

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553

MANDATORY PENALTY  
IN THE MATTER OF

NEVADA COUNTY SANITATION DISTRICT NO. 1  
LAKE OF THE PINES WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

This Complaint is issued to the Nevada County Sanitation District No. 1, Lake of the Pines, Wastewater Treatment Plant (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, 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 No. 95-114 and R5-2002-0095 (NPDES No. CA0081612).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for the community of Lake of the Pines. Treated wastewater is discharged to Magnolia Creek, tributary to the Bear River, a water of the United States.
2. On 26 May 1995, the Regional Water Board adopted WDRs Order No. 95-114 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 7 June 2002, the Regional Water Board adopted WDRs Order No. R5-2002-0095, which contained new requirements and rescinded WDRs Order No. 95-114.
3. On 7 June 2002, the Regional Water Board adopted Cease and Desist Order (CDO) No. R5-2002-0096, requiring the Discharger to cease discharging contrary to WDRs Order No. R5-2002-0095. The Regional Water Board adopted CDO No. R5-2002-0096 to allow the Discharger until 30 April 2007 to complete construction to comply with Effluent Limitations for aluminum, ammonia, nitrate plus nitrite, and nitrite.
4. On 22 June 2007, the Regional Water Board adopted TSO No. R5-2007-0072. This Order allows the Discharger until 1 April 2008 to comply with final effluent limitations, and includes interim effluent limitations for BOD, total suspended solids, and total coliform organisms. The interim effluent limitations remain in effect until 1 April 2008, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner. This Complaint considered the interim effluent limitations and the protection from Mandatory Minimum Penalties provided by CDO No. R5-2002-0096 and TSO No. R5-2007-0072.

5. 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."*

6. 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."*

7. WDRs Order No. 95-114 Effluent Limitations No. B.2. include, in part, the following effluent limitations: *"The discharge to Magnolia Creek of an effluent in excess of the following limits is prohibited."*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD <sup>1</sup>	mg/L	15	20	--	30
	lbs/day <sup>2</sup>	90	120	--	180
Total Suspended Solids	mg/L	15	20	--	40
	lbs/day <sup>2</sup>	90	120	--	240
<u>Total Coliform Organisms</u>	MPN/100 mL	--	--	2.2	23

<sup>1</sup> 5-day, 20°C biochemical oxygen demand (BOD)

<sup>2</sup> Based upon a design treatment capacity of 0.72 mgd.

8. WDRs Order No. R5-2002-0095 Effluent Limitations B.1. include, in part the following effluent limitations: “*Effluent discharge to Magnolia Creek shall not exceed the following limitations:*”

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Median Monthly</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Daily Maximum</u>
BOD <sup>1</sup>	mg/L	15 <sup>2</sup>		20 <sup>2</sup>	30 <sup>2</sup>	
	lbs/day <sup>3</sup>	90		120	180	
Total Suspended Solids	mg/L	15 <sup>2</sup>		20 <sup>2</sup>	40 <sup>2</sup>	
	lbs/day <sup>3</sup>	90		120	240	
Settleable Solids	mL/L	0.1	--	--	0.2	--
<u>Total Coliform Organisms</u>	MPN/100 mL	--	2.2	--	--	23

<sup>1</sup> 5-day, 20°C biochemical oxygen demand (BOD)

<sup>2</sup> To be ascertained by a 24-hour composite

<sup>3</sup> Based upon a design treatment capacity of 0.72 mgd ( $x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$ )

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/L	Attachment B	--	--	Attachment C
	lbs/day <sup>2</sup>	--	--	--	--
Aluminum	µg/L	--	87	--	750
	lbs/day <sup>1</sup>	--	0.522	--	4.5

<sup>1</sup> Based upon a design treatment capacity of 0.72 mgd ( $x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$ )

<sup>2</sup> The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.72 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

9. According to the Discharger’s self-monitoring reports, the Discharger committed thirty-one (31) serious Group I violations of the above effluent limitations contained in Order Nos. 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending 31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on

these occasions. The mandatory minimum penalty for this serious violation is **ninety-three thousand dollars (\$93,000)**.

10. According to the Discharger's self-monitoring reports, the Discharger committed twenty-two (22) non-serious violations of the above effluent limitations contained in Order Nos. 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending 31 March 2008. Twelve (12) 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 **thirty-six thousand dollars (\$36,000)**.
11. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred twenty-nine thousand dollars (\$129,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
12. 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).

**NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE OF THE PINES WASTEWATER TREATMENT PLANT, IS HEREBY GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **23/24 October 2008**, unless the Discharger does either of the following **by 27 August 2008**:
  - a) *Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **one hundred and twenty-nine thousand dollars (\$129,000)**; or*
  - b) *Agrees to enter into settlement discussions with the Regional Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Regional Water Board.*
3. If a hearing on this matter is held, 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.

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JACK E. DEL CONTE, Assistant Executive Officer

28 July 2008

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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553  
MANDATORY PENALTY  
NEVADA COUNTY SANITATION DISTRICT NO. 1  
LAKE OF THE PINES WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

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Attachment A: Record of Violations  
BLH: 07/28/08

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

1. I am duly authorized to represent Nevada County Sanitation District No. 1, Lake of the Pines, Wastewater Treatment Plant (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0553 (hereinafter the "Complaint");
2. 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" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) within ninety (90) days of service of the Complaint; and
4.  **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
  - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **one hundred and twenty-nine thousand dollars (\$129,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0553" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Water Board by **27 August 2008** or this matter will be placed on the Regional Water Board's agenda for adoption as initially proposed in the Complaint.
  - b. 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 Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Regional Water Board who are not associated with the enforcement team's issuance of the Complaint.
  - c. 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.

-or-

5.  **(Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time)** I certify that the Discharger will promptly engage the Regional Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is not waiving its right to a hearing on this matter. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Water Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553**

**Nevada County Sanitation District No. 1**  
**Lake of the Pines Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 95-114 and R5-2002-0095)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
1	21-Jan-00	BOD	lbs/day	120	128	Weekly	1.16	5
2	23-Jan-00	BOD	lbs/day	120	162	Weekly	1.19	5
3	31-Jan-00	BOD	lbs/day	90	145	Monthly	0.59	1
4	13-Feb-00	BOD	lbs/day	120	216	Weekly	1.45	5
5	15-Feb-00	TCO	MPN/100 mL	23	900	Daily		3
6	17-Feb-00	BOD	lbs/day	180	260	Daily	1.51	5
7	17-Feb-00	TCO	MPN/100 mL	23	500	Daily		3
8	23-Feb-00	TCO	MPN/100 mL	23	130	Daily		4
9	28-Feb-00	BOD	lbs/day	90	108	Monthly	1.08	5
10	27-Jan-01	TSS	mg/L	20	21	Weekly		3
11	27-Jan-01	TSS	lbs/day	120	179	Weekly	0.86	5
12	31-Jan-01	TSS	mg/L	15	19	Monthly		3
13	31-Jan-01	TSS	lbs/day	90	120	Monthly	0.2	3
14	31-Mar-02	BOD	mg/L	90	91	Monthly		3
15	28-Sep-02	TSS	mg/L	20	22	Weekly		3
16	30-Sep-02	TSS	mg/L	15	22	Monthly		1
17	11-Feb-03	TSS	lbs/day	240	817	Daily	1.19	5
18	11-Feb-03	TSS	mg/L	40	82	Daily		1
19	15-Feb-03	TSS	lbs/day	120	413	Weekly	1.31	5
20	15-Feb-03	TSS	mg/L	20	43	Weekly		1
21	28-Feb-03	TSS	lbs/day	90	279	Monthly	0.54	1
22	28-Feb-03	TSS	mg/L	15	28	Monthly		1
23	9-Mar-03	BOD	lbs/day	120	149	Weekly	1.26	5
24	13-Mar-03	BOD	lbs/day	180	269	Daily	1.15	5
25	10-May-03	SS	mL/L	0.2	0.3	Daily		1
26	31-May-03	SS	mL/L	0.1	0.2	Monthly		1
27	27-Oct-03	SS	mL/L	0.2	0.5	Daily		1
28	28-Oct-03	SS	mL/L	0.2	0.5	Daily		1
29	29-Oct-03	SS	mL/L	0.2	0.5	Daily		1
30	30-Oct-03	SS	mL/L	0.2	0.5	Daily		1
31	31-Oct-03	SS	mL/L	0.2	0.5	Daily		1
32	31-Oct-03	SS	mL/L	0.1	0.5	Monthly		1
33	31-Oct-03	TSS	mg/L	15	23	Monthly		1
34	1-Nov-03	TSS	mg/L	20	23	Weekly		4
35	16-Dec-03	TCO	MPN/100 mL	23	30	Daily		4
36	17-Dec-03	BOD	lbs/day	180	188	Daily	1.25	5
37	17-Dec-03	BOD	lbs/day	120	127	Weekly	0.97	5
38	17-Dec-03	TSS	lbs/day	120	175	Weekly	0.97	5
39	31-Dec-03	BOD	lbs/day	90	117	Monthly	1.1	5
40	31-Dec-03	BOD	lbs/day	120	179	Weekly	1.34	5
41	31-Dec-03	TSS	lbs/day	90	130	Monthly	1.1	5
42	31-Dec-03	TSS	lbs/day	120	129	Weekly	1.34	5
43	2-Jan-04	BOD	lbs/day	120	143	Weekly	1.34	5
44	9-Jan-04	SS	mL/L	0.2	0.3	Daily		1
45	31-Jan-04	BOD	lbs/day	90	96	Monthly	0.85	5

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 MANDATORY PENALTY  
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 NEVADA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
46	4-Feb-04	BOD	lbs/day	120	137	Weekly	1.3	5
47	4-Feb-04	TSS	lbs/day	120	170	Weekly	1.3	5
48	28-Feb-04	BOD	lbs/day	90	98	Monthly	1.21	5
49	17-Oct-04	TSS	lbs/day	120	125	Weekly	1.13	5
50	31-Oct-04	TSS	lbs/day	90	106	Monthly	0.79	5
51	31-Oct-04	TSS	mg/L	15	16	Monthly		3
52	31-Jan-06	BOD	lbs/day	90	101	Monthly	1.19	5
53	31-Jan-06	TSS	lbs/day	90	92	Monthly	1.19	5
54	1-Feb-06	BOD	lbs/day	180	269	Daily	1.33	5
55	3-Feb-06	BOD	lbs/day	180	269	Daily	1.31	5
56	3-Feb-06	BOD	lbs/day	120	269	Weekly	1.32	5
57	3-Feb-06	TSS	lbs/day	120	160	Weekly	1.32	5
58	8-Feb-06	BOD	lbs/day	180	269	Daily	0.57	1
59	10-Feb-06	BOD	lbs/day	120	269	Weekly	0.97	5
60	11-Feb-06	TSS	mg/L	20	25	Weekly		3
61	28-Feb-06	BOD	lbs/day	90	269	Monthly	1.16	5
62	28-Feb-06	BOD	mg/L	15	16	Monthly		3
63	28-Feb-06	TSS	mg/L	15	18	Monthly		4
64	28-Feb-06	TSS	lbs/day	90	146	Monthly	1.16	5
65	10-Mar-06	BOD	lbs/day	120	168	Weekly	1.43	5
66	15-Mar-06	BOD	lbs/day	180	200	Daily	1.41	5
67	16-Mar-06	BOD	lbs/day	180	246	Daily	1.41	5
68	17-Mar-06	BOD	lbs/day	120	223	Weekly	1.41	5
69	17-Mar-06	TSS	lbs/day	120	128	Weekly	1.41	5
70	22-Mar-06	BOD	lbs/day	180	314	Daily	1.39	5
71	24-Mar-06	BOD	mg/L	30	38	Daily		4
72	24-Mar-06	BOD	lbs/day	180	437	Daily	1.38	5
73	24-Mar-06	BOD	lbs/day	120	376	Weekly	1.39	5
74	25-Mar-06	BOD	mg/L	20	23	Weekly		4
75	28-Mar-06	BOD	lbs/day	180	296	Daily	1.36	5
76	31-Mar-06	BOD	lbs/day	180	367	Daily	1.42	5
77	31-Mar-06	BOD	mg/L	30	31	Daily		4
78	31-Mar-06	BOD	lbs/day	90	240	Monthly	1.41	5
79	31-Mar-06	BOD	mg/L	15	19	Monthly		4
80	31-Mar-06	BOD	lbs/day	120	332	Weekly	1.42	5
81	31-Mar-06	BOD	mg/L	20	29	Weekly		1
82	31-Mar-06	TSS	lbs/day	90	96	Monthly	1.41	5
83	1-Apr-06	BOD	mg/L	20	25	Weekly		4
84	5-Apr-06	BOD	mg/L	30	33	Daily		4
85	5-Apr-06	BOD	lbs/day	180	269	Daily	1.46	5
86	6-Apr-06	BOD	lbs/day	180	269	Daily	1.43	5
87	6-Apr-06	BOD	lbs/day	120	269	Weekly	1.42	5
88	13-Apr-06	BOD	lbs/day	180	269	Daily	1.44	5
89	14-Apr-06	BOD	lbs/day	180	307	Daily	1.42	5
90	14-Apr-06	BOD	mg/L	19	26	Weekly		4

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
91	14-Apr-06	BOD	lbs/day	120	288	Weekly	1.43	5
92	20-Apr-06	BOD	lbs/day	180	269	Daily	1.35	5
93	21-Apr-06	BOD	lbs/day	180	269	Daily	1.36	5
94	21-Apr-06	BOD	lbs/day	120	269	Weekly	1.38	5
95	30-Apr-06	BOD	mg/L	15	22	Monthly		1
96	30-Apr-06	BOD	lbs/day	90	247	Monthly	1.38	5
97	3-Feb-07	BOD	lbs/day	180	269	Daily	1.3	5
98	3-Feb-07	BOD	lbs/day	120	269	Weekly	1.3	5
99	4-Feb-07	BOD	lbs/day	120	269	Weekly	1.35	5
100	7-Feb-07	BOD	lbs/day	180	269	Daily	1.33	5
101	8-Feb-07	BOD	lbs/day	180	269	Daily	1.38	5
102	11-Feb-07	BOD	lbs/day	120	203	Weekly	1.36	5
103	15-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
104	18-Feb-07	BOD	lbs/day	120	269	Weekly	1.24	5
105	21-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
106	23-Feb-07	BOD	lbs/day	180	269	Daily	1.25	5
107	28-Feb-07	BOD	lbs/day	90	224	Monthly	1.31	5
108	19-Dec-07	Aluminum	lbs/day	0.52	2.8	4-day	0.86	5
109	19-Dec-07	Aluminum	µg/L	87	432	4-day		1
110	30-Dec-07	Ammonia	lbs/day	35.5	80	Monthly	0.86	5
111	30-Dec-07	Ammonia	mg/L	5.91	8	Monthly		4
112	02-Jan-08	Aluminum	lbs/day	0.52	1.42	4-day	0.80	5
113	02-Jan-08	Aluminum	µg/L	87	214	4-day		1
114	09-Jan-08	Aluminum	lbs/day	0.522	4.98	4-day	1.05	5
115	09-Jan-08	Aluminum	µg/L	87	568	4-day		1
116	16-Jan-08	Aluminum	lbs/day	0.52	2.14	4-day	1.07	5
117	16-Jan-08	Aluminum	µg/L	87	240	4-day		1
118	22-Jan-08	Aluminum	lbs/day	0.52	1.40	4-day	1.06	5
119	22-Jan-08	Aluminum	µg/L	87	158	4-day		1

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
12								
0	29-Jan-08	Aluminum	lbs/day	0.52	1.47	4-day	0.82	5
12								
1	29-Jan-08	Aluminum	µg/L	87	215	4-day		1
12								
2	06-Feb-08	Aluminum	lbs/day	0.52	1.1	4-day	0.71	1
12								
3	06-Feb-08	Aluminum	µg/L	87	186	4-day		1
12								
4	13-Feb-08	Aluminum	lbs/day	0.52	1.2	4-day	0.79	5
12								
5	13-Feb-08	Aluminum	µg/L	87	175	4-day		1
12								
6	28-Feb-08	Aluminum	lbs/day	0.52	0.9	4-day	0.5	1
12								
7	28-Feb-08	Aluminum	µg/L	87	215	4-day		1
12								
8	29-Feb-08	Ammonia	lbs/day	37	93	Monthly	0.73	5
12								
9	29-Feb-08	Ammonia	mg/L	6.12	16	Monthly		1

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 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 rate limitation exceedances due only to wet weather not assessed MMPs as the permit limit is based on the dry weather design treatment capacity of 0.72 mgd.

<u>VIOLATIONS AS OF:</u>	<u>3/31/2008</u>
Group I Serious Violations:	31
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	10
Non-serious Violations Subject to MPs:	12
Mass Limit Violations Not Subject to MPs:	76
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>43</u></b>

**Mandatory Minimum Penalty = (31 Serious Violations + 12 Non-Serious Violations) x \$3,000 = \$129,000**

\*Arithmetic mean of all 1-day flow rates (in MGD) of effluent while discharging to surface waters. Values greater than 0.72 MGD are considered wet weather flows.