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***Via Certified Mail -
Return Receipt Requested***

April 17, 2013

Grant Davis, General Manager
Sonoma County Water Agency
404 Aviation Blvd
Santa Rosa, CA 95403

Veronica Ferguson, Administrator
County of Sonoma
575 Administration Drive, Suite 104-A
Santa Rosa, CA 95403

Bruce Goldstein, Counsel
County of Sonoma
Office of the County Counsel
575 Administration Drive, Suite 105-A
Santa Rosa, Ca 95403

Re: Notice of Violations Under the Clean Water Act and Intent to File Suit

NOTICE

This Notice is provided on behalf of Coast Action Group, California River Watch and other concerned environmental organizations (collectively, “the Community”) with regard to the threatened discharge of pollutants from the addition of fluoride and fluoride compounds by the County of Sonoma to the drinking water provided by the Sonoma County Water Agency (collectively, “the Dischargers”). The Dischargers are current owners, managers or operators of the Sonoma County drinking water treatment and delivery services.

By this Notice, the Community is providing statutory notification to the Dischargers of potential future violations on an effluent standard or limitation, and/or “an order issued by the Administrator or State with respect to such standard or limitation” under the Clean Water Act (CWA § 101 *et seq.*, 33 U.S.C. § 1251 *et seq.*), the Code of Federal Regulations,

and the Regional Water Quality Control Board (“RWQCB”), North Coast Region’s Water Quality Control Plan (“Basin Plan”) as exemplified by the Dischargers’ threatened discharge of pollutants from a point source to waters of the United States without a National Pollution Discharge Elimination System (“NPDES”) permit.

CWA §505(b), 33 U.S.C. § 1365(b), requires that at least sixty (60) days prior to the initiation of a civil action under CWA § 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of his/her intent to sue. Notice must be given to the alleged potential violator, the head of the local agency, the U.S. Environmental Protection Agency (“EPA”), and the State in which the violations may occur. The Community believes this Notice provides proper notice of the Dischargers’ potential violations as required by the Clean Water Act.

The Clean Water Act regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharge of pollutants is prohibited with the exception of several enumerated statutory exceptions. One such exception authorizes a discharger who has been issued a NPDES permit pursuant to the Clean Water Act to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition. Without a NPDES permit all surface and subsurface discharges from a point source to waters of the United States are illegal.

The CWA requires that any notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. The specific standard, limitation, or order alleged to be violated.

The Community hereby provides notice that the Dischargers are not in possession of a NPDES permit allowing the discharge of fluoride or fluoride compounds from the Dischargers’ drinking water system to waters of the United States as required by CWA § 301(a), 33 U.S.C. § 1311(a), and CWA §§ 402(a) and (b), 33 U.S.C. §1342(a) and §1342(b).

2. The activity alleged to constitute a violation.

CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of a pollutant from a point source to a water of the United States without a NPDES permit. Under the Clean Water Act pollutants include chemical, biological, industrial, and municipal waste. Fluoride chemical waste entering waters of the United States by definition causes a “man-made” or “man-induced” alteration of the chemical, physical or biological integrity of these jurisdictional waters. CWA §§ 502(6)(19), 33 U.S.C. §§ 1362(6) and (19).

If the Dischargers fluoridate the drinking water supply, it is an admitted fact fluoride and fluoride compounds will be discharged into waters of the United States. If such discharges occur without a NPDES permit, those discharges will be in violation of the Clean Water Act.

3. The person or persons responsible for the alleged violation.

The persons who will be responsible for the violation are the County of Sonoma and the Sonoma County Water Agency, identified throughout this Notice as the Dischargers.

4. The location of the alleged violation.

The location of violations are waters of the United States within Sonoma County, California including the Russian River and its tributaries.

5. The date or dates of violations or a reasonable range of dates during which the violation may occur.

Each and every day fluoride or fluoride compounds are discharged to waters of the United States due to the activities of the Dischargers is considered a separate violation of the Clean Water Act.

6. The full name, address, and telephone number of the person giving notice.

The entities giving this Notice are Coast Action Group and California River Watch referred throughout this Notice as “the Community”.

Coast Action Group is an organization dedicated to the protection of fishery and water quality resources on the north coast of California, located at P.O. Box 215, Point Arena, CA 95468. Coast Action Group has a history of actions supporting the protection of fish, forest, and water quality resources dating back to 1990. Coast Action Group exists in order to protect fish and wildlife through state and federal water laws.

California River Watch is a 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California, with headquarters located at 290 S. Main St., #817, Sebastopol, CA 95472. California River Watch is dedicated to protect, enhance and help restore the groundwater and surface water environs of California including, but not limited to, rivers, creeks, streams, wetlands, vernal pools and tributaries.

The Community can be contacted through its counsel:

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REQUESTED RELIEF

- a. The County of Sonoma abandon any attempts to add fluoride to the drinking water supply of Sonoma County.
- b. The Sonoma County Water Agency agree not to fluoridate the water it provides to residents of the County of Sonoma.
- c. The County of Sonoma implement a program through the public schools providing greater access to dental care and education on dental hygiene which would include the provision of fluoride products to low income children.

Very truly yours,



Jack Silver

JS:lhmm

cc: Administrator
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Regional Administrator
US. Environmental Protection Agency Region 9
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Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812