

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0521

MANDATORY PENALTY
IN THE MATTER OF
NEVADA COUNTY SANITATION DISTRICT NO. 1
CASCADE SHORES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

This Complaint is issued to Nevada County Sanitation District No. 1 (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL), CWC section 13323, which authorizes the Executive Officer to issue this complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order Nos. 94-160 and 5-01-177 (NPDES No. CA0083241).

The Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) finds the following:

1. The Discharger owns and operates the Cascade Shores Wastewater Treatment Plant (WWTP) which provides sewerage service to the Cascade Shores community. Treated domestic, commercial, and industrial wastewater is discharged to Gas Canyon Creek, a water of the United States.
2. On 20 May 1994, the Regional Water Board adopted WDRs Order No. 94-160 to regulate discharges of waste from the WWTP. The WDRs include effluent limitations and other requirements regarding the waste discharge.
3. On 14 June 2001, the Regional Water Board adopted WDRs Order No. 5-01-177, which contained new requirements and rescinded WDRs Order No. 94-160. The WDRs include effluent limitations and other requirements regarding the waste discharge.
4. On 4 May 2006, the Regional Water Board adopted Cease and Desist Order (CDO) No. R5-2006-0035. The CDO includes a schedule to comply with effluent limitations and other requirements regarding the waste discharge.
5. On 7 March 2006, the Assistant Executive Officer of the Regional Water Board issued ACL Complaint No. R5-2006-0500 to the Discharger for mandatory minimum penalties (MMPs) for specific effluent limitation violations, and an additional penalty for a May 2005 raw sewage spill to Gas Canyon Creek. ACL Complaint No. R5-2006-0500 has not been settled. This Complaint incorporates the MMPs from ACL Complaint No. R5-2006-0500 and rescinds that complaint. The additional penalty for the raw sewage spill is not addressed in this Complaint, and may be addressed at a later date.
6. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states, “Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.”

CWC section 13385(h)(2) states, “For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements 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.”

CWC section 13385(i)(1) states, “Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- (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.
- (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.”

7. CWC section 13323 states, in part:

“Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.”

8. WDRs Order No. 94-160 Effluent Limitations No. C.1 includes, in part, the following effluent limitations:

Constituent	Units	Monthly Median	Monthly Average	Weekly Average	Daily Maximum
BOD ¹	mg/l	—	15	20	35
Total Suspended Solids	mg/l	—	15	20	35
Settleable Solids	ml/l	—	—	—	0.1
Chlorine Residual	mg/l	—	—	—	0.02
Total Coliform Organisms	MPN/100 ml	2.2	—	—	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

9. WDRs Order No. 94-160 Provision No. C.3 includes the following effluent limitations:

The discharge shall not have a pH less than 6.5 nor greater than 8.5.

10. WDRs Order No. 5-01-177 Effluent Limitations No. B.1.a includes, in part, the following effluent limitations:

<i>Constituent</i>	<i>Units</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Median</i>	<i>Daily Maximum</i>
<i>BOD</i> ¹	<i>mg/l</i>	<i>15</i> ²	<i>20</i> ²	—	<i>35</i> ²
	<i>lb/day</i> ³	<i>3.3</i>	<i>4.3</i>	—	<i>7.6</i>
<i>Total Suspended Solids</i>	<i>mg/l</i>	<i>15</i> ²	<i>20</i> ²	—	<i>35</i> ²
	<i>lb/day</i> ³	<i>3.3</i>	<i>4.3</i>	—	<i>7.6</i>
<i>Settleable Solids</i>	<i>ml/l</i>	<i>0.1</i>	—	—	<i>0.2</i>
<i>Chlorine Residual</i>	<i>mg/l</i>	—	—	—	<i>0.02</i>
<i>Total Coliform Organisms</i>	<i>MPN/100 ml</i>	—	—	<i>2.2</i>	<i>23</i>

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.0260 mgd ($x \text{ mg/l} \times 8.345 \times 0.0260 \text{ mgd} = y \text{ lb/day}$)

11. WDRs Order No. 5-01-177 Effluent Limitations No. B.4 includes the following effluent limitations:

The discharge shall not have a pH less than 6.5 nor greater than 8.5.

12. WDRs Order No. 5-01-177 Effluent Limitations No. B.5 includes the following effluent limitation:

The concentration of dissolved oxygen shall not fall below 7.0 mg/l in the discharge.

13. According to the Discharger's self-monitoring reports, the Discharger committed twenty-eight (28) Group I serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because the discharge violated the effluent limitations contained in the applicable waste discharge requirements for Group I pollutants by 40 percent or more on these occasions. The mandatory minimum penalty for these Group I serious violations is **eighty-four thousand dollars (\$84,000)**.
14. According to the Discharger's self-monitoring reports, the Discharger committed two (2) Group II serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because the discharge violated the effluent limitations contained in the applicable waste discharge requirements for Group II pollutants by 20 percent or more on these occasions. The mandatory

minimum penalty for these Group II serious violations is **six thousand dollars (\$6,000)**.

15. According to the Discharger's self-monitoring reports, the Discharger committed one hundred thirty-five (135) non-serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 31 December 2007. One hundred seven (107) of the non-serious violations are subject to mandatory penalties under CWC Section 13385(i)(1), because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **three hundred twenty-one thousand dollars (\$321,000)**.
16. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred eleven thousand dollars (\$411,000)**. A detailed list of the cited violations is included in Attachment A, a part of this Complaint.
17. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

THE NEVADA COUNTY SANITATION DISTRICT NO. 1 IS HEREBY GIVEN NOTICE THAT:

1. Administrative Civil Liability Complaint No. R5-2006-0500 is rescinded.
2. The Assistant Executive Officer of the Regional Water Board proposes that the Nevada County Sanitation District No. 1 be assessed an administrative civil liability in the amount of **four hundred eleven thousand dollars (\$411,000)**.
3. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **31 July/1 August 2008**, unless the Discharger agrees to complete the following by **4 June 2008**:
 - a) Waive the hearing by completing the attached form and returning it to the Regional Water Board; and
 - b) Pay the proposed civil liability of **four hundred eleven thousand dollars (\$411,000)** in full.

4. If a hearing on this matter is held, then the Regional Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

JACK E. DEL CONTE, Assistant Executive Officer

5 May 2008

Attachment A: Record of Violations

SMJ: 5 May 2008

WAIVER OF HEARING FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent the Nevada County Sanitation District No. 1 (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0521 (hereinafter the "Complaint");
2. I am informed of the right provided by California Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of service of the Complaint;
3. I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of service of the Complaint; and
4. I certify that the Discharger will remit payment for the civil liability imposed in the amount of four hundred eleven thousand dollars (\$411,000) by check, which contains a reference to "ACL Complaint No. R5-2008-0521" and is made payable to the "State Water Pollution Cleanup and Abatement Account."
5. I understand the payment of the above amount constitutes a settlement of the Complaint and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Board receive new information during this comment period, the Regional Board may withdraw the complaint, return payment, and issue a new complaint.
6. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

Print Name, Title

Signature

Date

Attachment A
Nevada County Sanitation District No. 1
Cascade Shores Wastewater Treatment Plant
RECORD OF VIOLATIONS (1 January 2000-31 December 2007) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 94-160 and 5-01-177)

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
1	18-Jan-00	TCO	MPN/100 ml	23	110	Daily Maximum		3
2	02-Mar-00	pH	pH Units	6.5	6.3	Daily Minimum		3
3	16-Apr-00	pH	pH Units	6.5	6.0	Daily Minimum		3
4	30-Apr-00	TCO	MPN/100 ml	2.2	3	Monthly Median		4
5	05-Jul-00	pH	pH Units	6.5	3.1	Daily Minimum		4
6	06-Aug-00	pH	pH Units	6.5	5.8	Daily Minimum		4
7	22-Nov-00	pH	pH Units	6.5	6.2	Daily Minimum		3
8	14-Feb-01	pH	pH Units	6.5	3.6	Daily Minimum		3
9	20-Feb-01	pH	pH Units	6.5	5.5	Daily Minimum		3
10	22-Apr-01	pH	pH Units	6.5	3.3	Daily Minimum		4
11	08-May-01	TCO	MPN/100 ml	23	70	Daily Maximum		4
12	13-May-01	pH	pH Units	6.5	6.0	Daily Minimum		4
13	21-May-01	TSS	mg/l	35	45	Daily Maximum		4
14	26-May-01	TSS	mg/l	20	35	Weekly Average		1
15	31-May-01	TSS	mg/l	15	18	Monthly Average		4
16	05-Jun-01	TCO	MPN/100 ml	23	130	Daily Maximum		4
17	28-Aug-01	pH	pH Units	6.5	2.8	Daily Minimum		4
18	28-Aug-01	TSS	mg/l	35	39	Daily Maximum		4
19	02-Sep-01	DO	mg/l	7.0	4	Daily Minimum		4
20	04-Sep-01	DO	mg/l	7.0	4.2	Daily Minimum		4
21	06-Sep-01	DO	mg/l	7.0	3.4	Daily Minimum		4
22	09-Sep-01	DO	mg/l	7.0	6.0	Daily Minimum		4
23	11-Sep-01	DO	mg/l	7.0	5.6	Daily Minimum		4
24	13-Sep-01	DO	mg/l	7.0	4.6	Daily Minimum		4
25	18-Sep-01	DO	mg/l	7.0	5.5	Daily Minimum		4
26	20-Sep-01	DO	mg/l	7.0	5.9	Daily Minimum		4
27	25-Sep-01	DO	mg/l	7.0	6.3	Daily Minimum		4
28	27-Sep-01	DO	mg/l	7.0	6.3	Daily Minimum		4
29	02-Oct-01	DO	mg/l	7.0	6.8	Daily Minimum		4
30	04-Oct-01	DO	mg/l	7.0	6.8	Daily Minimum		4
31	07-Oct-01	DO	mg/l	7.0	5.4	Daily Minimum		4
32	09-Oct-01	DO	mg/l	7.0	6.5	Daily Minimum		4
33	09-Oct-01	pH	pH Units	6.5	5.8	Daily Minimum		4
34	11-Oct-01	DO	mg/l	7.0	5.5	Daily Minimum		4
35	16-Oct-01	DO	mg/l	7.0	6.6	Daily Minimum		4
36	18-Oct-01	DO	mg/l	7.0	5.7	Daily Minimum		4
37	01-Nov-01	DO	mg/l	7.0	6.6	Daily Minimum		4
38	08-Nov-01	pH	pH Units	6.5	3.8	Daily Minimum		4

ATTACHMENT A
 NEVADA COUNTY SANITATION DISTRICT NO. 1
 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0521

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
39	13-Nov-01	DO	mg/l	7.0	6.6	Daily Minimum		4
40	15-Nov-01	DO	mg/l	7.0	6.9	Daily Minimum		4
41	27-Nov-01	DO	mg/l	7.0	6.6	Daily Minimum		4
42	01-Jan-02	Settleable Solids	ml/l	0.2	0.4	Daily Maximum		1
43	03-Jan-02	TSS	lbs/day	7.6	13.5	Daily Maximum	0.042	5
44	03-Jan-02	Settleable Solids	ml/l	0.2	0.4	Daily Maximum		1
45	03-Jan-02	TSS	mg/l	35	51	Daily Maximum		1
46	05-Jan-02	TSS	lbs/day	4.3	8.5	Weekly Average	0.033	5
47	05-Jan-02	TSS	mg/l	20	35	Weekly Average		1
48	31-Jan-02	TSS	mg/l	15	19	Monthly Average		4
49	31-Jan-02	TSS	lbs/day	3.3	3.7	Monthly Average	0.020	4
50	21-Feb-02	pH	pH Units	6.5	3.5	Daily Minimum		4
51	23-Mar-02	TSS	mg/l	20	35	Weekly Average		1
52	23-Mar-02	BOD	mg/l	20	24	Weekly Average		4
53	23-Mar-02	TSS	lbs/day	4.3	5.0	Weekly Average	0.021	4
54	23-Mar-02	BOD	lbs/day	4.3	6.2	Weekly Average	0.021	1
55	31-Mar-02	TSS	mg/l	15	23	Monthly Average		1
56	02-Apr-02	TCO	MPN/100 ml	23	50	Daily Maximum		4
57	27-Jun-02	pH	pH Units	6.5	6.0	Daily Minimum		4
58	27-Aug-02	TCO	MPN/100 ml	23	1600	Daily Maximum		4
59	29-Aug-02	TCO	MPN/100 ml	23	80	Daily Maximum		4
60	20-Oct-02	Chlorine Residual	mg/l	0.02	20	Daily Maximum		2
61	06-Jan-03	TCO	MPN/100 ml	23	1600	Daily Maximum		4
62	09-Jan-03	TCO	MPN/100 ml	23	1600	Daily Maximum		4
63	21-Jan-03	TCO	MPN/100 ml	23	900	Daily Maximum		4
64	23-Jan-03	TCO	MPN/100 ml	23	170	Daily Maximum		4
65	31-Jan-03	TCO	MPN/100 ml	2.2	3	Monthly Median		4
66	06-Feb-03	TCO	MPN/100 ml	23	300	Daily Maximum		4
67	20-Feb-03	TCO	MPN/100 ml	23	130	Daily Maximum		4
68	28-Feb-03	TCO	MPN/100 ml	2.2	3	Monthly Median		4
69	06-Mar-03	TCO	MPN/100 ml	23	30	Daily Maximum		4
70	11-Mar-03	TCO	MPN/100 ml	23	27	Daily Maximum		4
71	13-Mar-03	TCO	MPN/100 ml	23	240	Daily Maximum		4
72	18-Mar-03	TCO	MPN/100 ml	23	37	Daily Maximum		4
73	31-Mar-03	TCO	MPN/100 ml	2.2	15.5	Monthly Median		4
74	01-Jul-03	TCO	MPN/100 ml	23	30	Daily Maximum		4
75	03-Jul-03	TCO	MPN/100 ml	23	1600	Daily Maximum		4
76	05-Jul-03	BOD	mg/l	20	34	Weekly Average		1
77	22-Jul-03	TCO	MPN/100 ml	23	500	Daily Maximum		4
78	31-Jul-03	TCO	MPN/100 ml	2.2	11	Monthly Median		4
79	04-Sep-03	DO	mg/l	7.0	6.9	Daily Minimum		4

ATTACHMENT A
 NEVADA COUNTY SANITATION DISTRICT NO. 1
 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0521

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
80	09-Sep-03	TCO	MPN/100 ml	23	900	Daily Maximum		4
81	10-Nov-03	TCO	MPN/100 ml	23	110	Daily Maximum		4
82	22-Nov-03	TSS	mg/l	20	30	Weekly Average		1
83	25-Nov-03	TCO	MPN/100 ml	23	900	Daily Maximum		4
84	26-Nov-03	TCO	MPN/100 ml	23	500	Daily Maximum		4
85	30-Nov-03	TSS	mg/l	15	18	Monthly Average		4
86	03-Dec-03	TCO	MPN/100 ml	23	30	Daily Maximum		4
87	13-Dec-03	TSS	mg/l	20	26	Weekly Average		4
88	23-Dec-03	TCO	MPN/100 ml	23	1600	Daily Maximum		4
89	24-Dec-03	TCO	MPN/100 ml	23	30	Daily Maximum		4
90	27-Dec-03	BOD	mg/l	20	30	Weekly Average		1
91	27-Dec-03	BOD	lbs/day	4.3	7.2	Weekly Average	0.027	5
92	31-Dec-03	TCO	MPN/100 ml	2.2	4	Monthly Median		4
93	31-Dec-03	TSS	mg/l	15	22	Monthly Average		1
94	01-Jan-04	TSS	lbs/day	7.6	16	Daily Maximum	0.060	5
95	03-Jan-04	TSS	mg/l	20	32	Weekly Average		1
96	03-Jan-04	BOD	lbs/day	7.6	12	Daily Maximum	0.030	5
97	03-Jan-04	BOD	lbs/day	4.3	12	Weekly Average	0.035	5
98	03-Jan-04	BOD	mg/l	20	24	Weekly Average		4
99	03-Jan-04	TSS	lbs/day	4.3	16	Weekly Average	0.035	5
100	10-Jan-04	Chlorine Residual	mg/l	0.02	27	Daily Maximum		2
101	11-Jan-04	pH	pH Units	6.5	3.8	Daily Minimum		4
102	24-Jan-04	BOD	mg/l	20	29	Weekly Average		1
103	24-Jan-04	TSS	mg/l	20	23	Weekly Average		4
104	24-Jan-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.020	4
105	31-Jan-04	BOD	lbs/day	3.3	5.6	Monthly Average	0.025	1
106	31-Jan-04	TSS	lbs/day	3.3	6.4	Monthly Average	0.025	1
107	31-Jan-04	TSS	mg/l	20	22	Weekly Average		4
108	31-Jan-04	BOD	mg/l	15	16	Monthly Average		4
109	31-Jan-04	BOD	lbs/day	4.3	5.5	Weekly Average	0.026	4
110	31-Jan-04	TSS	mg/l	15	20	Monthly Average		4
111	31-Jan-04	TSS	lbs/day	4.3	7.3	Weekly Average	0.026	1
112	07-Feb-04	TSS	lbs/day	4.3	6.0	Weekly Average	0.032	5
113	07-Feb-04	BOD	lbs/day	4.3	5.0	Weekly Average	0.032	5
114	07-Feb-04	TSS	mg/l	20	23	Weekly Average		4
115	14-Feb-04	BOD	mg/l	20	28	Weekly Average		1
116	14-Feb-04	TSS	mg/l	20	28	Weekly Average		1
117	14-Feb-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.022	4
118	14-Feb-04	TSS	lbs/day	4.3	4.8	Weekly Average	0.022	4
119	16-Feb-04	BOD	mg/l	35	40	Daily Maximum		4
120	16-Feb-04	BOD	lbs/day	7.6	13.6	Daily Maximum	0.041	5

NEVADA COUNTY SANITATION DISTRICT NO. 1
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#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
121	21-Feb-04	BOD	mg/l	20	40	Weekly Average		1
122	21-Feb-04	BOD	lbs/day	4.3	13.3	Weekly Average	0.040	5
123	21-Feb-04	TSS	lbs/day	4.3	6.4	Weekly Average	0.040	5
124	28-Feb-04	BOD	lbs/day	4.3	5.1	Weekly Average	0.045	5
125	28-Feb-04	TSS	lbs/day	4.3	7.0	Weekly Average	0.045	5
126	29-Feb-04	TCO	MPN/100 ml	2.2	9.0	Monthly Median		4
127	29-Feb-04	BOD	lbs/day	3.3	7.1	Monthly Average	0.034	5
128	29-Feb-04	TSS	lbs/day	3.3	6.1	Monthly Average	0.034	5
129	20-Mar-04	BOD	mg/l	20	25	Weekly Average		4
130	30-Mar-04	TCO	MPN/100 ml	23	300	Daily Maximum		4
131	31-Mar-04	TSS	mg/l	15	17	Monthly Average		4
132	29-Apr-04	TCO	MPN/100 ml	23	70	Daily Maximum		4
133	03-Jun-04	TCO	MPN/100 ml	23	1600	Daily Maximum		4
134	24-Jun-04	TCO	MPN/100 ml	23	240	Daily Maximum		4
135	06-Jul-04	TSS	mg/l	35	37	Daily Maximum		4
136	06-Jul-04	TCO	MPN/100 ml	23	1600	Daily Maximum		4
137	08-Jul-04	TCO	MPN/100 ml	23	240	Daily Maximum		4
138	10-Jul-04	TSS	mg/l	20	37	Weekly Average		1
139	17-Jul-04	TSS	mg/l	20	31	Weekly Average		1
140	24-Jul-04	TSS	mg/l	20	34	Weekly Average		1
141	31-Jul-04	TSS	mg/l	15	27	Monthly Average		1
142	17-Aug-04	TCO	MPN/100 ml	23	1600	Daily Maximum		4
143	09-Sep-04	TCO	MPN/100 ml	23	500	Daily Maximum		4
144	21-Dec-04	TCO	MPN/100 ml	23	1600	Daily Maximum		4
145	25-Dec-04	TSS	mg/l	20	24	Weekly Average		4
146	08-Jan-05	BOD	mg/l	20	21	Weekly Average		4
147	12-Feb-05	TSS	mg/l	20	34	Weekly Average		1
148	12-Feb-05	TSS	lbs/day	4.3	4.6	Weekly Average	0.019	4
149	26-Mar-05	TSS	lbs/day	4.3	5.7	Weekly Average	0.058	5
150	14-Aug-05	pH	pH Units	6.5	6.4	Daily Minimum		3
151	08-Nov-05	pH	pH Units	6.5	2.7	Daily Minimum		1
152	17-Dec-05	TSS	mg/l	20	21	Weekly Average		3
153	23-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
154	24-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
155	24-Dec-05	TSS	mg/l	20	34	Weekly Average		1
156	31-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
157	23-May-06	TCO	MPN/100 ml	23	240	Daily Maximum		4
158	06-Jun-06	TCO	MPN/100 ml	23	80	Daily Maximum		4
159	24-Jul-06	TCO	MPN/100 ml	23	500	Daily Maximum		3
160	23-Aug-06	pH	pH Units	8.5	9.3	Daily Maximum		4
161	13-Nov-06	Settleable Solids	ml/L	0.1	0.4	Daily Maximum		1

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
162	24-Mar-07	DO	mg/l	7.0	6.4	Daily Minimum		4
163	31-Mar-07	TCO	MPN/100 ml	2.2	5.5	Monthly Median		4
164	24-Jul-07	DO	mg/l	7.0	6.4	Daily Minimum		3
165	17-Oct-07	TCO	MPN/100 ml	23	50	Daily Maximum		3

Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass limit exceedances due only to wet weather not assessed MMPs, pursuant to SWRCB Order WQO 2004-0013.

VIOLATIONS AS OF: 31 December 2007

Group 1 Serious Violations:	28
Group 2 Serious Violations:	2
Non-serious Violations Subject to MMPs:	107
Non-serious Violations, Exempt from MMPs:	11
Mass Rate Violations Due to Wet Weather, Exempt from MMPs:	17
<u>Total Violations Subject to MMPs:</u>	<u>137</u>

Mandatory Minimum Penalty = (30 Serious Violations + 107 Non-Serious Violations) × \$3,000 = \$411,000

* Arithmetic mean of all 1-day flow rates, in MGD, while discharging to surface waters during limitation period. Values greater than the average daily design flow rate (0.026 MGD) are considered wet weather for purposes of applying SWRCB Order WQO 2004-0013.