



Los Angeles Regional Water Quality Control Board

August 8, 2023

William Turner
CF Alpha & Golf PropCo LLC
1345 Avenue of the Americas, 46th Floor
New York, NY 10105

Via Certified Mail
Return Receipt Requested
Claim No. 7021 1970 0001 4037 4459

CT Corporation System
Agent for Service of Process for
CF Alpha & Golf PropCo LLC
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Via Certified Mail
Return Receipt Requested
Claim No. 7021 1970 0001 4037 4466

Salvador Gutierrez
Vice President, Facilities
Molina Healthcare, Inc.
200 Oceangate, Suite 130
Long Beach, CA 90802

Via Certified Mail
Return Receipt Requested
Claim No. 7021 1970 0001 4037 4473

SETTLEMENT OFFER NO. R4-2023-0296; OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR CF ALPHA & GOLF PROPCO LLC AND MOLINA HEALTHCARE, INC., MOLINA CENTER, 200 & 300 OCEANGATE, LONG BEACH, CA 90802 (ORDER NO. R4-2018-0125 & TIME SCHEDULE ORDER NO. R4-2021-0034, NPDES PERMIT NO. CAG994004, CI NO. 9766)

Dear William Turner and Salvador Guitierrez:

On March 2, 2020, the Los Angeles Regional Water Quality Control Board (Regional Water Board) Assistant Executive Officer issued CF Alpha & Golf PropCo LLC and Molina Healthcare, Inc. (hereinafter "Permittee" or "you") Settlement Offer No. R4-2020-0026 (2020 Settlement Offer) to notify the Permittee of alleged violations of the California Water Code incurred during 2nd Quarter 2019 through 3rd Quarter 2019 monitoring periods as identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Regional Water Board's Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13385.

On May 14, 2021, Regional Water Board Assistant Executive Officer issued the Permittee Settlement Offer No. R4-2021-0076 (2021 Settlement Offer) to notify the Permittee of additional alleged violations of the California Water Code incurred during 4th Quarter 2019 through 1st Quarter 2021 monitoring periods as identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Expedited Payment Program to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13385.

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

On May 19, 2021, Regional Water Board staff received an email from Molina Healthcare, Inc.'s legal representative responding to the 2021 Settlement Offer, alleging discrepancies between three values cited for the nitrate + nitrite and nitrate monthly average violations on September 30, 2020 and nitrate + nitrite monthly average violation on October 31, 2020 with those reported in the corresponding quarterly monitoring reports. Regional Water Board staff reevaluated the data submitted in the 3rd Quarter 2020 and 4th Quarter 2020 monitoring reports and determined corrections were appropriate to the values cited for the three violations; however, the violations cited remain valid based on the corrected values. On June 15, 2021, the Regional Water Board staff issued a Revised Settlement Offer No. R4-2021-0076 (Revised 2021 Settlement Offer) to reflect the revisions in the amended Exhibit 1.

On June 28, 2021, the Regional Water Board and the Permittee entered into a Tolling Agreement to allow the Permittee time to conduct a mercury source investigation and for the Permittee to engage in settlement discussions with the Regional Water Board.

Time Schedule Order No. R4-2021-0034, issued on January 22, 2021, includes interim effluent limitations for mercury and nitrogen compounds, and is scheduled to expire on December 31, 2024. On September 27, 2021, the Regional Water Board issued a revised coverage letter to the Permittee to remove nitrate-N, nitrite-N, total nitrogen (NO₃-N + NO₂-N) and mineral effluent limitations, after a determination was made that these nitrogen effluent limitations were included in the Permittee's enrollment under Order No. R4-2018-0125 based on the Los Angeles River Nitrogen Compounds and Related Effects TMDL (Nitrogen TMDL) which was not applicable to the Permittee's discharge.

The Tolling Agreement expired on July 1, 2023. This letter is to notify the Permittee of alleged violations of the California Water Code incurred during 2nd Quarter 2019 through 2nd Quarter 2023 monitoring periods and to allow the Permittee to participate in the Expedited Payment Program to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13385. Exhibit 1 of this Settlement Offer combines the alleged violations included in the 2020 Settlement Offer, the Revised 2021 Settlement Offer, and additional violations that have occurred since issuance of the Revised 2021 Settlement Offer; alleged nitrate-N and total nitrogen (NO₃-N + NO₂-N) violations cited in previous settlement offers have been dismissed and are not included in this Settlement Offer.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of August 2, 2023, the Regional Water Board alleges that the Permittee has violated the effluent limitations identified in the Notice of Violation (NOV) attached as Exhibit "1". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be

assessed by the Regional Water Board beginning with the date that the violations first occurred.¹ The formal enforcement action that the Regional Water Board uses to assess such liability is an administrative civil liability complaint, although the Regional Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Water Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote the resolution of these violations, the Regional Water Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$252,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified in the NOV regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **September 8, 2023**.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date specified above.

Responses contesting any of the violations alleged in the NOV shall be submitted as a pdf via email or CD to Lala Kabadaian, lala.kabadaian@waterboards.ca.gov, (213) 620-6370, and submitted by you under penalty of perjury.

The Regional Water Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Water Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Water

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.)

Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or

- 2) The Regional Water Board staff will determine that the alleged violation is meritorious and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of the receipt of the Regional Water Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Water Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Regional Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Water Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Water Board, the Acceptance and Waiver will be presented to the Executive Officer for consideration and adoption of a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Water Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar days after the date the Acceptance and Waiver is executed. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$252,000 liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have questions about this Conditional Offer of Notice of Violation, please contact Enforcement Unit staff Lala Kabadaian at (213) 620-6370 / lala.kabadaian@waterboards.ca.gov or Ching Yin To at (213) 620-6373 /ching-yin.to@waterboards.ca.gov regarding this matter.

Sincerely,

Hugh
Marley
Water Boards



Created by Hugh Marley
09 08:02:03 -07'00'

Hugh Marley
Assistant Executive Officer

Enclosures:

Exhibit "1" – Notice of Violation
Acceptance of Conditional Resolution and Waiver to Right of Hearing; (proposed)
Order

cc: (via email)

Kailyn Ellison, Attorney, Office of Enforcement, State Water Resources Control Board
Brittany Johnson, Attorney, Somach Simmons & Dunn
Ellen Moskal, Attorney, Somach Simmons & Dunn

Settlement Offer No. R4-2023-0296
CI No. 9766, NPDES Permit No. CAG994004

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

CF Alpha & Golf PropCo LLC
Molina Healthcare, Inc.
Settlement Offer No. R4-2023-0296
NPDES Permit No. CAG994004

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Water Board), CF Alpha & Golf PropCo LLC and Molina Healthcare, Inc. (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Second Amended Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385 in the sum of \$252,000 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13385 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Lala Kabadaian, Enforcement I Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

The Permittee understands that federal regulations set forth by title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, the Acceptance and Waiver, prior to execution by the Regional Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Water Board Assistant Executive Officer to question the Expedited Payment Amount, the Acceptance and

Settlement Offer No. R4-2023-0296
CI No. 9766, NPDES Permit No. CAG994004

Waiver will be presented to the Executive Officer for consideration and adoption of a stipulated order.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will not in any way be binding or used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code sections 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$252,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Water Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

CF Alpha & Golf PropCo LLC

By: William Turner
(Signed Name)

William Turner
Authorized Signatory
(Printed or Typed Name)

October 6, 2023
(Date)

(Title)

Settlement Offer No. R4-2023-0296
CI No. 9766, NPDES Permit No. CAG994004

Molina Healthcare Inc.

By: Jeff Barlow
(Signed Name)

October 6, 2023
(Date)

Jeff Barlow
(Printed or Typed Name)

Chief Legal Officer and Secretary
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____
Susana Arredondo
Executive Officer

(Date)

EXHIBIT "1" – NOTICE OF VIOLATION
Effluent Limit Violations

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/ Chronic	Water Code Section 13385	Penalty
06/04/19	2nd Quarter 2019	Daily Maximum	Mercury	0.28	0.1	µg/L	2	180%	Serious	(h)1	\$3,000
06/11/19	2nd Quarter 2019	Daily Maximum	Mercury	0.32	0.1	µg/L	2	220%	Serious	(h)1	\$3,000
06/18/19	2nd Quarter 2019	Daily Maximum	Mercury	0.32	0.1	µg/L	2	220%	Serious	(h)1	\$3,000
06/25/19	2nd Quarter 2019	Daily Maximum	Mercury	0.35	0.1	µg/L	2	250%	Serious	(h)1	\$3,000
06/30/19	2nd Quarter 2019	Monthly Average	Mercury	0.328	0.05	µg/L	2	556%	Serious	(h)1	\$3,000
07/03/19	3rd Quarter 2019	Daily Maximum	Mercury	0.32	0.1	µg/L	2	220%	Serious	(h)1	\$3,000
07/10/19	3rd Quarter 2019	Daily Maximum	Mercury	0.34	0.1	µg/L	2	240%	Serious	(h)1	\$3,000
07/18/19	3rd Quarter 2019	Daily Maximum	Mercury	0.35	0.1	µg/L	2	250%	Serious	(h)1	\$3,000
07/25/19	3rd Quarter 2019	Daily Maximum	Mercury	0.32	0.1	µg/L	2	220%	Serious	(h)1	\$3,000
07/30/19	3rd Quarter 2019	Daily Maximum	Mercury	0.31	0.1	µg/L	2	210%	Serious	(h)1	\$3,000
07/31/19	3rd Quarter 2019	Monthly Average	Mercury	0.33	0.05	µg/L	2	560%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
08/07/19	3rd Quarter 2019	Daily Maximum	Mercury	0.34	0.1	µg/L	2	240%	Serious	(h)1	\$3,000
08/14/19	3rd Quarter 2019	Daily Maximum	Mercury	0.32	0.1	µg/L	2	220%	Serious	(h)1	\$3,000
08/21/19	3rd Quarter 2019	Daily Maximum	Mercury	0.35	0.1	µg/L	2	250%	Serious	(h)1	\$3,000
08/28/19	3rd Quarter 2019	Daily Maximum	Mercury	0.34	0.1	µg/L	2	240%	Serious	(h)1	\$3,000
08/31/19	3rd Quarter 2019	Monthly Average	Mercury	0.34	0.05	µg/L	2	580%	Serious	(h)1	\$3,000
09/04/19	3rd Quarter 2019	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000
09/10/19	3rd Quarter 2019	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000
09/18/19	3rd Quarter 2019	Daily Maximum	Mercury	0.34	0.1	µg/L	2	240%	Serious	(h)1	\$3,000
09/26/19	3rd Quarter 2019	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000
09/30/19	3rd Quarter 2019	Monthly Average	Mercury	0.33	0.05	µg/L	2	560%	Serious	(h)1	\$3,000
10/02/19	4th Quarter 2019	Daily Maximum	Mercury	0.36	0.1	µg/L	2	260%	Serious	(h)1	\$3,000
10/10/19	4th Quarter 2019	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000
10/18/19	4th Quarter 2019	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/ Chronic	Water Code Section 13385	Penalty
10/24/19	4th Quarter 2019	Daily Maximum	Mercury	0.38	0.1	µg/L	2	280%	Serious	(h)1	\$3,000
10/31/19	4th Quarter 2019	Daily Maximum	Mercury	0.4	0.1	µg/L	2	300%	Serious	(h)1	\$3,000
10/31/19	4th Quarter 2019	Monthly Average	Mercury	0.36	0.05	µg/L	2	620%	Serious	(h)1	\$3,000
11/08/19	4th Quarter 2019	Daily Maximum	Mercury	0.37	0.1	µg/L	2	270%	Serious	(h)1	\$3,000
11/13/19	4th Quarter 2019	Daily Maximum	Mercury	0.38	0.1	µg/L	2	280%	Serious	(h)1	\$3,000
11/20/19	4th Quarter 2019	Daily Maximum	Mercury	0.4	0.1	µg/L	2	300%	Serious	(h)1	\$3,000
11/25/19	4th Quarter 2019	Daily Maximum	Mercury	0.45	0.1	µg/L	2	350%	Serious	(h)1	\$3,000
11/30/19	4th Quarter 2019	Monthly Average	Mercury	0.4	0.05	µg/L	2	700%	Serious	(h)1	\$3,000
12/06/19	4th Quarter 2019	Daily Maximum	Mercury	0.36	0.1	µg/L	2	260%	Serious	(h)1	\$3,000
12/13/19	4th Quarter 2019	Daily Maximum	Mercury	0.38	0.1	µg/L	2	280%	Serious	(h)1	\$3,000
12/18/19	4th Quarter 2019	Daily Maximum	Mercury	0.38	0.1	µg/L	2	280%	Serious	(h)1	\$3,000
12/27/19	4th Quarter 2019	Daily Maximum	Mercury	0.38	0.1	µg/L	2	280%	Serious	(h)1	\$3,000
12/31/19	4th Quarter 2019	Monthly Average	Mercury	0.38	0.05	µg/L	2	660%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
01/03/20	1st Quarter 2020	Daily Maximum	Mercury	0.39	0.1	µg/L	2	290%	Serious	(h)1	\$3,000
01/10/20	1st Quarter 2020	Daily Maximum	Mercury	0.4	0.1	µg/L	2	300%	Serious	(h)1	\$3,000
01/13/20	1st Quarter 2020	Daily Maximum	Mercury	0.39	0.1	µg/L	2	290%	Serious	(h)1	\$3,000
01/21/20	1st Quarter 2020	Daily Maximum	Mercury	0.37	0.1	µg/L	2	270%	Serious	(h)1	\$3,000
01/31/20	1st Quarter 2020	Daily Maximum	Mercury	0.39	0.1	µg/L	2	290%	Serious	(h)1	\$3,000
01/31/20	1st Quarter 2020	Monthly Average	Mercury	0.39	0.05	µg/L	2	680%	Serious	(h)1	\$3,000
02/07/20	1st Quarter 2020	Daily Maximum	Mercury	0.4	0.1	µg/L	2	300%	Serious	(h)1	\$3,000
02/14/20	1st Quarter 2020	Daily Maximum	Mercury	0.42	0.1	µg/L	2	320%	Serious	(h)1	\$3,000
02/19/20	1st Quarter 2020	Daily Maximum	Mercury	0.43	0.1	µg/L	2	330%	Serious	(h)1	\$3,000
02/27/20	1st Quarter 2020	Daily Maximum	Mercury	0.45	0.1	µg/L	2	350%	Serious	(h)1	\$3,000
02/29/20	1st Quarter 2020	Monthly Average	Mercury	0.43	0.05	µg/L	2	760%	Serious	(h)1	\$3,000
03/06/20	1st Quarter 2020	Daily Maximum	Mercury	0.41	0.1	µg/L	2	310%	Serious	(h)1	\$3,000
03/13/20	1st Quarter 2020	Daily Maximum	Mercury	0.43	0.1	µg/L	2	330%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
03/26/20	1st Quarter 2020	Daily Maximum	Mercury	0.41	0.1	µg/L	2	310%	Serious	(h)1	\$3,000
03/31/20	1st Quarter 2020	Monthly Average	Mercury	0.42	0.05	µg/L	2	740%	Serious	(h)1	\$3,000
04/02/20	2nd Quarter 2020	Daily Maximum	Mercury	0.4	0.1	µg/L	2	300%	Serious	(h)1	\$3,000
04/10/20	2nd Quarter 2020	Daily Maximum	Mercury	0.42	0.1	µg/L	2	320%	Serious	(h)1	\$3,000
04/16/20	2nd Quarter 2020	Daily Maximum	Mercury	0.44	0.1	µg/L	2	340%	Serious	(h)1	\$3,000
04/23/20	2nd Quarter 2020	Daily Maximum	Mercury	0.54	0.1	µg/L	2	440%	Serious	(h)1	\$3,000
04/30/20	2nd Quarter 2020	Daily Maximum	Mercury	0.49	0.1	µg/L	2	390%	Serious	(h)1	\$3,000
04/30/20	2nd Quarter 2020	Monthly Average	Mercury	0.46	0.05	µg/L	2	820%	Serious	(h)1	\$3,000
05/07/20	2nd Quarter 2020	Daily Maximum	Mercury	0.46	0.1	µg/L	2	360%	Serious	(h)1	\$3,000
05/13/20	2nd Quarter 2020	Daily Maximum	Mercury	0.44	0.1	µg/L	2	340%	Serious	(h)1	\$3,000
05/21/20	2nd Quarter 2020	Daily Maximum	Mercury	0.42	0.1	µg/L	2	320%	Serious	(h)1	\$3,000
05/26/20	2nd Quarter 2020	Daily Maximum	Mercury	0.47	0.1	µg/L	2	370%	Serious	(h)1	\$3,000
05/31/20	2nd Quarter 2020	Monthly Average	Mercury	0.45	0.05	µg/L	2	800%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
06/01/20	2nd Quarter 2020	Daily Maximum	Mercury	0.37	0.1	µg/L	2	270%	Serious	(h)1	\$3,000
06/30/20	2nd Quarter 2020	Monthly Average	Mercury	0.37	0.051	µg/L	2	625%	Serious	(h)1	\$3,000
07/02/20	3rd Quarter 2020	Daily Maximum	Mercury	0.43	0.1	µg/L	2	330%	Serious	(h)1	\$3,000
07/31/20	3rd Quarter 2020	Monthly Average	Mercury	0.43	0.051	µg/L	2	743%	Serious	(h)1	\$3,000
08/10/20	3rd Quarter 2020	Daily Maximum	Mercury	0.44	0.1	µg/L	2	340%	Serious	(h)1	\$3,000
08/31/20	3rd Quarter 2020	Monthly Average	Mercury	0.44	0.051	µg/L	2	763%	Serious	(h)1	\$3,000
09/10/20	3rd Quarter 2020	Daily Maximum	Mercury	0.39	0.1	µg/L	2	290%	Serious	(h)1	\$3,000
09/30/20	3rd Quarter 2020	Monthly Average	Mercury	0.39	0.051	µg/L	2	665%	Serious	(h)1	\$3,000
09/30/20	3rd Quarter 2020	30 Day Ave	Nitrate + Nitrite	12	8.0	mg/L	2	50%	Serious	(h)1	dismissed*
09/30/20	3rd Quarter 2020	30 Day Ave	Nitrate	12	8.0	mg/L	2	50%	Serious	(h)1	dismissed*
10/08/20	4th Quarter 2020	Daily Maximum	Mercury	0.33	0.1	µg/L	2	230%	Serious	(h)1	\$3,000
10/31/20	4th Quarter 2020	Monthly Average	Mercury	0.33	0.051	µg/L	2	547%	Serious	(h)1	\$3,000
10/31/20	4th Quarter 2020	30 Day Ave	Nitrate + Nitrite	9.4	8.0	mg/L	2	18%	Chronic	(i)1	dismissed*

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
10/31/20	4th Quarter 2020	30 Day Ave	Nitrate	9.4	8.0	mg/L	2	18%	Chronic	(i)1	dismissed*
11/09/20	4th Quarter 2020	Daily Maximum	Mercury	0.26	0.1	µg/L	2	160%	Serious	(h)1	\$3,000
11/30/20	4th Quarter 2020	Monthly Average	Mercury	0.26	0.051	µg/L	2	410%	Serious	(h)1	\$3,000
12/14/20	4th Quarter 2020	Daily Maximum	Mercury	0.44	0.1	µg/L	2	340%	Serious	(h)1	\$3,000
12/31/20	4th Quarter 2020	Monthly Average	Mercury	0.44	0.051	µg/L	2	763%	Serious	(h)1	\$3,000
01/12/21	1st Quarter 2021	Daily Maximum	Mercury	0.34	0.1	µg/L	2	240%	Serious	(h)1	\$3,000
02/22/21	1st Quarter 2021	Daily Maximum	Zinc	250	140	µg/L	2	79%	Serious	(h)1	\$3,000
02/22/21	1st Quarter 2021	Single Sample	Fecal Coliform	460	400	MPN/100 mL	OEV	NA	Chronic	(i)1	\$3,000
02/28/21	1st Quarter 2021	Monthly Average	Nitrate	28	15	mg/L	2	87%	Serious	(h)1	dismissed*
02/28/21	1st Quarter 2021	Monthly Average	Zinc	250	70	µg/L	2	257%	Serious	(h)1	\$3,000
02/28/21	1st Quarter 2021	Monthly Average	Nitrate + Nitrite	28	15	mg/L	2	100%	Serious	(h)1	dismissed*
06/07/21	2nd Quarter 2021	Inst. Minimum	pH	5.03	6.5	SU	OEV	NA	Chronic	(i)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
06/07/21	2nd Quarter 2021	Daily Maximum	MBAS	0.72	0.5	mg/L	1	44%	Serious	(h)1	\$3,000
07/12/21	3rd Quarter 2021	Inst. Minimum	pH	4.7	6.5	SU	OEV	NA	Chronic	(i)1	\$3,000

Total: \$252,000

* On September 27, 2021, the Regional Water Board issued a revised coverage letter removing nitrate-N, nitrite-N, total nitrogen (NO₃-N + NO₂-N), and mineral effluent limitations, after determining these effluent limitations were not applicable to the Facility's discharge. Therefore, violations cited previously for nitrate-N, nitrite-N, total nitrogen (NO₃-N + NO₂-N) are dismissed.