

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0096

MANDATORY PENALTY
IN THE MATTER OF

CITY OF COLFAX
WASTEWATER TREATMENT FACILITY
PLACER COUNTY

This Order is issued to the City of Colfax (hereafter "Discharger") pursuant to California Water Code ("CWC") section 13385, which authorizes the imposition of Administrative Civil Liability ("ACL"). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements ("WDRs") Order R5-2007-0130 (NPDES No. CA0079529).

The California Regional Water Quality Control Board, Central Valley Region, ("Central Valley Water Board" or "Board") finds the following:

1. The Discharger owns and operates a publicly owned treatment works ("POTW"). Domestic wastewater and collected seepage from below the storage reservoir is treated and discharged to an unnamed tributary to Smuthers Ravine, which is tributary to the North Fork of the American River via Bunch Canyon.
2. On 25 October 2007, the Central Valley Water Board issued Waste Discharge Requirements Order R5-2007-0130, effective 14 December 2007 (the "2007 WDRs"), which contained new requirements and rescinded previous WDRs Order 5-01-180. The 2007 WDRs include effluent limitations and other requirements regarding the waste discharge.
3. On 25 October 2007, the Central Valley Water Board issued Cease and Desist Order ("CDO") R5-2007-0131 requiring the Discharger to comply with the effluent nitrate limitations in the 2007 WDRs by 1 January 2009. On 28 January 2010, the Board issued CDO R5-2010-0001 (the "2010 CDO"), which rescinded CDO R5-2007-0131, and required compliance with the effluent limitation for copper by 1 January 2014.
4. On 10 September 2008, the Executive Officer issued ACL Order R5-2008-0534, which assessed mandatory minimum penalties for effluent limitation violations from 1 April 2003 to 31 December 2007 in the amount of \$234,000. ACL Order R5-2008-0534 stated that the entire \$234,000 penalty would be deemed satisfied through the completion of a compliance project. The project has been completed and the Board considers this prior matter resolved.
5. This Order addresses violations during the period of 1 January 2008 through 30 June 2011. On 14 July 2010, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations ("ROV") for the period 1 January 2008 through 31 May 2010. On 19 August 2010, the Discharger proposed three compliance

projects to offset the mandatory minimum penalties, as allowed by CWC section 13385(k). This Order extends the period of record to 30 June 2011.

6. On 23 March 2011, a tentative ACL Order for violations during the period 1 January 2008 through 31 July 2010 was issued for comments. After receiving public comments objecting to the compliance projects proposed by the Discharger, the Advisory Team determined that the matter should proceed to an adjudicatory hearing before the Central Valley Water Board.
7. CWC section 13385 subdivisions (h) and (i) require assessment of mandatory minimum penalties and state, in relevant 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:

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.

8. CWC section 13385(j) exempts certain violations from mandatory minimum penalties, and states, in relevant part:

Subdivisions (h) and (i) do not apply to...

- 3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308...

9. WDRs Order R5-2007-0130 Effluent Limitations IV.A.1.a. include, in part, the following effluent limitations:

The Discharger shall maintain compliance with the effluent limitations specified in Table 6 for discharges from the interim tertiary treatment system (Permit Effective Date through 31 December 2008):

Table 6. Final Effluent Limitations

| Parameter | Units | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
|------------------------------------|----------------|-----------------|---------------|-----------------------|-----------------------|
| <i>Conventional Pollutants</i> | | | | | |
| PH | standard units | -- | -- | 6.5 | 8.5 |
| <i>Non-Conventional Pollutants</i> | | | | | |
| Aluminum, Total Recoverable | µg/L | 71 | 143 | -- | -- |

10. WDRs Order R5-2007-0130 Effluent Limitations IV.A.1.d. state:

d. Total Recoverable Manganese. Based on a calendar year, the annual average total recoverable manganese concentration in the effluent shall not exceed 50 µg/L.

11. WDRs Order R5-2007-0130 Effluent Limitations IV.A.1.e. state:

e. Mass Limitation for Mercury. The monthly average total recoverable mercury loading in the effluent shall not exceed 0.000761 lbs per month.

12. WDRs Order R5-2007-0130 Effluent Limitations IV.A.1.h. state, in part:

h. Total Residual Chlorine. Effluent total residual chlorine shall not exceed:

- i. 0.01 mg/L, as a 4-day average;
- ii. 0.017 lbs/day, as a 4-day average;

13. WDRs Order R5-2007-0130 Final Effluent Limitations IV.A.2.a. include, in part, the following effluent limitations:

a. The Discharger shall maintain compliance with the effluent limitations specified in Table 7 for discharges from the new wastewater treatment plant beginning 1 January 2009:

Table 7. Final Effluent Limitations

| Parameter | Units | Average Monthly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
|----------------------------|-------|-----------------|---------------|-----------------------|-----------------------|
| <i>Priority Pollutants</i> | | | | | |

| | | | | | |
|------------------------------------|------------|-----|------|----|-----|
| Copper, Total Recoverable | µg/L | 2.7 | 5.5- | | -- |
| Cyanide, Total (as CN) | µg/L | 4.3 | 8.5 | -- | -- |
| Bis(2-Ethylhexyl) Phthalate | µg/L | 1.8 | 3.6 | -- | -- |
| <i>Non-Conventional Pollutants</i> | | | | | |
| Turbidity | NTU | -- | -- | -- | 10 |
| Total Coliform | MPN/100 mL | -- | -- | -- | 240 |

14. WDRs Order R5-2007-0130 Effluent Limitations IV.A.2.i. include, in part, the following effluent limitations:

- i. Turbidity. Effluent turbidity shall not exceed:
 - i. 2 NTU, as a daily average; and
 - ii. 5 NTU, more than 5 percent of the time within a 24-hour period.

15. WDRs Order R5-2007-0130 Effluent Limitations IV.A.2.k. include, in part, the following effluent limitations:

- k. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:
 - i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
 - ii. 23 MPN/100 mL, more than once in any 30-day period.

16. Cease and Desist Order R5-2010-0001 Directive 5 states, in part:

The following interim effluent limitation for copper shall be effective immediately, and shall remain in effect through 31 December 2013...

| Parameter | Maximum Daily Effluent Limitation |
|---------------|-----------------------------------|
| Copper (µg/L) | 6.7 |

In accordance with the provisions of CWC section 13385(j)(3), violations of the copper interim effluent limitation in the 2010 CDO subject the Discharger to mandatory minimum penalties for violations of the final copper effluent limitation contained in the WDRs.

17. According to the Discharger's self-monitoring reports, the Discharger committed nine (9) serious Group I violations of the above effluent limitations contained in the 2007 WDRs during the period beginning 1 January 2008 and ending 30 June 2011. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by forty percent (40%) or more on these occasions. The mandatory minimum penalty for these serious violations is **twenty-seven thousand dollars (\$27,000)**.

18. According to the Discharger's self-monitoring reports, the Discharger committed twenty-two (22) serious Group II violations of the above effluent limitations contained in the 2007 WDRs and the 2010 CDO during the period beginning 1 January 2008 and ending 30 June 2011. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by twenty percent (20%) or more on these occasions. The mandatory minimum penalty for these serious violations is **sixty-six thousand dollars (\$66,000)**.
19. According to the Discharger's self-monitoring reports, the Discharger committed twenty-four (24) non-serious violations of the above effluent limitations contained in the 2007 WDRs during the period beginning 1 January 2008 and ending 30 June 2011. Twenty-four (24) 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 **seventy-two thousand dollars (\$72,000)**.
20. The total amount of the mandatory minimum penalties assessed for the cited effluent violations is **one hundred sixty-five thousand dollars (\$165,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order.
21. CWC section 13385 (k) states:
 - (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:
 - (A) The compliance project is designed to correct the violations within five years.
 - (B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.
 - (C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.
 - (2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.
22. On 1 February 2008, State Water Resources Control Board staff determined that the City of Colfax Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2).

Compliance Project #1

23. As described in Finding 4, the Discharger was allowed to apply its previous mandatory minimum penalty towards the construction of a new treatment plant because the construction of a new wastewater treatment plant qualifies as a compliance project within the meaning of CWC section 13385(k). On 30 December 2008, the Discharger submitted a letter reporting that, in accordance with ACL Order R5-2008-0534, it had completed construction of the new treatment plant. The new plant consists of a biological treatment process, coagulation system, filtration, ultra-violet disinfection, and mechanical sludge dewatering. The new WWTP addresses the aluminum, chlorine, mercury, and pH violations because it is a biological nutrient removal process, does not utilize an aluminum compound in the treatment process, and employs ultra-violet disinfection. On 19 August 2010, the Discharger requested that the expenditures for constructing the new wastewater treatment plant also be applied towards the mandatory minimum penalties (“MMPs”) resulting from the violations that occurred between 1 January 2008 and 31 December 2008, during the period of construction of the new plant. As shown in Table A, the Discharger accrued 15 violations during this period; 13 of which are subject to MMPs. This Order allows an additional \$39,000 of mandatory minimum penalties to be credited towards the construction of the new treatment plant, as these penalties accrued during the time the new treatment plant was being built.

After this Order has been issued, the Discharger will have been credited with paying a total of \$273,000 in accrued mandatory minimum penalties towards the construction of the new treatment plant in lieu of making a cash payment to the State Water Resources Control Board’s (“State Water Board”) Cleanup and Abatement Account (\$234,000 under ACL Order R5-2008-0534 and \$39,000 under this Order). The Discharger will have spent over \$7 million in non-grant funds on the construction of the new plant, which is an amount far in excess of the mandatory minimum penalty that is required to be assessed by CWC sections 13385(h) and (i).

24. The Central Valley Water Board finds that the Discharger’s construction of a new treatment plant qualifies under CWC section 13385(k) as a compliance project because the project has been designed to correct the violations that have led to the issuance of this ACL Order within five years, the project is in accordance with the State Water Board’s *Water Quality Enforcement Policy* (“Enforcement Policy”), and the Discharger has prepared a financing plan to complete the project.

Compliance Project #2

25. The Discharger’s 19 August 2010 letter states that it entered into a contract with Water Pollution Control Services, Inc. (“WPCS”), to offer specialized training regarding the operation and maintenance of the new treatment plant beginning on 26 October 2009. The Discharger asks that the \$62,000 cost of contracting with WPCS for a 12 month period (ending 1 November 2010) be considered a compliance project to rectify the coliform and turbidity violations.

The State Water Board's Enforcement Policy considers "providing training", "adding staff", and "developing operation, maintenance, or monitoring procedures" to be acceptable compliance projects for the purposes of 13385(k). WPCS, working with the Discharger's staff, corrected the coliform and turbidity compliance issues by increasing the UV bulb intensity and initiated a new monthly maintenance routine. As shown in Table A, the Discharger accrued 19 coliform and turbidity violations prior to hiring WPCS, and no turbidity violations and only two coliform violations after that time. The Discharger has not determined the cause of the two coliform violations in June 2011, which occurred after this Compliance Project was completed, but has performed additional maintenance of the disinfection system.

26. The Central Valley Water Board finds that the Discharger's hiring of WPCS qualifies under CWC section 13385(k) as a compliance project, as the project has been designed to correct the violations that have led to the issuance of this ACLO within five years, the project is in accordance with the State Water Board's Enforcement Policy, and the Discharger has prepared a financing plan to complete the project. Therefore, this Order allows \$57,000 in mandatory penalties attributed to the coliform and turbidity violations that occurred prior to 1 November 2010 to be applied toward the contract operator compliance project.

Compliance Project #3

27. The Discharger's 19 August 2010 letter proposes that a water effects ratio study ("WER Study") be considered a compliance project for the copper violations. The objective of the WER Study is to develop a scientifically-defensible, discharger-specific WER, consistent with U.S.EPA guidance as described in *Streamlined Water-Effect Ratio Procedure for Discharges of Copper...* (U.S.EPA 2001). The WER Study will be used to refine copper effluent limitations for the Colfax WWTP. The State Water Board's Enforcement Policy considers "conducting water quality investigations or monitoring" to be an acceptable compliance project for the purposes of 13385(k). The Discharger will expend approximately \$70,000 on the WER Study and requests that \$57,000 of the cost be considered a compliance project. As shown in Table A, the Discharger accrued 19 copper violations, all of which are subject to MMPs. The actual environmental effects of the violations will be studied by the proposed WER Study.
28. The Central Valley Water Board finds that the Discharger's WER Study qualifies under CWC section 13385(k) as a compliance project, as the project has been designed to correct the violations that have led to the issuance of this ACLO within five years, the project in accordance with the State Water Board's Enforcement Policy, and the Discharger has prepared a financing plan to complete the project. Therefore, this Order allows \$57,000 of the mandatory penalties attributed to the copper violations to be applied toward the WER Study compliance project.

Administrative Findings

29. The Compliance Projects will remedy the violations for aluminum, chlorine, mercury, pH, copper, turbidity, and coliform violations that occurred prior to 1 November 2010. The

Central Valley Water Board finds that the Compliance Projects have been designed to correct these violations within five years, that the timeline for the Compliance Projects is as short as possible, and that the Compliance Projects have been designed in accordance with the State Water Board's Enforcement Policy. The amount that the Discharger plans to expend on the Compliance Projects is in excess of the mandatory minimum penalty that the Board is required to assess under CWC sections 13385(h) and (i) for the violations that are to be addressed by the Compliance Projects.

30. The Compliance Projects are not designed to correct the violations of the effluent limitations for cyanide, bis (2-ethylhexyl) phthalate, and the coliform violations in June 2011. Therefore, this Order requires the Discharger to pay \$12,000 in mandatory minimum penalties for these violations.
31. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, sections 15307, 15308 and 15321(a)(2).
32. On 2 December 2011, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Administrative Civil Liability Order.

THE CITY OF COLFAX IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **one hundred sixty-five thousand dollars (\$165,000)**.
2. By **1 January 2012**, the Discharger shall pay **twelve thousand dollars (\$12,000)** to the State Water Board's Cleanup and Abatement Account. Payment shall be in the form of a check made payable to the *Cleanup and Abatement Account* and shall have the number of this ACL Order written upon it. The check shall be mailed to the Central Valley Water Board.
3. **Thirty-nine thousand dollars (\$39,000)** of the penalty is deemed permanently suspended by the completion of the compliance project described in Finding 23 above, in accordance with CWC section 13385(k).
4. **Fifty-seven thousand dollars (\$57,000)** of the penalty shall be permanently suspended if the Discharger submits evidence that it has spent at least \$57,000 to retain the services of Water Pollution Control Services, as described in Finding 25, from 26 October 2009 through 1 November 2010. The evidence shall be submitted no later than **1 January 2012**.
5. **Fifty-seven thousand dollars (\$57,000)** of the penalty shall be deemed satisfied if the Discharger complies with the following time schedule to complete the WER Study described in Finding 27.

| <u>Task</u> | <u>Compliance Date</u> |
|--|---------------------------------------|
| Initiate Water Effects Ratio (WER) Study | began prior to issuance of this Order |
| Submit WER Final Report Describing Results and Documenting Costs | 31 March 2012 |

6. A progress report shall be submitted on or before each of the above compliance dates. The report shall describe the work undertaken to comply with this Order.
7. The Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. Under no circumstances may the completion of any of the approved compliance projects extend past five (5) years from the issuance of this Order.
8. The Discharger must obtain written approval from the Executive Officer for any significant departures from the project outlines and the time schedules shown above. Failure to obtain written approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.
9. If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance projects in accordance with the due dates listed above (including any extensions approved by the Executive Officer), the Executive Officer may demand payment of the suspended liability that reflects the portion of the compliance project that has not been satisfactorily completed. Payment must be made within 30 days of such a demand.
10. Should the Discharger fail to take any of the above actions, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC Section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 2 December 2011.

Original Signed By

PAMELA C. CREEDON, Executive Officer

8 December 2011

DATE

Attachment A: Record of Violations

Attachment A
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0096

City of Colfax
Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2008 – 30 June 2011) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2007-0130)

| | <u>Date</u> | <u>Violation Type</u> | <u>Units</u> | <u>Limit</u> | <u>Measure d</u> | <u>Period Type</u> | <u>Remarks</u> | <u>CIWQS</u> |
|--|-------------|-----------------------|--------------|--------------|------------------|--------------------|----------------|--------------|
| <i>Interim Tertiary Effluent Limitations in effect</i> | | | | | | | | |
| 1 | 31-Jan-08 | Aluminum | µg/L | 71 | 103 | Monthly | 1 | 765550 |
| 2 | 29-Feb-08 | Aluminum | µg/L | 71 | 95 | Monthly | 3 | 765567 |
| 3 | 17-Mar-08 | pH | pH units | 6.5 | 6.3 | Instantaneous | 3 | 765569 |
| | | | | 0.00076 | | | | |
| 4 | 31-Mar-08 | Mercury | lbs | 1 | 0.1 | Monthly | 2 | 765572 |
| 5 | 31-Mar-08 | Aluminum | µg/L | 71 | 79 | Monthly | 4 | 765574 |
| 6 | 7-Apr-08 | Aluminum | µg/L | 143 | 353 | Daily | 1 | 765577 |
| 7 | 30-Apr-08 | Aluminum | µg/L | 71 | 353 | Monthly | 1 | 765581 |
| 8 | 24-Oct-08 | Chlorine | mg/L | 0.01 | 0.39 | 4-day | 2 | 793997 |
| 9 | 24-Oct-08 | Chlorine | lbs/day | 0.017 | 1.69 | 4-day | 2 | 794006 |
| 10 | 27-Oct-08 | Aluminum | µg/L | 143 | 170 | Daily max | 4 | 807930 |
| 11 | 31-Oct-08 | Aluminum | µg/L | 71 | 103 | Monthly | 1 | 807931 |
| 12 | 5-Nov-08 | Aluminum | µg/L | 143 | 299 | Daily max | 1 | 807932 |
| 13 | 11-Nov-08 | Aluminum | µg/L | 143 | 339 | Daily max | 1 | 807935 |
| 14 | 30-Nov-08 | Aluminum | µg/L | 71 | 320 | Monthly | 1 | 807936 |
| 15 | 31-Dec-08 | Manganese | µg/L | 50 | 243 | Annual | 1 | 912144 |
| <i>Final Effluent Limitations in effect</i> | | | | | | | | |
| 15 | 31-Jan-09 | Copper | µg/L | 2.7 | 5.3 | Monthly | 2 | 817758 |
| 16 | 28-Feb-09 | Copper | µg/L | 2.7 | 4.9 | Monthly | 2 | 817766 |
| 17 | 31-Mar-09 | Copper | µg/L | 2.7 | 3.5 | Monthly | 2 | 821764 |
| 18 | 30-Apr-09 | Copper | µg/L | 2.7 | 3.1 | Monthly | 4 | 828075 |
| 19 | 31-May-09 | Copper | µg/L | 2.7 | 3.0 | Monthly | 4 | 828076 |
| 20 | 15-Jun-09 | Copper | µg/L | 2.7 | 4.2 | Monthly | 2 | 845380 |
| 21 | 31-Jul-09 | Copper | µg/L | 2.7 | 4.2 | Monthly | 2 | 845381 |
| 22 | 31-Aug-09 | Copper | µg/L | 2.7 | 4.2 | Monthly | 2 | 856952 |
| 23 | 24-Sep-09 | Coliform | MPN/100mL | 2.2 | 4 | 7-Day median | 4 | 856953 |
| 24 | 25-Sep-09 | Coliform | MPN/100mL | 2.2 | 4 | 7-Day median | 4 | 856955 |
| 25 | 26-Sep-09 | Turbidity | NTU | 2 | 4 | Daily Ave | 1 | 856956 |
| 26 | 28-Sep-09 | Coliform | MPN/100mL | 2.2 | 8.5 | 7-Day median | 4 | 856957 |
| 27 | 30-Sep-09 | Coliform | MPN/100mL | 2.2 | 8.5 | 7-Day median | 4 | 856958 |
| 28 | 30-Sep-09 | Copper | µg/L | 2.7 | 4.9 | Monthly | 2 | 856959 |
| 29 | 1-Oct-09 | Coliform | MPN/100mL | 2.2 | 8 | 7-Day median | 4 | 856960 |
| 30 | 5-Oct-09 | Coliform | MPN/100mL | 2.2 | 8 | 7-Day median | 4 | 856961 |
| 31 | 6-Oct-09 | Coliform | MPN/100mL | 2.2 | 8 | 7-Day median | 4 | 856962 |
| 32 | 7-Oct-09 | Coliform | MPN/100mL | 2.2 | 7.5 | 7-Day median | 4 | 856963 |
| 33 | 9-Oct-09 | Coliform | MPN/100mL | 2.2 | 7.5 | 7-Day median | 4 | 856964 |
| 34 | 10-Oct-09 | Coliform | MPN/100mL | 240 | 900 | Instant Max | 4 | 911348 |
| 35 | 12-Oct-09 | Coliform | MPN/100mL | 2.2 | 7.5 | 7-Day median | 4 | 856965 |
| 36 | 13-Oct-09 | Coliform | MPN/100mL | 2.2 | 7 | 7-Day median | 4 | 856966 |
| 37 | 15-Oct-09 | Coliform | MPN/100mL | 240 | >1600 | Instant Max | 4 | 911356 |
| 38 | 16-Oct-09 | Coliform | MPN/100mL | 240 | 1600 | Instant Max | 4 | 911358 |
| 39 | 19-Oct-09 | Coliform | MPN/100mL | 2.2 | 7 | 7-Day median | 4 | 856967 |
| 40 | 20-Oct-09 | Coliform | MPN/100mL | 2.2 | 12 | 7-Day median | 4 | 856968 |

| | <u>Date</u> | <u>Violation Type</u> | <u>Units</u> | <u>Limit</u> | <u>Measure</u> <u>d</u> | <u>Period Type</u> | <u>Remarks</u> | <u>CIWQS</u> |
|---------------------------------|-------------|-----------------------|----------------------------|--------------|----------------------------|--------------------|----------------|--------------|
| 41 | 23-Oct-09 | Coliform | MPN/100mL | 2.2 | 12 | 7-Day median | 4 | 856969 |
| 42 | 31-Oct-09 | Coliform | # samples >23 MPN/100mL | 1 | 3 | 30-days | 4 | 911359 |
| 43 | 31-Oct-09 | Copper | µg/L | 2.7 | 3.4 | Monthly | 2 | 856970 |
| 44 | 30-Nov-09 | Copper | µg/L | 2.7 | 4.5 | Monthly | 2 | 875799 |
| <i>CDO R5-2010-0001 adopted</i> | | | | | | | | |
| 45 | 19-Apr-10 | Copper* | µg/L | 5.5 | 7.8 | Daily Max* | 2 | 877432 |
| 46 | 30-Apr-10 | Copper* | µg/L | 2.7 | 7.8 | Monthly Ave* | 2 | 877433 |
| 47 | 8-Jun-10 | Copper* | µg/L | 5.5 | 8 | Daily Max* | 2 | 899286 |
| 48 | 30-Jun-10 | Copper* | µg/L | 2.7 | 8 | Monthly* | 2 | 879798 |
| 49 | 31-Dec-10 | Cyanide | µg/L | 4.3 | 5 | Monthly | 3 | 899287 |
| 50 | 1-Feb-11 | Copper* | µg/L | 5.5 | 7.9 | Daily Max* | 2 | 899289 |
| 51 | 28-Feb-11 | Copper* | µg/L | 2.7 | 5.7 | Monthly* | 2 | 899290 |
| 52 | 2-Mar-11 | BEP** | µg/L | 3.6 | 5.3 | Daily Max | 2 | 899291 |
| 53 | 31-Mar-11 | BEP** | µg/L | 1.8 | 5.3 | Monthly | 2 | 899292 |
| 54 | 1-Jun-11 | Coliform | MPN/100mL | 2.2 | 4 | 7-Day median | 4 | 904238 |
| 55 | 2-Jun-11 | Coliform | MPN/100mL | 2.2 | 4 | 7-Day median | 4 | 906424 |
| 56 | 9-Jun-11 | Copper* | µg/L | 5.5 | 10 | Daily Max* | 2 | 906425 |
| 57 | 30-Jun-11 | Copper* | µg/L | 2.7 | 6.6 | Monthly* | 2 | 906426 |

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 exempt.
4. Non-serious violation subject to mandatory penalties.

| | |
|--|-------------------------|
| <u>VIOLATIONS AS OF:</u> | <u>6/30/2011</u> |
| Group I Serious Violations: | 9 |
| Group II Serious Violations: | 22 |
| Non-Serious Violations Exempt from MPs: | 3 |
| Non-serious Violations Subject to MPs: | 24 |
| <u>Total Violations Subject to MPs:</u> | <u>55</u> |

Mandatory Minimum Penalty = (31 Serious Violations + 24 Non-Serious Violations) x \$3,000 = \$165,000

* Exceeded interim daily maximum effluent limitation in CDO; the limit shown in this table is the WDR effluent limitation

** BEP: Bis (2-Ethylhexyl) Phthalate