAKE**
7 **TO THE PAJARO RIVER WHEN QUARRY LAKE IS OVER-**
8 **CAPACITY**

9 49. From time to time, Graniterock discharges water from Quarry Lake.
10 Discharges occur at Discharge Point 001.

11 50. Discharges from Quarry Lake occur as follows: Graniterock pumps
12 water from the surface of Quarry Lake to a concrete reinforced bank. That water
13 then flows into the Pajaro River.

14 51. Discharges from Quarry Lake occur after rain events that cause Quarry
15 Lake to fill beyond its capacity.

16 52. Upon information and belief, prior to the issuance of the Permit in 2017,
17 Graniterock informed the Regional Board that discharges from Quarry Lake occur
18 only after significant rain events, when water accumulation exceeds storage
19 capacity.

20 53. Prior to the issuance of the Permit in 2017, Graniterock informed the
21 Regional Board that it projected one discharge event from Quarry Lake per year
22 lasting four to five days with a maximum daily discharge of approximately seven
23 to eight million gallons.

24 54. EPA Region 9 conducted an inspection of the Quarry on July 31, 2024.
25 Graniterock representatives stated to EPA Region 9 around that time that typically
26 Graniterock will begin to discharge in December after the wet season starts and
27 will continuously discharge until early April when the wet season has ended.
28

1 55. Pollutants that are in Quarry Lake water when Quarry Lake is filled
2 beyond capacity can be discharged from Discharge Point 001.

3 56. Graniterock discharged water from Quarry Lake beginning December
4 15, 2021, and ending February 2, 2022, for a total of 50 days of consecutive
5 discharge.

6 57. Graniterock discharged water from Quarry Lake beginning December
7 12, 2022, and ending April 4, 2023, for a total of 114 days of consecutive
8 discharge.

9 58. Graniterock discharged water from Quarry Lake beginning January 2,
10 2024, and ending on April 17, 2024, for a total of 106 days of consecutive
11 discharge.

12 59. Graniterock discharged water from Quarry Lake beginning February 10,
13 2025, and ending April 16, 2025, for a total of 67 days of consecutive discharge.

14 60. Graniterock discharged water from Quarry Lake beginning December
15 30, 2025, through February 4, 2026, for a total of 37 days of consecutive
16 discharge.

17 61. Graniterock discharged water from Quarry Lake beginning on February
18 18, 2026, through at least February 28, 2026, the last date for which information is
19 publicly available at the time of the filing of this Complaint, for a total of 11 days
20 of consecutive discharge. Upon information and belief, because the wet season at
21 the Quarry did not end on February 28, 2026, there will be additional discharges
22 from Quarry Lake in early 2026.

23 62. Graniterock has discharged and continues to discharge dissolved solids,
24 aluminum, iron, and molybdenum from Quarry Lake.

25 **GRANITEROCK'S PERMIT AND ITS REQUIREMENTS**

26 63. Discharge Point 001 is a "point source" as defined in 33 U.S.C. §
27 1362(14).
28

1 64. Because Discharge Point 001 is a point source, the CWA requires that its
2 discharges be subject to an NPDES permit.

3 65. The Quarry has been regulated by an NPDES permit issued by the
4 Regional Board since at least May 18, 1984.

5 66. The Regional Board issued the Permit, which is the most recent iteration
6 of the NPDES permit for the Quarry, on September 21, 2017.

7 67. The Permit became effective on December 1, 2017.

8 68. The Permit expired on June 3, 2022. Graniterock applied for a new
9 permit within the time required by EPA regulation. As a result, even though the
10 Regional Board has not yet issued a revised NPDES permit for the Quarry, by law
11 the existing version is still effective.

12 69. Upon information and belief, Graniterock believes it understands the
13 terms of its Permit.

14 70. Upon information and belief, Graniterock understands that a violation of
15 its Permit is a violation of the Clean Water Act.

16 **Numerical Effluent Limitations**

17 71. The Permit sets numerical discharge limits on certain pollutant
18 parameters. Certain numerical limits are expressed as a daily maximum, and
19 certain others are expressed as a monthly average.

20 72. Violation of a monthly average limit means that Graniterock violated the
21 Permit for each day of that month on which a discharge occurred. For example,
22 violation of a monthly average during a January where Graniterock discharges
23 every day counts as 31 days of violation, and a violation of a monthly average
24 during a December where Graniterock discharges every day beginning on
25 December 21 counts as 11 days of violation.

26 73. The Permit's Table 4, titled "Effluent Limitations," includes the
27 following monthly average numerical limits on Discharge Point 001:
28

Pollutant	Limit
TDS	1,000 mg/L ¹
Aluminum	1,000 µg/L ²
Iron	1,000 µg/L
Molybdenum	10 µg/L

74. Section VII.G.14 of Attachment D to the Permit requires that, when one sample reflects a violation of a monthly average limit, at least three additional samples be taken to calculate a monthly average discharge of TDS, aluminum, iron, and molybdenum. The Executive Director of the Regional Board can allow less frequent sampling to determine a monthly average of these pollutants, but he has not.

75. The Permit limits suspended sediments in discharges from Discharge Point 001. Footnote 2 to the Permit's Table 4 provides:

The following shall apply for the suspended sediments limitation:

- For a discharge duration of 1 day (24 hours) or less, the suspended sediments concentration (SSC) cannot exceed 1,807 mg/L.
- For a discharge duration of 2 days (48 hours), the SSC cannot exceed 665 mg/L for both days.
- For a discharge duration of 2 to 14 days (48 to 336 hours), the SSC cannot exceed 244 mg/L for each day.
- For a discharge duration of 14 to 49 days (336 to 1,176 hours), the SSC cannot exceed 90 mg/L for each day.
- For a discharge duration of greater than 49 days (1,176 hours), the SSC cannot exceed 90 mg/L for each day.

76. The only way for Graniterock to determine whether it is complying with the SSC limits for each day of discharge, as provided in Footnote 2 to the Permit's Table 4, is to sample for the concentration of SSC on each day of discharge.

¹ Milligrams per liter

² Micrograms per liter (parts per billion)

1 77. The Permit authorizes Graniterock to discharge up to 9,000,000 gallons
2 of wastewater per day from Discharge Point 001.

3 **Reporting Requirements**

4 78. The Permit requires Graniterock to submit the results of its effluent
5 monitoring at Discharge Point 001 to the Regional Board on monthly Self-
6 Monitoring Reports, known as SMRs.

7 79. The Permit requires Graniterock to submit SMRs to the State Board's
8 California Integrated Water Quality System Program website (also known as the
9 California eSMR website) on a monthly basis.

10 80. The Permit requires Graniterock to submit a cover letter to the SMR that
11 includes information that "shall clearly identify violations of the waste discharge
12 requirements; discuss corrective actions taken or planned; and the proposed time
13 schedule for corrective actions."

14 81. EPA reporting requirements require that Graniterock submit discharge
15 monitoring reports ("DMRs") that are similar to SMRs.

16 82. SMRs and DMRs must be certified by a Graniterock official under the
17 penalty of law and are publicly available.

18 83. In its SMRs and DMRs, Graniterock is required to report the dates on
19 which it discharges to the Pajaro River. In its SMRs and DMRs, Graniterock does
20 report the dates on which it discharges to the Pajaro River.

21 84. A Graniterock official certifies SMRs and DMRs under the penalty of
22 law.

23 85. Graniterock's SMRs and DMRs indicate that once it begins discharging
24 wastewater into the Pajaro River during a wet season, daily discharges continue
25 for weeks, usually until discharges for that wet season conclude.

26 86. Graniterock's SMRs and DMRs contain information on the levels of
27 certain pollutants in Graniterock's discharges from the Quarry and on other water
28 quality indicators.

**GRANITEROCK HABITUALLY VIOLATES THE PERMIT, AND
GOVERNMENT HAS NOT SECURED COMPLIANCE**

87. Since the issuance of the Permit in 2017, Graniterock has committed over one thousand violations of the Permit’s numerical limits.

88. Graniterock has committed no fewer than the following numbers of violations of the Permit’s numerical limits for the years indicated:

Year	Numerical Limit Violations
2021	34
2022	102
2023	239
2024	275
2025	166
2026	108
	Total: 924

89. Since 2018, Graniterock and the Regional Board have entered into four separate settlement agreements, each of which imposed monetary penalties for some of Graniterock’s violations of the Permit and the CWA. Each settlement contains a list of violations of numerical limits.

90. In its 2018 Administrative Civil Liability (“ACL”) Order No. R3-2018-0046, the Regional Board imposed \$18,000 in penalties on Graniterock for violations of 5 monthly average limits and 1 daily maximum limit.

91. In its 2022 ACL Order No. R3-2022-0030, the Regional Board imposed \$27,000 in penalties on Graniterock for violations of 9 monthly average limits.

92. In its 2024 ACL Order No. R3-2024-0032, the Regional Board imposed \$51,000 in penalties on Graniterock for violations of 17 monthly average limits.

1 93. In its 2025 ACL Order No. R3-2025-0051, the Regional Board imposed
2 \$42,000 in penalties on Graniterock for violations of 13 monthly average limits
3 and 1 daily maximum limit.

4 94. California Water Code (“CWC”) section 13385, subdivisions (h) and (i)
5 require the Regional Board to assess mandatory penalties of at least \$3,000 per
6 violation for specified serious and chronic effluent limit and reporting violations.
7 Subdivision (c) provides that penalties may be imposed administratively.

8 95. CWC section 13385, subdivision (e) requires that “[a]t a minimum,
9 liability shall be assessed at a level that recovers the economic benefits, if any,
10 derived from the acts that constitute the violation.”

11 96. The California Environmental Protection Agency’s 2024 State Water
12 Resources Control Board Water Quality Enforcement Policy provides:

13 When liability is imposed under Water Code section 13385, Water Boards are
14 statutorily obligated to recover, at a minimum, all economic benefit to the
15 violator as a result of the violation. Consistent with the principles of fairness
16 expressed herein, this Policy extends the requirement to recover a minimum of
17 all economic benefit plus 10 percent to all discretionary ACL actions, except
18 when decision makers make specific, evidence-based or policy-based findings,
19 or both, under Step 7, Other Factors as Justice May Require. Under no
20 circumstances shall the decision makers impose a liability that is below the
21 economic benefit amount when liability is imposed under Water Code section
22 13385.

23 97. Graniterock’s four most recent ACL orders total \$138,000: \$3,000 each
24 for 46 violations.

25 98. Upon information and belief, Graniterock derived greater than \$138,000
26 of economic benefit from its violations of the Permit’s numerical effluent limits.

27 99. Since the issuance of the Permit in 2017, Graniterock has committed
28 hundreds of violations of the Permit’s sampling requirements. These sampling
requirements must be followed in order to validly monitor compliance with the
Permit.

1 100. The Regional Board has never taken any enforcement action for
2 violations of the Permit’s sampling requirements for TDS, aluminum, iron,
3 molybdenum, or SSC (collectively, “Monitoring Requirements”).

4 101. As of the time of the filing of this Complaint, neither EPA, the State
5 Board, nor the Regional Board is diligently prosecuting a civil or criminal action
6 against Graniterock in a court of the United States or a state to require compliance
7 with any of the effluent standards or limitations or the Monitoring Requirements
8 that are the subject of the Claim For Relief below.

9 102. As of the date of the service of the Notice Letter, neither EPA, the State
10 Board, nor the Regional Board had commenced an administrative action to
11 penalize Graniterock for Monitoring Requirements violations set forth in the
12 Notice Letter.

13 103. No governmental agency has taken enforcement action sufficient to
14 assure that Graniterock will comply with the Permit and the CWA. In practice, the
15 settlement agreements between Graniterock and the Regional Board have been
16 tantamount to a “pay to pollute” system.

17 **GRANITEROCK ILLEGALLY DISCHARGES HARMFUL**
18 **POLLUTANTS INTO THE PAJARO RIVER**

19 104. Graniterock has violated the Permit’s monthly average limits on TDS,
20 aluminum, iron, and molybdenum.

21 105. The Pajaro River is part of the designated critical habitat for the South-
22 Central California Coast steelhead, a distinct population segment that is listed as
23 threatened under the federal Endangered Species Act.

24 106. The South-Central California Coast steelhead is at risk of extinction.
25 The aquatic harms identified below contribute to this risk of extinction.

26 107. The Pajaro River is also part of the designated critical habitat for other
27 endangered and threatened species, such as the California red-legged frog, the
28 Santa Cruz long-toed salamander, and the northern tidewater goby.

1 108. The 2024 Water Quality Control Plan for the Central Coast Basin
2 (“Basin Plan”) designates a variety of historical, present, and potential beneficial
3 uses of the Pajaro River, including water contact and non-water contact recreation,
4 cold fresh water habitat, warm fresh water habitat, wildlife habitat, migration of
5 aquatic organisms, and spawning, reproduction, and/or early development.

6 109. Once beneficial uses are recognized, the Regional Board can establish
7 compatible water quality standards, and the level of treatment necessary to
8 maintain the standards and ensure the continuance of beneficial uses.

9 **A. Total Dissolved Solids.**

10 110. A TDS measurement represents the total of all organic and inorganic
11 material dissolved in a particular quantity of water. In stream water, TDS often
12 consists of sodium, sulfates, and chlorides, among other constituents. The
13 measurement of TDS is closely related to measurements of salinity and
14 conductivity.

15 111. Aquatic organisms can only survive at appropriate levels of TDS
16 (salinity, conductivity) because those factors affect their respiratory surfaces that
17 regulate nutrient ion uptake and osmotic balance. In addition, early life stages are
18 more sensitive to higher TDS levels.

19 112. The measurement of TDS is especially important in permitting scenarios
20 where, as with the Permit, there are no numerical limits for many of the pollutants
21 commonly comprising TDS. The Permit contains no numerical limits on sodium,
22 sulfate, and chloride.

23 113. The Pajaro River is on the “303(d) List” of impaired water bodies, a list
24 which the State is required to compile under Section 303(d) of the CWA, 33
25 U.S.C. § 1313(d), due to sodium and chloride pollution.

26 114. The Basin Plan includes surface water quality objectives for the Pajaro
27 River. Surface water quality objectives are based on preservation of existing water
28 quality or water quality enhancement believed attainable following control of

1 point sources. At the Chittenden section, the section relevant to Graniterock, those
2 objectives are:

- 3 a. TDS: 1,000 mg/L;
- 4 b. Chloride: 250 mg/L;
- 5 c. Sulfate: 250 mg/L; and
- 6 d. Sodium: 200 mg/L.

7 115. The concentrations of TDS, chloride, sulfate, and sodium in the Pajaro
8 River frequently exceed the concentrations designated as surface water quality
9 objectives.

10 116. Graniterock's monitoring results show that discharges from the Quarry
11 exceed the surface water quality objective concentrations for TDS, sulfate, and
12 sodium in most, if not all, discharges.

13 117. For example, in December 2025, Graniterock's monitoring results
14 showed the following concentrations:

- 15 a. TDS: 2,200 mg/L;
- 16 b. Sulfate: 1,300 mg/L; and
- 17 c. Sodium: 310 mg/L.

18 118. Elevated sulfate levels can cause osmotic stress in fish and lead to
19 mortality, gill damage, and reduced swimming capacity. Prolonged fish exposure
20 to increased sulfate levels can also lead to organ damage, reduced growth, and
21 decreased reproduction.

22 119. Elevated sodium levels can cause osmotic stress in fish and lead to
23 mortality, gill damage, and reduced swimming capacity. Prolonged fish exposure
24 to increased sodium levels can also lead to organ damage, reduced growth, and
25 decreased reproduction.

26 **B. Metals.**

27 120. The Pajaro River is on the 303(d) List of impaired water bodies due to
28 aluminum pollution.

1 121. Elevated aluminum levels can inhibit the ability of aquatic life to
2 regulate ions, like salts, and to perform respiratory functions. Aluminum can
3 accumulate on the surface of a fish's gills, leading to respiratory dysfunction and
4 possibly death. The hydroxides formed in waters with high aluminum can
5 smother eggs on the stream bottom and benthic invertebrates, creating an unfit
6 habitat.

7 122. Elevated iron levels can clog fish gills and cause respiratory distress,
8 including asphyxiation and death. Elevated iron levels can also lead to oxidative
9 stress, organ damage, lethargy, reduced growth, and decreased food sources for
10 fish. Other damage that has been observed on fish from high exposure to iron
11 includes epithelia lifting with the formation of sub-epithelial spaces, hypertrophy
12 and necrosis of epithelial cells, and lamellar rupture and fusion. All of these
13 observations are consistent with exposure to gill irritants.

14 123. Elevated levels of molybdenum can be toxic to certain fish and aquatic
15 insect populations (on which fish feed). Acute sublethal exposure to molybdenum
16 has been shown to have physiological consequences for fish exposed even for only
17 brief periods.

18 **C. Suspended Sediment.**

19 124. The Pajaro River is on the 303(d) List of impaired water bodies due to
20 sedimentation/siltation pollution.

21 125. On May 3, 2007, EPA approved the Regional Board's Pajaro River
22 Sediment Total Maximum Daily Load that was drafted to address anthropogenic
23 watershed disturbances that have accelerated the erosion and sedimentation in the
24 Pajaro River.

25 126. Excessive sediment in rivers can alter stream geomorphology, changing
26 ratios of pools to riffles and width to depth, and also impacting stream ecology and
27 water quality. Excessive fine sediment loads can alter substrate and water column
28

1 conditions, and can influence the survival of aquatic organisms by clogging and
2 damaging respiratory organs.

3 **GRANITEROCK'S VIOLATIONS OF THE PERMIT AND CWA**

4 127. Graniterock's violations of the Permit's limits for TDS, aluminum, iron,
5 and molybdenum are set forth in detail in the Notice Letter attached hereto as
6 Exhibit 1, the Table of Additional Violations Since the Notice Letter attached
7 hereto as Exhibit 2, and in the Claim For Relief below. This information is based
8 on publicly available data for December 2021 through February 2026. The
9 numerical limits are taken from the Permit's Table 4, titled "Effluent Limitations."
10 For each violation of these parameters, the following information is provided in
11 the violation tables: (a) the date on which the violation occurred; (b) the applicable
12 limit; (c) the reported discharge; (d) the applicable unit of measurement for the
13 permitted limit and the reported discharge; (e) the number of days of violation,
14 based on the number of days of discharge during a month in which a monthly limit
15 violation occurred; and (f) the percentage by which the reported discharge
16 exceeded the permitted limit. All violations are violations of monthly limits, and
17 the source of all information is the California eSMR website.

18 128. Graniterock's violations of the Permit's Monitoring Requirements are set
19 forth in detail in the Notice Letter attached hereto as Exhibit 1 and in the Claim
20 For Relief Below. This information is based on publicly available data for
21 December 2021 through February 2026. The dates listed on which discharges
22 begin, discharges end, and on which Graniterock collects discharge samples are all
23 taken from the monthly SMR reports that are listed on the California eSMR
24 website.

25 129. In the Notice Letter, the Citizen Groups stated: "If you believe any of the
26 information in this letter is incorrect, if you believe you are complying with the
27 Permit and the Clean Water Act, or if you would like to discuss any other aspect of
28 this matter," please contact the Citizen Groups' attorney. To date, Graniterock has

1 not told the Citizen Groups that any of the information in the Notice Letter is
2 incorrect or that it was complying with the Permit or the CWA.

3 130. Graniterock is able to determine whether the information in Tables 1 and
4 2 of the Notice Letter and the Table of Additional Violations is accurate by cross-
5 referencing that information with the SMRs it submits to the Regional Board
6 under penalty of law. On information and belief, Graniterock has not informed the
7 Regional Board that any information in the SMRs it has submitted is inaccurate.
8 Graniterock Director of Environmental Compliance Reed Carter certifies that the
9 SMRs that Graniterock submits to the Regional Board are true, accurate, and
10 complete.

11 131. The information in Table 1 of the Notice Letter is accurate.

12 132. The information in Table 2 of the Notice Letter is accurate.

13 133. The information in the Table of Additional Violations Since the Notice
14 Letter is accurate.

15 134. Graniterock has not taken the necessary steps to ensure that its
16 discharges of TDS, aluminum, iron, and molybdenum will comply with the
17 Permits discharge limits. As a result (and also based upon the history and
18 regularity of violations), upon information and belief, Graniterock will continue to
19 violate these Permit limits after the date this Complaint is filed.

20 135. Graniterock will likely have to address the capacity problem at Quarry
21 Lake and/or improve treatment of the wastewater it discharges in order to ensure
22 compliance with its Permit limits for TDS, aluminum, iron, and molybdenum.

23 **GRANITEROCK'S VIOLATIONS HARM CITIZEN GROUPS'**
24 **MEMBERS AND THE CITIZEN GROUPS THEMSELVES**

25 136. Numerous water access points are located along the Pajaro River
26 between the Quarry and the Pajaro River's connection to Monterey Bay, including
27 parks, public boat launches, and picnic areas.
28

1 137. Members of the public, including members of the Citizen Groups,
2 regularly kayak and fish in the Pajaro River and the surrounding watersheds.

3 138. Citizen Groups' members recreate in and near the Pajaro River, and
4 Citizen Groups and their members work to understand and improve its water
5 quality. These activities are adversely affected by Graniterock's discharges in
6 violation of the Permit and Graniterock's failure to comply with the Permit's
7 Monitoring Requirements.

8 139. Environment California member Natalie Herendeen is the Executive
9 Director of Monterey Waterkeeper. Among other activities, Ms. Herendeen
10 participates in river cleanups along the Pajaro River downstream of the Quarry.
11 On May 17, 2025, Ms. Herendeen helped clean the Pajaro River at Murphy Road
12 in Watsonville, and she plans to return this May. Prior to joining Monterey
13 Waterkeeper, Ms. Herendeen was the Executive Director and Attorney for the
14 Center for Community Advocacy in Salinas and Pajaro Valleys from 2021 to
15 2024. Ms. Herendeen is concerned about the pollutant levels in the Pajaro River.
16 She dedicates personal and professional time to cleaning up trash and debris from
17 the Pajaro River and its banks, but her knowledge of the invisible pollution of the
18 Pajaro River's waters is a constant interference with her efforts to improve water
19 quality in the Pajaro. Ms. Herendeen also enjoys the Pajaro River recreationally
20 for the diversity of rare and vulnerable species that it currently supports or has
21 supported in the past, but she is concerned that Graniterock's pollution harms
22 these species and therefore decreases the likelihood that she will encounter these
23 species in their native habitat. Ms. Herendeen is a dog lover and would like to
24 take her dogs to the Pajaro River, but she avoids taking her dogs there because she
25 knows they will try to drink from the river or swim in the water and she is
26 concerned about the harm that pollutants in the river, including those discharged
27 by Graniterock, could cause her dogs. Ms. Herendeen intends to continue her
28 efforts to clean up the Pajaro River and the surrounding waters, and to enjoy the

1 Pajaro River recreationally, but Graniterock's pollution disrupts these efforts and
2 this recreation. She would be more at ease, and enjoy her cleanup efforts and
3 other local recreation more, if Graniterock's pollution was decreased.

4 140. CSPA and Environment California member Dr. Devon Pearse is the
5 Lead Scientist at Friends of the River. Dr. Pearse has studied rainbow trout and
6 steelhead populations on the Pajaro River, and he has enjoyed many parts of the
7 Pajaro River watershed recreationally, from the river mouth at Zmudowski State
8 Beach, to upland tributaries like Uvas and Llagas Creeks. His recreational
9 activities in and around the local creeks and rivers include hiking, kayaking, and
10 snorkeling, where he observes fish, waterbirds, native snakes, and toads. Dr.
11 Pearse is concerned about the pollutant levels in the Pajaro River and the impacts
12 of pollution on his recreation and the health of the Pajaro's aquatic environment.
13 He is aware of Graniterock's pollutant discharges and is concerned about the
14 impact of this pollution on his recreational enjoyment of the Pajaro watershed and
15 the Pajaro's ability to support a thriving ecosystem for him to observe and enjoy.
16 Dr. Pearse intends to continue his recreational use of the Pajaro River watershed,
17 but he would do so more frequently, and he would enjoy his recreational use and
18 observation more if Graniterock's pollution was decreased.

19 141. Other members of the Citizen Groups fish in the Pajaro River, or fish in
20 the surrounding waters and would fish in the Pajaro River if water quality and fish
21 productivity were improved. Citizen Groups' members also fish for the
22 anadromous South-Central California Coast steelhead in other areas of the larger
23 Monterey Bay watershed. Impacts to steelhead and their habitat in the Pajaro
24 River negatively affect the ability of steelhead to survive and reproduce in the
25 Pajaro River, which in turn negatively impacts the likelihood that steelhead from
26 the Pajaro River will later stray to other, cleaner, nearby rivers, where Citizen
27 Groups' members more frequently fish.
28

1 142. Other members of the Citizen Groups recreate along the banks of the
2 Pajaro River and the surrounding areas, including members who enjoy kayaking,
3 canoeing, and viewing and photographing the surrounding nature and wildlife.
4 These members' enjoyment of their recreation near the Pajaro is lessened by
5 Graniterock's pollution and the impacts that pollution has on water quality and the
6 health of the surrounding ecosystem.

7 143. Citizen Groups' members are concerned that Graniterock's CWA
8 violations pose a threat to public health and aquatic life in the area they recreate,
9 work, and enjoy. Citizen Groups' members want the Pajaro River to be as clean as
10 possible.

11 144. The ongoing actual and threatened harm to Citizen Groups' members
12 would be redressed by an injunction, civil penalty, or other relief that prevents or
13 deters future violations of Graniterock's Permit and by relief that remediates the
14 harm caused to the Pajaro River by Graniterock's violations.

15 145. The Citizen Groups monitor stormwater and wastewater pollution, and
16 those responsible for discharging pollutants in excess of legal limits. In order to
17 accurately assess pollution and polluters, and inform the public of the effects of
18 this pollution on the health of California's waters, the Citizen Groups rely on the
19 CWA's mandatory reporting requirements that must be made available to the
20 public.

21 146. When these publicly available reports are missing or incomplete, the
22 Citizen Groups' abilities to assess water pollution in California and inform the
23 public about pollution and water quality are impaired.

24 147. Graniterock's failure to sample its discharges at the frequencies required
25 by the Permit results in gaps in the publicly available pollution information related
26 to the Pajaro River. This missing information impairs the Citizen Groups' ability
27 to carry out their missions to study water quality in California and to inform and
28 report to the public on water pollution in California and its impacts.

1 148. The ongoing actual and threatened harm to the Citizen Groups and their
2 abilities to carry out their missions would be redressed by an injunction, civil
3 penalty, or other relief that prevents or deters future violations of the Permit's
4 Monitoring Requirements.

5 **CLAIM FOR RELIEF**

6 149. Citizen Groups repeat, reallege, and incorporate by reference each and
7 every allegation contained in Paragraphs 1 through 148 of this Complaint as if
8 fully set forth herein.

9 **A. Violations of Numerical Total Dissolved Solids Limits**

10 150. Table 1 of the Notice Letter sets forth violations of the Permit's monthly
11 average limit for TDS for the period between December 2021 and December 2025.
12 The Table of Additional Violations Since the Notice Letter, attached hereto as
13 Exhibit 2, sets forth violations of the Permit's monthly average limits for TDS for
14 the period between January 2026 and February 2026.

15 151. Graniterock violated the Permit's monthly average limit for TDS for 14
16 months during the period between December 2021 and February 2026.
17 Graniterock discharged on 390 days of the 14 months in which it violated the
18 Permit's monthly average limit for TDS, therefore Graniterock violated the
19 Permit's limits for TDS for a total of 390 days of violation between December
20 2021 and February 2026.

21 152. These violations are ongoing. The violations listed herein reflect
22 Graniterock's discharges through February 28, 2026, the last date for which such
23 information is publicly available as of the date of this Complaint. This claim
24 includes TDS monthly average violations occurring after those listed herein.

25 153. This claim is brought on behalf of Plaintiffs' members.

26 **B. Violations of Numerical Aluminum Limits**

27 154. Table 1 of the Notice Letter sets forth violations of the Permit's monthly
28 average limit for aluminum for the period between December 2021 and December

1 2025. The Table of Additional Violations Since the Notice Letter, attached as
2 Exhibit 2, sets forth violations of the Permit's monthly average limits for
3 aluminum for January 2026.

4 155. Graniterock violated the Permit's monthly average limit for aluminum
5 for 7 months during the period between December 2021 and February 2026.
6 Graniterock discharged on 183 days of the 7 months in which it violated the
7 Permit's monthly average limit for aluminum, therefore Graniterock violated the
8 Permit's limits for aluminum for a total of 183 days of violation between
9 December 2021 and February 2026.

10 156. These violations are ongoing. The violations listed herein reflect
11 Graniterock's discharges through February 28, 2026, the last date for which such
12 information is publicly available as of the date of this Complaint. This claim
13 includes all aluminum monthly average violations occurring after those listed
14 herein.

15 157. This claim is brought on behalf of Plaintiffs' members.

16 **C. Violations of Numerical Iron Limits**

17 158. Table 1 of the Notice Letter sets forth violations of the Permit's monthly
18 average limit for iron for the period between December 2021 and December 2025.

19 159. Graniterock violated the Permit's monthly average limit for iron for 3
20 months during the period between December 2021 and February 2026.
21 Graniterock discharged on 64 days of the 3 months in which it violated the
22 Permit's monthly average limit for iron, therefore Graniterock violated the
23 Permit's limits for iron for a total of 64 days of violation between December 2021
24 and February 2026.

25 160. These violations are ongoing. This claim includes iron monthly average
26 violations occurring after those listed herein.

27 161. This claim is brought on behalf of Plaintiffs' members.

28 **D. Violations of Numerical Molybdenum Limits**

1 162. Table 1 of the Notice Letter sets forth violations of the Permit's monthly
2 average limit for molybdenum for the period between December 2021 and
3 December 2025. The Table of Additional Violations Since the Notice Letter,
4 attached hereto as Exhibit 2, sets forth violations of the Permit's monthly average
5 limits for molybdenum for January 2026.

6 163. Graniterock violated the Permit's monthly average limit for molybdenum
7 for 13 months during the period between December 2021 and February 2026.
8 Graniterock discharged on 300 days of the 13 months in which it violated the
9 Permit's monthly average limit for molybdenum, therefore Graniterock violated
10 the Permit's limits for molybdenum for a total of 300 days of violation between
11 December 2021 and February 2026.

12 164. These violations are ongoing. The violations listed herein reflect
13 Graniterock's discharges through February 28, 2026, the last date for which such
14 information is publicly available as of the date of this Complaint. This claim
15 includes all such molybdenum monthly average violations occurring after those
16 listed herein.

17 165. This claim is brought on behalf of Plaintiffs' members.

18 **E. Violations of the Permit's Monitoring Requirements**

19 166. Section "2. Monitoring Violations" of the Notice Letter sets forth
20 violations of the Permit's Monitoring Requirements. Table 2 of the Notice Letter
21 sets forth, for each of the previous four wet seasons, the dates on which
22 Graniterock's discharges began, the dates on which Graniterock's discharges
23 ended, the total days of discharge, and the dates on which Graniterock took
24 samples of its discharges.

25 167. Each day on which the Permit requires Graniterock to monitor its
26 discharge, but on which Graniterock does not do so, is a distinct violation of the
27 Permit and the CWA. Graniterock violated the Permit's Monitoring Requirements
28 on all but 3 days of the 50 days of discharge in the 2021-22 wet season.

1 Graniterock violated the Permit's Monitoring Requirements on all but 5 days of
2 the 114 days of discharge in the 2022-23 wet season. Graniterock violated the
3 Permit's Monitoring Requirements on all but 5 days of the 106 days of discharge
4 in the 2023-2024 wet season. Because Graniterock failed to monitor for SSC in
5 the 2024-25 wet season, Graniterock violated the Permit's Monitoring
6 Requirements on each of the 67 days of discharge of the 2024-25 wet season.
7 Because Graniterock failed to monitor for SSC for the first 37-day discharge in the
8 current wet season and failed to monitor for SSC on all but 1 day of the second,
9 ongoing discharge, Graniterock has violated the Permit's Monitoring
10 Requirements on at least 47 days of discharge of the 2025-26 wet season.

11 168. In total, Graniterock has violated the Permit's Monitoring Requirements
12 on 371 days, for a total of 371 days of violation between December 2021 and
13 February 2026.

14 169. These violations are ongoing. The violations listed herein reflect
15 Graniterock's discharges through February 28, 2026, the last date for which such
16 information is publicly available as of the date of this Complaint. Given the
17 history and regularity of Graniterock's monitoring violations, it is likely that
18 additional such violations have occurred since February 2026. Because
19 Graniterock has not adequately addressed the cause(s) of these monitoring
20 violations, these violations will continue after the filing of this Complaint. This
21 claim includes all such violations occurring after those listed herein.

22 170. This claim is brought by the Plaintiffs as organizations (which does not
23 implicate associational standing).

24 **PRAYER FOR RELIEF**

25 Plaintiffs request that this Court:

- 26 a. Declare Defendant Graniterock to have violated and to be in continuing
27 violation of the Clean Water Act and the Permit by committing (i) each of the
28 violations described above, (ii) all additional violations of the same type

- 1 occurring after February 2026, but before the filing of this Complaint, and (iii)
2 all additional violations of the same type that occur after the filing of this
3 Complaint;
- 4 b. Determine the number of days of violation committed by Defendant
5 Graniterock;
- 6 c. Order Defendant Graniterock to comply with the requirements of the Clean
7 Water Act and the Permit that it has been violating, and to refrain from further
8 violations of the effluent standards and limitations, and monitoring
9 requirements, at issue in this action;
- 10 d. Order Defendant Graniterock to implement measures to remedy, mitigate, or
11 offset the harm to the environment caused by the violations alleged above;
- 12 e. Assess an appropriate civil penalty against Defendant Graniterock for each day
13 of Permit and CWA violation referenced in part (a) above, as provided by 33
14 U.S.C. §§ 1319(d) & 1365(a) and 40 C.F.R. § 19.4, which impose a penalty of
15 up to a maximum of \$68,445;
- 16 f. Award Plaintiffs their costs of litigation (including reasonable attorney and
17 expert witness fees), as provided by 33 U.S.C. §1365(d); and
- 18 g. Order such other relief as the Court deems appropriate.
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1
2 Dated: April 15, 2026

By: 

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20 **Attorneys for Plaintiffs**
21 *Environment California, Inc.*
22 and
23 *California Sportfishing*
24 *Protection Alliance*
25
26
27
28

Exhibit 1



Lewis DeHope
Staff Attorney
617.747.4317
ldehope@nelc.org

February 3, 2026

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter Lemon
Chief Executive Officer
Granite Rock Company
350 Technology Drive
Watsonville, CA 95076
Certified Mail # 9589 0710 5270 3580 3375 70

Nick Wenzel
A.R. Wilson Quarry Manager
Granite Rock Company
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Reed Carter
Director of Environmental Compliance
Granite Rock Company
350 Technology Drive
Watsonville, CA 95076
Certified Mail # 9589 0710 5270 3580 3375 94

RE: Notice of Clean Water Act Violations

Dear Mr. Lemon, Mr. Wenzel, and Mr. Carter:

I write on behalf of Environment California and the California Sportfishing Protection Alliance (collectively, the “Citizen Groups”), and their members.

Granite Rock Company (now more commonly known as “Graniterock”) owns and operates the A.R. Wilson Quarry located at 1900 Quarry Road in Aromas, California. Based on publicly available information, the Citizen Groups believe Graniterock has violated, and will continue to violate, its National Pollutant Discharge Elimination System (“NPDES”) permit No. CA0005274 (“Permit”), which is administered by the California Regional Water Quality Control Board, Central Coast Region (“Central Coast Water Board”). The Permit became effective on December 1, 2017. The Permit governs wastewater discharges from Graniterock’s Discharge Point No. 001 into the Pajaro River. The discharge of pollutants in violation of an NPDES permit is prohibited by Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Graniterock's Wastewater Treatment and Discharges

As described by the Fact Sheet incorporated into the Permit, Graniterock's Quarry Storage Reservoir ("Quarry Lake") collects rainfall (including stormwater runoff), treated process wastewater, and supplemental groundwater. These waters collected at Quarry Lake are designed for the settling of aggregate materials, and for the reuse of those materials and the collected wastewater. *See* Permit Attachment F, at F-4. All water in Quarry Lake is pumped to a water tank, where it is either directed back to the processing area or to an outfall for discharge. *See* U.S. Environmental Protection Agency Region 9 Inspection Report, Inspection Date July 31, 2024 ("EPA Inspection Report"), at 3.

Graniterock discharges into the Pajaro River at Discharge Point No. 001. According to the Permit, "[d]ischarges occur only after significant rain events, when water accumulation exceeds the storage capacity of [Quarry Lake]. Based on experience of the past several years, [Graniterock] projects one discharge event per year lasting 4 to 5 days with a maximum daily discharge of approximately 7 to 8 million gallons." Permit Attachment F, at F-5. The Permit authorizes Graniterock to discharge up to 9,000,000 gallons of wastewater per day through Discharge Point No. 001. *See* Permit Table F-1.

Although the Permit contemplates one discharge event per year, Graniterock's publicly available Electronic Self-Monitoring and Reporting ("eSMR") discharge information indicates that discharges from Quarry Lake to the Pajaro River are constant during the wet season. As documented by the U.S. Environmental Protection Agency ("U.S. EPA"), "[f]acility representatives stated that typically the facility will begin to discharge in December after the wet season starts and will continuously discharge until early April when the wet season has ended." EPA Inspection Report at 4.

Graniterock's Monitoring Requirements and Numeric Effluent Limitations

For most pollutants, Graniterock is required to collect a grab sample from Quarry Lake once per week. *See* Permit Table E-2. The Permit explains that "[m]onitoring for these pollutants at weekly intervals is based on an assumption of one discharge event per year during the wet season (October 1 through May 31) that lasts for 3 to 4 days. If a single discharge event continues for more than 7 days, monitoring for this constituent will be required a second time following a weekly interval; however, monitoring is required at monthly intervals thereafter." Permit Table E-2, n.1.

Under certain conditions, the Permit requires more extensive monitoring of Graniterock's discharges. The Central Coast Water Board's Standard Provisions, incorporated into the Permit, provide:

If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling shall be increased to validate the test within the next monitoring period. The increased frequency

shall be maintained until the Executive Officer agrees the original monitoring frequency may be resumed.

For example . . . [i]f suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week (Central Coast Standard Provisions – Definitions I.G.14.).

Permit at D-11.

Definition I.G.14 above is also incorporated into the Permit in Attachment D.VIII.G:

"Monthly Average" (or "Weekly Average", as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

$$\text{Average} = (X_1 + X_2 + \dots + X_n) / n$$

in which "n" is the number of days samples were analyzed during the period and "X" is either the constituent concentration (mg/l) or mass emission rate (kg/day or lbs/day) for each sampled day. "n" should be four or greater.

Permit at D-16.

The Permit also contains a variety of numeric limits on the discharge of specific pollutants. These numeric effluent limits include monthly average concentration limits on total dissolved solids ("TDS"), molybdenum, aluminum, and iron. Additionally, pursuant to the 2005 Pajaro River Total Maximum Daily Loads for Sediment, Graniterock has a variable effluent limitation on the discharge of Suspended Sediments that depends on the duration of Graniterock's discharges. The Permit provides:

- For a discharge duration of 1 day (24 hours) or less, the suspended sediments concentration ("SSC") cannot exceed 1,807 mg/L.
- For a discharge duration of 2 days (48 hours), the SSC cannot exceed 665 mg/L for both days.
- For a discharge duration of 2 to 14 days (48 to 336 hours), the SSC cannot exceed 244 mg/L for each day.
- For a discharge duration of 14 to 49 days (336 to 1,176 hours), the SSC cannot exceed 90 mg/L for each day.
- For a discharge duration of greater than 49 days (1,176 hours), the SSC cannot exceed 90 mg/L for each day.

Permit at Table 4, n.2.

Graniterock's History of Violations

Graniterock has consistently violated the Permit in two ways: (1) by discharging pollutants in excess of the Permit's numeric effluent limits, and (2) by failing to comply with the Permit's monitoring requirements.

1. Numeric Limit Violations

Graniterock's violations of numeric effluent limits are described in Table 1 below, which contains the following information regarding violations of monthly average numeric limits occurring from December 2021 through December 2025, the latest month during which Graniterock discharged and in which discharge information is publicly available: the date of violation; the applicable numeric limit; the reported discharge in excess of the limit; the units in which the limit is expressed; the number of days of violation resulting from the discharge (adjusted to reflect the number of days during a given month on which discharges occurred); and the percentage by which the reported discharge exceeds the numeric limit. All violation data was obtained from California's eSMR Program.

Table 1					
Graniterock A.R. Wilson Quarry – Monthly NPDES Permit Limit Violations					
Date	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Limit
Total Dissolved Solids					
12/31/2021	1000	1750	mg/L	17	75%
1/31/2022	1000	1800	mg/L	31	80%
12/31/2022	1000	1885	mg/L	20	89%
1/31/2023	1000	1240	mg/L	31	24%
2/28/2023	1000	2610	mg/L	28	161%
3/31/2023	1000	1640	mg/L	31	64%
1/31/2024	1000	1830	mg/L	29	83%
2/29/2024	1000	1390	mg/L	29	39%
3/31/2024	1000	1910	mg/L	31	91%
4/30/2024	1000	2070	mg/L	17	107%
2/28/2025	1000	1850	mg/L	18	85%
3/31/2025	1000	2000	mg/L	31	100%
4/30/2025	1000	5700	mg/L	16	470%
12/31/2025	1000	2200	mg/L	2	120%
Molybdenum					
12/31/2021	10	12	ug/L	17	20%
1/31/2022	10	12	ug/L	31	20%
12/31/2022	10	14	ug/L	20	40%
2/28/2023	10	17	ug/L	28	70%
1/31/2024	10	14	ug/L	29	40%
2/29/2024	10	12	ug/L	29	20%
3/31/2024	10	16	ug/L	31	60%

4/30/2024	10	17.1	ug/L	17	71%
2/28/2025	10	12	ug/L	18	20%
3/31/2025	10	12	ug/L	31	20%
4/30/2025	10	13	ug/L	16	30%
12/31/2025	10	15	ug/L	2	50%
Date	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Limit
Aluminum					
1/31/2023	1000	1900	ug/L	31	90%
2/28/2023	1000	1500	ug/L	28	50%
3/31/2023	1000	1100	ug/L	31	10%
2/29/2024	1000	1400	ug/L	29	40%
4/30/2024	1000	3400	ug/L	17	240%
4/30/2025	1000	1900	ug/L	16	90%
Iron					
1/31/2023	1000	1300	ug/L	31	30%
4/30/2024	1000	2500	ug/L	17	150%
4/30/2025	1000	1600	ug/L	16	60%
Total Days of Violation				826	

2. Monitoring Violations

Publicly available information indicates that Graniterock samples its discharges less frequently than the Permit requires. Table 2 below reflects, for each of the previous four wet seasons, the following information: the date Graniterock's seasonal discharges began; the date Graniterock's seasonal discharges ended; the total number of days of discharge for each season; and the dates on which Graniterock collected samples of its discharges for pollutant monitoring.

Table 2			
Graniterock A.R. Wilson Quarry – Discharge and Sampling Dates			
December 2021 – March 2025			
Discharges Begin	Discharges End	Total Days of Discharge	Discharge Sampling Dates
12/15/2021	2/2/2022	50	12/16/2021, 12/23/2021, 1/17/2022
12/12/2022	4/4/2023	114	12/16/2022, 12/22/2022, 1/25/2023, 2/23/2023, 3/30/2023
1/2/2024	4/17/2024	106	1/4/2024, 1/9/2024, 2/15/2024, 3/21/2024, 4/16/2024
2/10/2025	4/16/2025	67	2/12/2025, 2/18/2025, 3/11/2025, 4/3/2025

These data demonstrate that Graniterock fails to comply with the Permit's requirements to take additional samples when sampling reveals a violation of a monthly numeric limit, and that Graniterock fails to sample at the required frequency for SSC.

As listed in Table 1, Graniterock has repeatedly violated several of its monthly numeric effluent limits. When initial sampling reveals a violation of a monthly numeric limit, the Permit requires additional monitoring during that monthly monitoring period. Based on the dates that sampling occurred, as listed in Table 2, the Citizen Groups believe that Graniterock has never complied with this monitoring requirement. Each failure to sample on a required additional monitoring date is a violation of the Permit and the Clean Water Act.

Graniterock has measured the SSC of its discharges in the samples taken to analyze the other pollutants listed in the Permit, but Graniterock has not taken any of the required additional samples to measure SSC necessitated by the duration of its discharges. For each of the previous four wet seasons, Graniterock's "discharge duration" has been "greater than 49 days," which subjects Graniterock to an SSC limit of 90 mg/L for "each day" of discharge. Without daily monitoring, it is impossible to know whether Graniterock has complied with this limit.

Graniterock has never measured the SSC in its discharges more than five times in a single wet season. For each additional day during those "greater than 49 day" discharge periods, Graniterock has violated the Permit by not measuring the SSC of its discharges.

Furthermore, publicly available information indicates that during the 2024-2025 wet season, Graniterock failed to measure the SSC of its discharges entirely. None of the reports published on California's eSMR website lists monitoring results for SSC. U.S. EPA's Enforcement and Compliance History Online website does list SSC results for the 2024-2025 wet season, but those results appear to be in error. In February and March 2025, the SSC results are identical to the reported values for Total Suspended Solids, and in April 2025, the SSC results are identical to the reported values for Total Dissolved Solids. Neither Total Suspended Solids nor Total Dissolved Solids is an adequate or a legally allowable proxy for SSC. Therefore, Graniterock violated the Permit's monitoring requirements for SSC on every day of the 2024-2025 wet season. The first publicly available reporting from the 2025-2026 wet season also indicates that Graniterock has failed to measure the SSC of its discharges.

Time Period Covered by This Notice

This notice covers all violations of the permit requirements identified herein that occurred within the five years immediately preceding the date of this notice, and all similar violations occurring thereafter. If you believe any of the information in this letter is incorrect, if you believe you are complying with the Permit and the Clean Water Act, or if you would like to discuss any other aspect of this matter, please contact me by email at ldehope@nelc.org or by telephone at (617) 747-4317 within 21 days.

Sincerely,

A handwritten signature in black ink that reads "Lewis DeHope". The signature is written in a cursive, flowing style.

Lewis DeHope
Staff Attorney

Additional counsel sending this letter

David A. Nicholas, Esq.
20 Whitney Road
Newton, MA 02460
dnicholas100@gmail.com
(617) 964-1548

Andrew L. Packard
245 Kentucky Street, Suite B3
Petaluma, CA 9495
andrew@packardlawoffices.com
(707) 782-4060

Address and telephone number of parties giving notice

Environment California, Inc.
3435 Wilshire Blvd., Suite 385
Los Angeles, CA 90010
(213) 251-3688

California Sportfishing Protection Alliance
1608 Francisco Street
Berkeley, CA 94703

cc: (by certified mail – return receipt requested)

Kevin Jeffery, Registered Agent
Granite Rock Company
350 Technology Drive
Watsonville, CA 95076
Certified Mail # 9589 0710 5270 3580 3376 00

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Certified Mail # 9589 0710 5270 3580 3376 17

Mike Martucci, Acting Regional Administrator
U.S. EPA Region 9 Administrator
75 Hawthorne Street
San Francisco, CA 94105
Certified Mail # 9589 0710 5270 3580 3376 24

Eric Oppenheimer, Executive Director
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Certified Mail # 9589 0710 5270 3580 3376 31

Ryan Lodge, Executive Officer
California Regional Water Quality Control Board, Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Certified Mail # 9589 0710 5270 3580 3376 48

Exhibit 2

Table of Additional Violations Since the Notice Letter					
Graniterock A.R. Wilson Quarry – Monthly NPDES Permit Limit Violations					
Date	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Limit
Total Dissolved Solids					
1/31/2026	1000	2300	mg/L	31	130%
2/28/2026	1000	1600	mg/L	15	60%
Aluminum					
1/31/2026	1000	1595	ug/L	31	59.5%
Molybdenum					
1/31/2026	10	11	ug/L	31	10%
Total Days of Violation				108	

Exhibit 3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Reed Carter
 Granite Rock Company
 350 Technology Drive
 Watsonville, CA 95076



9590 9402 9606 5121 2608 44

2. Article Number (Transfer from service label)

9589 0710 5270 3580 3375 94

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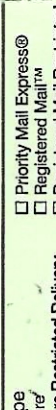
Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) *Kristie Charter*
- C. Date of Delivery *2/6/2026*
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
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- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Restricted Delivery
- Priority Mail Express
- Registered Mail
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery



9590 9402 9606 5121 2524 29

2. Article Number (Transfer from service label)

9589 0710 5270 3580 3375 94

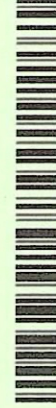
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SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Peter Leman, CEO
 Granite Rock Company
 350 Technology Drive
 Watsonville, CA 95076



9590 9402 9606 5121 2524 29

2. Article Number (Transfer from service label)

9589 0710 5270 3580 3375 70

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3. Service Type

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- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
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2. Article Number (Transfer from service label)

9589 0710 5270 3580 3375 70

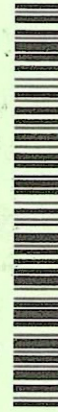
Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin Jeffery, Registered Agent
 Granite Rock Company
 350 Technology Drive
 Watsonville, CA 95076



9590 9402 9606 5121 2525 04

2. Article Number (Transfer from service label)

9589 0710 5270 3580 3376 00

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) *Kristie Charter*
- C. Date of Delivery *2/6/2026*
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Restricted Delivery
- Priority Mail Express
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- Signature Confirmation
- Signature Confirmation Restricted Delivery



9590 9402 9606 5121 2608 68

2. Article Number (Transfer from service label)

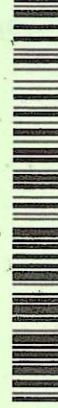
9589 0710 5270 3580 3375 67

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nick Wenzel
 Granite Rock Company
 1900 Quarry Road
 Arroyo, CA 95027



9590 9402 9606 5121 2608 68

2. Article Number (Transfer from service label)

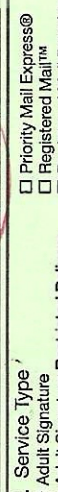
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COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) *DANIEL GONZALEZ*
- C. Date of Delivery *2/6/2026*
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
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- Certified Mail Restricted Delivery
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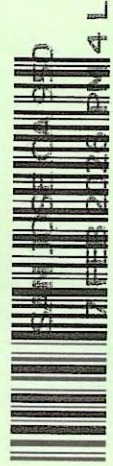
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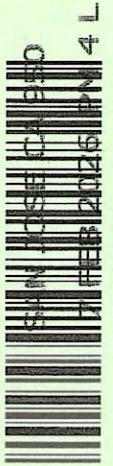
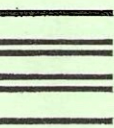
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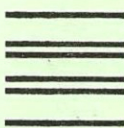
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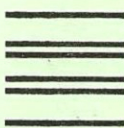
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1. Article Addressed to: Lee Beldin, Administrator U.S. EPA Office of the Administrator, 1200 Pennsylvania Avenue, NW Washington, DC 20460



9590 9402 9606 5121 2524 98

2. Article Number (Transfer from service label) 9589 0710 5270 3580 3376 17

S Form 3811, July 2020 PSN 7530-02-000-9053

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B. Received by (Printed Name) C. Date of Delivery

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1. Article Addressed to: Eric Oppenheimer, Exec. Dir. CA State Water Res. Ctr. Bd. P.O. Box 100 Sacramento, CA 95812



9590 9402 9606 5121 2524 74

2. Article Number (Transfer from service label) 9589 0710 5270 3580 3376 31

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
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1. Article Addressed to: Mike Martucci, Acting Reg. Admin U.S. EPA Region 9, 75 Hawthorne Street San Francisco, CA 94105



9590 9402 9606 5121 2524 81

2. Article Number (Transfer from service label) 9589 0710 5270 3580 3376 24

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1. Article Addressed to: Ryan Lodge, Exec. Officer CA Reg. Water Quality Control Bd. Central Coast Region 895 Arroyo St. Place, Ste 101 San Luis Obispo, CA 93401



9590 9402 9606 5121 2524 67

2. Article Number (Transfer from service label) 9589 0710 5270 3580 3376 48

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

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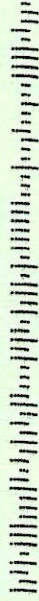


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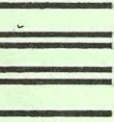
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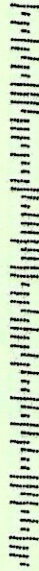


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8-463575

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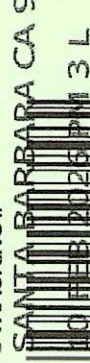
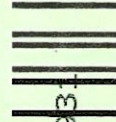
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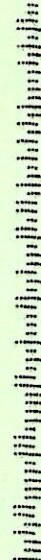


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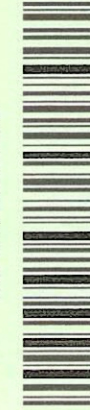
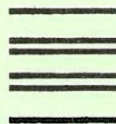
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