

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0518

MANDATORY PENALTY
IN THE MATTER OF

DEPARTMENT OF PARKS AND RECREATION
EMPIRE MINE STATE HISTORIC PARK
NEVADA COUNTY

This Complaint is issued to the California Department of Parks and Recreation (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint alleges that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2006-0058 (NPDES No. CA0085171).

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) alleges the following:

1. The Discharger owns and operates the Empire Mine State Historic Park. Wastewater is discharged from a constructed mine drain to an unnamed tributary to the South Fork of Wolf Creek, which is tributary to the South Fork of Wolf Creek, which in turn is tributary to Wolf Creek and the Bear River.
2. On 23 June 2006, effective 1 August 2006, the Central Valley Water Board issued WDRs Order R5-2006-0058 and Time Schedule Order (TSO) R5-2006-0059. The TSO required full compliance with the effluent limitations in the WDRs by 18 May 2010.
3. On 6 May 2011, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint (ACLIC) R5-2011-0567 for mandatory minimum penalties for effluent violations from 1 October 2010 through 31 December 2010. The Discharger paid the civil liability and the Board considers those effluent violations specifically listed in Attachment A to ACLIC R5-2011-0567 to be resolved.
4. This Complaint addresses administrative civil liability for effluent violations that occurred during the period from 1 January 2011 through 31 December 2011. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum penalties. Attachment A to this Complaint is attached hereto and incorporated herein by this reference.
5. On 3 February 2012, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations. On 10 February 2012, the Discharger responded and requested dismissal of the 31 May 2011 monthly average aluminum violation and the 30 June 2011 and 31 October 2011 monthly average zinc violations because those violations were based on averages calculated from the single sample results from each month and those single sample results were already considered violations of the daily

maximum effluent limitations. However, the violations are retained in this Order because exceedances of the daily maximum effluent and monthly average effluent limitations for the same pollutant based on the same single monitoring event are counted as two separate violations for purposes of CWC section 13385(h) or (i).

6. CWC section 13385 subdivisions (h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385 subdivision (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 subdivision (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 subdivision (i)(1) states, in part:

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 R5-2006-0058 Final Effluent Limitations IV.A.1.a. states, in part:

- a. The discharge of mine drainage from the Magenta Drain portal shall maintain compliance with the following effluent limitations at Discharge Point EFF-001, with compliance measured at Monitoring Location EFF-001..."

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	std units	--	--	6.5	8.5
Turbidity	NTU	5	--	--	--
Color	color units	15	--	--	--
Aluminum	µg/L	71	140	--	--
Arsenic*	µg/L	10	--	--	--
Iron*	µg/L	300	--	--	--
Manganese*	µg/L	50	--	--	--
Zinc*	µg/L	12	24	--	--

* Total recoverable

9. WDRs Order R5-2006-0058 Final Effluent Limitations IV.A.1.c. states, in part:
- c. Dissolved Oxygen: Dissolved oxygen in the discharge shall be no less than:
 - i. 85 percent of saturation as the monthly median of the mean daily dissolved oxygen concentration;
 - ii. 75 percent of saturation as the 95 percentile dissolved oxygen concentration; and
 - iii. 7.0 mg/L at any time.
10. According to the Discharger's self-monitoring reports, the Discharger committed twenty-four (24) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2006-0058. These violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels in WDRs Order R5-2006-0058 by 40 percent or more. The mandatory minimum penalty for these serious violations is **seventy-two thousand dollars (\$72,000)**.
11. According to the Discharger's self-monitoring reports, the Discharger committed twenty-three (23) serious Group II violations of the above effluent limitations contained in WDRs Order R5-2006-0058. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels in WDRs Order R5-2006-0058 by 20 percent or more. The mandatory minimum penalty for these serious violations is **sixty-nine thousand dollars (\$69,000)**.
12. According to the Discharger's self-monitoring reports, the Discharger committed ninety-four (94) non-serious violations of the above effluent limitations contained in Order R5-2006-0058. These non-serious violations are subject to mandatory penalties under CWC section 13385 subdivision (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 **two hundred eighty-two thousand dollars (\$282,000)**.
13. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred twenty-three thousand dollars (\$423,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint. This Complaint

addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to a mandatory minimum penalty.

14. 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 subdivision (a)(2).

THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **four hundred twenty-three thousand dollars (\$423,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **7/8 June 2012**, unless the Discharger does one of the following by **9 April 2012**:
 - a) Waives the hearing by completing the attached form (checking off the box next to Option 1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **four hundred twenty-three thousand dollars (\$423,000)**;or
 - b) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests to engage in settlement discussions by checking off the box next to Option #2 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed; or
 - c) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests a delay by checking off the box next to Option #3 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed.
3. If a hearing on this matter is held, the Central Valley 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.

4. If this matter proceeds to hearing, the Executive Officer reserves the right to amend the proposed amount of civil liability to conform to the evidence presented, including but not limited to, increasing the proposed amount to account for the costs of enforcement (including staff, legal and expert witness costs) incurred after the date of the issuance of this Complaint through completion of the hearing.

Original signed by Frederick Moss for
PAMELA C. CREEDON, Executive Officer

9 March 2012

DATE

Attachment A: Record of Violations

**WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

I am duly authorized to represent the California Department of Parks and Recreation (hereafter Discharger) in connection with Administrative Civil Liability Complaint R5-2012-0518 (hereafter Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **four hundred twenty-three thousand dollars (\$423,000)** by check that references "ACL Complaint R5-2012-0518" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **9 April 2012**.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. 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.

(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.) I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.) I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0518**

**California Department of Parks and Recreation
Empire Mine State Historic Park**

RECORD OF VIOLATIONS (1 January 2011 – 31 December 2011) MANDATORY PENALTIES
(Data self-reported under Monitoring and Reporting Program R5-2006-0058)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
*	31-Dec-10	Color	color units	15	160	Monthly Avg	4*	891629
*	31-Dec-10	Turbidity	NTU	5	18	Monthly Avg	4*	891630
*	31-Dec-10	DO	% saturation	85	70.5	Monthly mdn	4*	891631
1	5-Jan-11	DO	mg/L	7	5.9	Instant Min	4	900745
2	5-Jan-11	pH	s.u.	6.5	6.1	Instant Min	4	900746
3	13-Jan-11	DO	mg/L	7	6	Instant Min	4	900747
4	13-Jan-11	pH	s.u.	6.5	6.1	Instant Min	4	900748
5	20-Jan-11	DO	mg/L	7	5.9	Instant Min	4	900749
6	20-Jan-11	pH	s.u.	6.5	6.3	Instant Min	4	900750
7	27-Jan-11	DO	mg/L	7	5.4	Instant Min	4	900751
8	27-Jan-11	pH	s.u.	6.5	5.8	Instant Min	4	900752
9	31-Jan-11	Arsenic	µg/L	10	60	Monthly Avg	2	900753
10	31-Jan-11	Iron	µg/L	300	4700	Monthly Avg	1	900754
11	31-Jan-11	Manganese	µg/L	50	2500	Monthly Avg	1	900755
12	31-Jan-11	Color	color units	15	42	Monthly Avg	4	900756
13	31-Jan-11	Turbidity	NTU	5	13	Monthly Avg	4	900757
14	31-Jan-11	DO	% saturation	85	59	Monthly Mdn	4	900758
15	2-Feb-11	pH	s.u.	6.5	6.1	Instant Min	4	900761
16	2-Feb-11	DO	mg/L	7.0	6.6	Instant Min	4	900764
17	10-Feb-11	pH	s.u.	6.5	6.3	Instant Min	4	900762
18	10-Feb-11	DO	mg/L	7.0	6.3	Instant Min	4	900765
19	23-Feb-11	pH	s.u.	6.5	6.3	Instant Min	4	900763
20	23-Feb-11	DO	mg/L	7.0	6.5	Instant Min	4	900766
21	28-Feb-11	Turbidity	NTU	5	13	Monthly Avg	4	900767
22	28-Feb-11	DO	% saturation	85	66	Monthly Mdn	4	900768
23	28-Feb-11	Arsenic	µg/L	10	60	Monthly Avg	2	900769
24	28-Feb-11	Iron	µg/L	300	4700	Monthly Avg	1	900770
25	28-Feb-11	Manganese	µg/L	50	2500	Monthly Avg	1	900771
26	28-Feb-11	Color	color units	15	72	Monthly Avg	4	900772
27	2-Mar-11	pH	s.u.	6.5	6.2	Instant Min	4	900779
28	2-Mar-11	DO	mg/L	7.0	6.2	Instant Min	4	900784
29	10-Mar-11	pH	s.u.	6.5	6	Instant Min	4	900780
30	10-Mar-11	DO	mg/L	7.0	5.1	Instant Min	4	900785
31	17-Mar-11	pH	s.u.	6.5	5.6	Instant Min	4	900781
32	17-Mar-11	DO	mg/L	7.0	5	Instant Min	4	900786
33	24-Mar-11	pH	s.u.	6.5	5.7	Instant Min	4	900782
34	24-Mar-11	DO	mg/L	7.0	5.3	Instant Min	4	900787
35	30-Mar-11	pH	s.u.	6.5	5.5	Instant Min	4	900783

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
36	30-Mar-11	DO	mg/L	7.0	3.7	Instant Min	4	900788
37	31-Mar-11	Turbidity	NTU	5	22	Monthly Avg	4	900790
38	31-Mar-11	DO	% saturation	85	58	Monthly Mdn	4	900789
39	31-Mar-11	Arsenic	µg/L	10	76	Monthly Avg	2	900791
40	31-Mar-11	Iron	µg/L	300	6400	Monthly Avg	1	900792
41	31-Mar-11	Manganese	µg/L	50	2400	Monthly Avg	1	900793
42	31-Mar-11	Color	color units	15	75	Monthly Avg	4	900794
43	6-Apr-11	pH	s.u.	6.5	5.96	Instant Min	4	902149
44	6-Apr-11	DO	mg/L	7	4.46	Minimum	4	902150
45	13-Apr-11	pH	s.u.	6.5	5.66	Instant Min	4	902151
46	13-Apr-11	DO	mg/L	7	5.38	Minimum	4	902152
47	19-Apr-11	pH	s.u.	6.5	5.95	Instant Min	4	902153
48	19-Apr-11	DO	mg/L	7	4.33	Minimum	4	902155
49	28-Apr-11	pH	s.u.	6.5	5.87	Instant Min	4	902157
50	28-Apr-11	DO	mg/L	7	4.67	Minimum	4	902158
51	28-Apr-11	DO	% saturation	85	41	Monthly Mdn	4	902160
52	30-Apr-11	Arsenic	µg/L	10	59	Monthly Avg	2	902162
53	30-Apr-11	Color	color units	15	44	Monthly Avg	4	902163
54	30-Apr-11	Iron	µg/L	300	4300	Monthly Avg	2	902164
55	30-Apr-11	Manganese	µg/L	50	2100	Monthly Avg	1	902165
56	30-Apr-11	Turbidity	NTU	5	9	Monthly Avg	1	902166
57	5-May-11	pH	s.u.	6.5	5.9	Instant Min	4	905034
58	5-May-11	DO	mg/L	7.0	5.4	Minimum	4	905035
59	12-May-11	pH	s.u.	6.5	5.7	Instant Min	4	905036
60	12-May-11	DO	mg/L	7.0	5.29	Minimum	4	905039
61	19-May-11	pH	s.u.	6.5	6.07	Instant Min	4	905041
62	19-May-11	DO	mg/L	7.0	6.46	Minimum	4	905043
63	24-May-11	pH	s.u.	6.5	5.74	Instant Min	4	905045
64	24-May-11	DO	mg/L	7.0	5.42	Minimum	4	905046
65	31-May-11	Aluminum	µg/L	140	160	Max Daily	4	905047
66	31-May-11	Aluminum	µg/L	71	160	Monthly Avg	1	905049
67	31-May-11	Arsenic	µg/L	10	62	Monthly Avg	2	905051
68	31-May-11	Iron	µg/L	300	4300	Monthly Avg	1	905052
69	31-May-11	Manganese	µg/L	50	2300	Monthly Avg	1	905055
70	31-May-11	Color	color units	15	54	Monthly Avg	4	905057
71	31-May-11	Turbidity	NTU	5	21	Monthly Avg	4	905060
72	31-May-11	DO	% saturation	85	54	Monthly Mdn	4	905062
73	2-Jun-11	DO	mg/L	7.0	5.3	Minimum	4	906690
74	2-Jun-11	pH	s.u.	6.5	6.1	Instant Min	4	906699
75	9-Jun-11	DO	mg/L	7.0	5.1	Minimum	4	906691
76	9-Jun-11	pH	s.u.	6.5	6.3	Instant Min	4	906700

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
77	15-Jun-11	DO	mg/L	7.0	5.3	Minimum	4	906692
78	23-Jun-11	DO	mg/L	7.0	5.0	Minimum	4	906693
79	23-Jun-11	pH	s.u.	6.5	6.3	Instant Min	4	906701
80	30-Jun-11	Arsenic	µg/L	10	49	Monthly Avg	2	906688
81	30-Jun-11	Color	color units	15	60	Monthly Avg	4	906689
82	30-Jun-11	DO	mg/L	7.0	5.1	Minimum	4	906694
83	30-Jun-11	DO	% saturation	85	61	Monthly Mdn	4	906696
84	30-Jun-11	Iron	µg/L	300	3900	Monthly Avg	1	906697
85	30-Jun-11	Manganese	µg/L	50	2500	Monthly Avg	1	906698
86	30-Jun-11	pH	s.u.	6.5	6.3	Instant Min	4	906702
87	30-Jun-11	Turbidity	NTU	5	22	Monthly Avg	4	906703
88	30-Jun-11	Zinc	µg/L	24	42	Max Daily	2	906704
89	30-Jun-11	Zinc	µg/L	12	42	Monthly Avg	2	906705
90	6-Jul-11	pH	s.u.	6.5	5.9	Instant Min	4	916295
91	6-Jul-11	DO	mg/L	7.0	5.4	Minimum	4	916353
92	15-Jul-11	DO	mg/L	7.0	6	Minimum	4	916356
93	20-Jul-11	pH	s.u.	6.5	5.7	Instant Min	4	916298
94	20-Jul-11	DO	mg/L	7.0	6.2	Minimum	4	916357
95	29-Jul-11	pH	s.u.	6.5	6.4	Instant Min	4	916296
96	29-Jul-11	DO	mg/L	7.0	5.7	Minimum	4	916359
97	31-Jul-11	DO	% saturation	85	70.3	Monthly Mdn	4	917123
98	31-Jul-11	Turbidity	NTU	5	16	Monthly Avg	4	917147
99	31-Jul-11	Arsenic	µg/L	10	38	Monthly Avg	2	916350
100	31-Jul-11	Color	color units	15	64	Monthly Avg	2	917137
101	31-Jul-11	Iron	µg/L	300	4200	Monthly Avg	1	917167
102	31-Jul-11	Manganese	µg/L	50	2600	Monthly Avg	1	917131
103	31-Jul-11	Zinc	µg/L	12	14	Monthly Avg	4	916346
104	5-Aug-11	pH	s.u.	6.5	6.2	Instant Min	4	916297
105	5-Aug-11	DO	mg/L	7.0	6.7	Minimum	4	917136
106	9-Aug-11	pH	s.u.	6.5	6.2	Instant Min	4	916299
107	31-Aug-11	DO	% saturation	85	70	Mnthly mdn	4	917124
108	31-Aug-11	Arsenic	µg/L	10	30	Monthly Avg	2	916351
109	31-Aug-11	Color	color units	15	51	Monthly Avg	2	917144
110	31-Aug-11	Iron	µg/L	300	3100	Monthly Avg	1	917120
111	31-Aug-11	Manganese	µg/L	50	2500	Monthly Avg	1	917132
112	31-Aug-11	Turbidity	NTU	5	8	Monthly Avg	4	917148
113	30-Sep-11	Arsenic	µg/L	10	78	Monthly Avg	2	917321
114	30-Sep-11	Iron	µg/L	300	6900	Monthly Avg	1	917343
115	30-Sep-11	Manganese	µg/L	50	2600	Monthly Avg	1	917350
116	30-Sep-11	Color	color units	15	84	Monthly Avg	2	917351
117	30-Sep-11	Turbidity	NTU	5	22	Monthly Avg	4	917352

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
118	30-Sep-11	DO	% saturation	85	66	Monthly Mdn	4	917356
119	6-Sep-11	DO	mg/L	7.0	6.7	Minimum	4	917354
120	6-Sep-11	pH	s.u.	6.5	6.2	Instant Min	4	917357
121	15-Sep-11	pH	s.u.	6.5	6.2	Instant Min	4	917358
122	21-Sep-11	pH	s.u.	6.5	6.4	Instant Min	4	917359
123	5-Oct-11	Zinc	µg/L	24	30	Daily Max	2	916349
124	31-Oct-11	Zinc	µg/L	12	30	Monthly Avg	2	916347
125	31-Oct-11	Arsenic	µg/L	10	47	Monthly Avg	2	916352
126	31-Oct-11	Color	color units	15	38	Monthly Avg	2	917145
127	31-Oct-11	DO	% saturation	85	82	Minimum	4	917125
128	31-Oct-11	Iron	µg/L	300	4800	Monthly Avg	1	917121
129	31-Oct-11	Manganese	µg/L	50	2500	Monthly Avg	1	917133
130	31-Oct-11	pH	s.u.	6.5	6.13	Monthly Avg	4	916300
131	31-Oct-11	Turbidity	NTU	5	9	Monthly Avg	4	917149
132	30-Nov-11	Arsenic	µg/L	10	59	Monthly Avg	2	917130
133	30-Nov-11	Iron	µg/L	300	5000	Monthly Avg	1	917122
134	30-Nov-11	Manganese	µg/L	50	2700	Monthly Avg	1	917134
135	30-Nov-11	Color	color units	15	98	Monthly Avg	2	917146
136	30-Nov-11	Turbidity	NTU	5	22	Monthly Avg	4	917150
137	9-Nov-11	DO	% saturation	85	70	Minimum	4	917127
138	31-Dec-11	Color	color units	15	16	Monthly Avg	2	918760
139	31-Dec-11	Manganese	µg/L	50	1300	Monthly Avg	1	918757
140	31-Dec-11	Zinc	µg/L	12	30	Monthly Avg	2	918758
141	31-Dec-11	Turbidity	NTU	5	8	Monthly Avg	4	918759

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalty.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>12/31/2011</u>
Group I Serious Violations:	24
Group II Serious Violations:	23
Non-Serious Violations not subject to MMPs:	0
Non-serious Violations Subject to MMPs:	94
<u>Total Violations Subject to MMPs:</u>	<u>141</u>

Mandatory Minimum Penalty = (47 serious Violation + 94 Non-Serious Violations) x \$3,000 = \$423,000

* Violations previously addressed in ACLC R5-2011-0567.