

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2023-0008**

**IN THE MATTER OF  
THE CITY OF ARCATA WASTEWATER TREATMENT FACILITY  
ARCATA, HUMBOLDT COUNTY**

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) to the City of Arcata (Discharger) for violations of effluent limitations contained in Waste Discharge Requirements (WDRs) Order No. R1-2019-0006, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022713, for which the Regional Water Board may impose civil liability pursuant to California Water Code (Water Code) section 13385. The Regional Water Board's Executive Officer has delegated their authority under Water Code section 13323 to issue this Complaint to the Assistant Executive Officer.

1. The Discharger owns and operates the Arcata Wastewater Treatment Facility (Facility) located at 600 South G Street, Arcata, California, in Humboldt County. Primary wastewater treatment consists of mechanical bar screens, grit removal, and two primary clarifiers. Primary solids are sent to two anaerobic digesters, sludge drying beds, and a sludge composting operation. Monitoring data collected during the WDRs Order No. R1-2012-0031 Permit term (August 1, 2012, to May 31, 2019) show a median influent flow of 1.40 million gallons per day (mgd) and an average influent flow of 1.80 mgd. Secondary treatment is accomplished using two oxidation ponds, followed by a series of six treatment wetlands. Effluent is disinfected with chlorine and then dechlorinated with sulfur dioxide prior to discharge to Humboldt Bay (Discharge Point 001) or the Arcata Marsh Wildlife Sanctuary (AMWS) (Discharge Point 002).
2. The Regional Water Board adopted WDRs Order No. R1-2019-0006 (2019 Order) on April 17, 2019, and it became effective on June 1, 2019. The 2019 Order requires, among other things, compliance with effluent limitations at Discharge Points 001 and 002.
3. Section IV.A.1 of the 2019 Order contains, in part, the following effluent limitation for Cyanide with which the Discharger is required to maintain compliance at Discharge Point 001:

<b>Order Number</b>	<b>Parameter</b>	<b>Units</b>	<b>Average Monthly</b>	<b>Daily Maximum</b>
R1-2019-0006	Cyanide	µg/L	0.43	1.0

**ALLEGATIONS:**

4. Self-monitoring reports submitted by the Discharger show that the Discharger violated the above-referenced Cyanide effluent limitation on eighty (80) occasions between February 12, 2020, through September 30, 2022, as identified in Exhibit A. Exhibit A is attached hereto and is incorporated herein by this reference. This Complaint only addresses administrative civil liability for the eighty one (81) violations specifically identified in Exhibit A, which are subject to mandatory minimum penalties (MMPs) under Water Code section 13385, subdivisions (h) and/or (i).

**LEGAL PROVISIONS UPON WHICH LIABILITY IS BASED:**

5. Water Code section 13376 prohibits the discharge of pollutants in violation of effluent limitations set forth in WDRs.
6. Water Code section 13385, subdivision (h)(1), requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each serious violation.
7. Water Code section 13385, subdivision (h)(2), defines a “serious violation” as “any waste discharge that violates the effluent limitations contained in the applicable [WDRs] for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”
8. Water Code section 13385, subdivision (i)(1), also requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a period of six consecutive months:
  - a. Violates a waste discharge requirement effluent limitation;
  - b. Fails to file a report pursuant to section 13260;
  - c. Files an incomplete report pursuant to section 13260; or
  - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
9. Water Code section 13385, subdivision (i)(2), defines a “period of six consecutive months” to mean “the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

**PROPOSED ADMINISTRATIVE CIVIL LIABILITY ASSESSMENT:**

10. The Assistant Executive Officer proposes that the Discharger be assessed an MMP of two hundred and forty-three thousand dollars (\$243,000) for exceeding the effluent limitations for Cyanide specifically identified in Exhibit A.

**THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:**

11. The Assistant Executive Officer of the Regional Water Board proposes a total administrative civil liability amount of **\$243,000** based on the violations in Exhibit A.
12. The Regional Water Board will hold a hearing on this Complaint during the Board meeting scheduled on April 6-7, 2023. The meeting is tentatively planned to occur in the town of Weed in Siskiyou County, California, at a location to be announced, or at a location posted on the [Regional Water Board's website](#), unless the Discharger does one of the following by the deadline to submit the Waiver Form, which will be specified in the Notice of Public Hearing and Hearing Procedures that will subsequently be issued by the Advisory Team:
  - a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of **\$243,000** in full;
  - b. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to engage the Regional Water Board Prosecution Team in settlement negotiations; or
  - c. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.
13. To select one of the waiver options identified above, the Discharger must complete the enclosed Waiver Form and submit it to the Regional Water Board Advisory Team. If the Discharger has questions about the Waiver Form or wishes to request an extension, it should contact the Regional Water Board Advisory Team.
14. If a hearing is held, it will be governed by the Notice of Public Hearing and Hearing Procedures that will be provided by the Regional Water Board Advisory Team.
15. During the hearing, the Regional Water Board will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
16. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources and Code section 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

City of Arcata Wastewater Treatment Facility  
Administrative Civil Liability Complaint No. R1-2023-0008

  
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Claudia E. Villacorta  
Date: 2023.01.09  
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Water Boards

Claudia E. Villacorta, P.E.

Assistant Executive Officer, North Coast Regional Water Board

Attachments:

1. Exhibit A: List of Violations Requiring Mandatory Minimum Penalties

Mandatory Penalty Administrative Civil Liability

Arcata City

Arcata City WWTF

WDID No. 1B82114OHUM

NPDES No. CA0022713

EXHIBIT "A"

**Effluent Limitations Violations Requiring Mandatory Minimum Penalties**

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	1073186	02/12/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/l	N	*	10%	08/16/2019	C	> Ct. 3	Y	13385(i)	\$ 3,000
2	1073187	02/20/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/l	N		30%	08/24/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
3	1073185	02/29/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.1	µg/l	N		156%	09/02/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
4	1077682	04/21/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.5	µg/l	N		50%	10/24/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
5	1077684	04/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.5	µg/l	N		249%	11/02/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
6	1077683	06/17/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.3	µg/l	N		30%	12/20/2019	S	> Ct. 3	Y	13385(h)	\$ 3,000
7	1077679	06/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.3	µg/l	N		202%	01/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
8	1080738	07/08/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/l	N		180%	01/10/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
9	1080739	08/04/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/l	N		180%	02/06/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
10	1080737	08/11/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/l	N		190%	02/13/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
11	1080742	08/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.8	µg/l	N		551%	03/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
12	1080740	09/17/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/l	N		150%	03/21/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
13	1080741	09/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.5	µg/l	N		481%	04/03/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
14	1085135	10/01/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/l	N		160%	04/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
15	1085144	10/08/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/l	N		120%	04/11/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
16	1085145	10/21/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/l	N		100%	04/24/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
17	1085137	10/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.3	µg/l	N		435%	05/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
18	1085139	11/09/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	05/13/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
19	1085141	11/16/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	05/20/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
20	1085142	11/24/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/l	N		60%	05/28/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
21	1085138	11/30/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.1	µg/l	N		388%	06/03/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
22	1085136	12/01/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.8	µg/l	N		80%	06/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
23	1085140	12/28/2020	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/l	N		130%	07/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
24	1085143	12/31/2020	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.7	µg/l	N		295%	07/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
25	1089227	01/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	µg/l	N		133%	08/04/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
26	1089225	02/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.2	µg/l	N		20%	08/21/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
27	1089230	02/28/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.2	µg/l	N		179%	09/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
28	1089229	03/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/l	N		10%	09/18/2020	C	> Ct. 3	Y	13385(i)	\$ 3,000
29	1089228	03/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1	µg/l	N		133%	10/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
30	1092287	04/07/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.6	µg/l	N		60%	10/09/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
31	1092288	04/14/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.4	µg/l	N		40%	10/16/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
32	1092289	04/27/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/l	N		100%	10/29/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
33	1092291	04/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.7	µg/l	N		295%	11/01/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
34	1092285	05/04/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/l	N		160%	11/05/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
35	1092286	05/19/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/l	N		120%	11/20/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
36	1092284	05/26/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/l	N		170%	11/27/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
37	1092292	05/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.5	µg/l	N		481%	12/02/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
38	1092293	06/23/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.8	µg/l	N		180%	12/25/2020	S	> Ct. 3	Y	13385(h)	\$ 3,000
39	1092290	06/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.8	µg/l	N		551%	01/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
40	1096039	07/07/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	01/08/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
41	1096037	07/13/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/l	N		100%	01/14/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
42	1096036	07/28/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/l	N		120%	01/29/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
43	1096041	07/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.2	µg/l	N		412%	02/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
44	1096042	08/04/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.2	µg/l	N		120%	02/05/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
45	1096045	08/18/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	4.4	µg/l	N		340%	02/19/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
46	1096040	08/24/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	02/25/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
47	1096044	08/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	3	µg/l	N		598%	03/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
48	1096046	09/14/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/l	N		170%	03/18/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
49	1096038	09/29/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/l	N		150%	04/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
50	1096043	09/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.6	µg/l	N		505%	04/03/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
51	1099685	10/06/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.3	µg/l	N		130%	04/09/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
52	1099683	10/20/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/l	N		190%	04/23/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
53	1099681	10/27/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2	µg/l	N		100%	04/30/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
54	1099687	10/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.4	µg/l	N		458%	05/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
55	1099679	11/17/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.8	µg/l	N		80%	05/21/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
56	1099682	11/30/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.8	µg/l	N		319%	06/03/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
57	1099680	12/08/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.7	µg/l	N		70%	06/11/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
58	1099686	12/15/2021	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	1.1	µg/l	N		10%	06/18/2021	C	> Ct. 3	Y	13385(i)	\$ 3,000
59	1099684	12/31/2021	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.4	µg/l	N		226%	07/04/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
60	1103364	02/16/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.4	µg/l	N		40%	08/20/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
61	1103368	02/28/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.4	µg/l	N		226%	09/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
62	1103363	03/01/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.8	µg/l	N		80%	09/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
63	1103365	03/08/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	2.1	µg/l	N		110%	09/09/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
64	1103366	03/23/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	1.7	µg/l	N		70%	09/24/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
65	1103362	03/30/2022	Cyanide, Total (as CN)	Group 2	Maximum Daily	1	2	µg/l	N		100%	10/01/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
66	1103367	03/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	1.9	µg/l	N		342%	10/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
67	1106513	05/18/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.6	µg/l	N		160%	11/19/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
68	1106511	05/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.6	µg/l	N		505%	12/02/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
69	1106509	06/08/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3.2	µg/l	N		220%	12/10/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
70	1106510	06/15/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3	µg/l	N		200%	12/17/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000

71	1111692	06/29/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	3.5	µg/l	N		250%	12/31/2021	S	> Ct. 3	Y	13385(h)	\$ 3,000
72	1106512	06/30/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	3.2	µg/l	N		644%	01/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
73	1109686	07/06/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.7	µg/l	N		170%	01/07/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
74	1109688	07/27/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	01/28/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
75	1109680	07/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.55	µg/l	N		493%	02/01/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
76	1109687	08/03/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.5	µg/l	N		150%	02/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
77	1109689	08/24/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/l	N		190%	02/25/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
78	1109681	08/31/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.7	µg/l	N		528%	03/04/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
79	1109683	09/14/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.4	µg/l	N		140%	03/18/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
80	1109684	09/19/2022	Cyanide, Total (as CN)	Group 2	Daily Maximum	1	2.9	µg/l	N		190%	03/23/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000
81	1109682	09/30/2022	Cyanide, Total (as CN)	Group 2	Monthly Average	0.43	2.55	µg/l	N		493%	04/03/2022	S	> Ct. 3	Y	13385(h)	\$ 3,000

**Total Penalty: \$ 243,000**

**Legend of Table**

\*Violation #1 is subject to MMP because there were 7 violations of effluent limitations (not included in this Exhibit A) at the facility within the 180-day period leading up to February 12, 2020. The 7 violations within the 180-day period at the Facility are not included in this list because they are part of a separate enforcement action (Expedited Payment Letter Order No. R1-2022-0051).

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

**Violation Period Between February 12, 2020 to September 30, 2022**

Group I Violations Assessed MMP:	0
Group II Violations Assessed MMP:	81
Other Effluent Violations Assessed MMP:	0
Violations Exempt from MMP:	0
Total Violations Assessed MMP:	81

**Mandatory Minimum Penalty = (78 Serious Violations + 3 Non-Serious Violations) x \$3,000 = \$243,000**