

EXHIBIT 11



California Regional Water Quality Control Board
 Central Valley Region
 Katherine Hart, Chair

FILE



Matthew Rodriguez
 Secretary for
 Environmental Protection

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Edmund G. Brown Jr.
 Governor

9 December 2011

Mr. Russ Holcomb
 Malaga County Water District
 3580 South Frank Street
 Fresno, CA 93725

NOTICE OF VIOLATION AND RECORD OF VIOLATIONS FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, MALAGA COUNTY WATER DISTRICT WASTEWATER TREATMENT FACILITY (NPDES CA0084239, RM 382358), FRESNO COUNTY

Central Valley Water Quality Control Board staff has reviewed Malaga County Water District's self-monitoring reports for its Wastewater Treatment Facility for the period of 14 March 2008 through 30 October 2011. Pursuant to California Water Code Section 13385, staff determined 25 effluent limitation violations of the District' Waste Discharge Requirements Orders 99-100 and R5-2008-0033 (NPDES Permit No. CA0084239) subject to mandatory minimum penalties

By **30 December 2011**, please review Attachment A, draft Record of Violations and submit any comments or corrections to Jill Walsh at (559) 445-5130 or jwalsh@waterboards.ca.gov. We plan to incorporate the referenced violations into an Administrative Civil Liability Complaint for public review after that date.

WARREN W. GROSS
 Senior Engineering Geologist

Attachment A: Draft Record of Violations, March 2008 - October 2011

cc: Ellen Howard, Office of Enforcement, State Water Board, Sacramento
 Dan Radulescu, Central Valley Water Board, Rancho Cordova
 Charles Garabedian, Jr., Malaga County Water District, Fresno
 Neal E. Costanzo, Costanzo & Associates, Fresno

APPROVED

 Supervising Engineer

ATTACHMENT A
Draft Record of Violations
Malaga County Water District

Malaga Wastewater Treatment Facility

RECORD OF VIOLATIONS (14 March 2008 to 30 October 2011) MANDATORY MINIMUM PENALTIES
(Data reported under Monitoring and Reporting Program No. R5-2008-0033)

<u>Violation ID¹</u>	<u>Violation Date</u>	<u>Violation Type²</u>	<u>Violation Description³</u>	<u>MMP Type⁴</u>
867973	3/31/2008	OEV	3M; EC; 813; umhos/cm; AM; 825	CHRONIC
868013	4/18/2008	OEV	4M; pH; 6.5-8.3; SU; IM; 8.5	CHRONIC
868014	4/19/2008	OEV	4M; pH; 6.5-8.3; SU; IM; 8.9	CHRONIC
868015	4/20/2008	OEV	4M; pH; 6.5-8.3; SU; IM; 9.0	CHRONIC
868016	4/21/2008	OEV	4M; pH; 6.5-8.3; SU; IM; 8.9	CHRONIC
868098	7/16/2008	CAT1	7M; NH3-N; 1.3; mg/L; DM; 2.5	SERIOUS
868022	7/19/2008	OEV	7M; pH; 6.5-8.3; SU; IM; 9.1	CHRONIC
868021	7/30/2008	OEV	7M; EC; 891; umhos/cm; AM; 911	CHRONIC
868097	10/14/2008	CAT2	10M; Bromoform; 28; ug/L; DM; 36	SERIOUS
868095	10/17/2008	OEV	10M; TCO; 240; MPN/100 ml/L; DM; 300	CHRONIC
868101	11/17/2008	CAT2	10M; Bromoform; 28; ug/L; DM; 32	CHRONIC
868102	06/05/2009	OEV	6M; pH; 6.5-8.3; SU; IM; 8.6	EXEMPT ⁶
868104	07/08/2009	OEV	7M; BOD; 15; mg/L; AW; 19	EXEMPT
868105	07/08/2009	OEV	7M; BOD; 56; lbs/day; AW; 61.8	EXEMPT
868109	08/28/2009	CAT1	8M; SS; 0.2; ml/L; DM; 7.5	SERIOUS
868106	08/30/2009	CAT1	8M; SS; 0.1; ml/L; AM; 0.29	SERIOUS
868112	12/7/2009	OEV	12M; pH; 6.5-8.3; SU; IM; 8.5	CHRONIC
893428	07/08/2010	CAT1	7M; NH3-N; 0.8; mg/L; AM; 2.8	SERIOUS ⁶
896916	07/08/2010	CAT1	7M; NH3-N; 1.1; mg/L; DM; 2.6	SERIOUS
878012	07/09/2010	OEV	7M; TCO; 240; MPN/100 ml/L; DM; 1600	EXEMPT
893443	11/15/2010	CAT1	11M; TSS; 15; mg/L; AW; 17	CHRONIC
893444	11/30/2010	CAT1	11M; TSS; 90%; % removal; AM; 85%	CHRONIC
893442	11/30/2010	CAT1	11M; TSS; 10; mg/L; AM; 14	SERIOUS
912164	03/24/2011	OEV	3M; Turbidity; 2; NTU; AM; 2.7	CHRONIC
912555	03/30/2011	CAT1	3M; NH3-N; 0.4; mg/L; AM; 0.5.	SERIOUS

- 1 Violation ID in CIWQS
- 2 Abbreviations used in this table are defined in table of abbreviations below.
- 3 Violation Descriptions are coded as follows: Reporting period (e.g., 4M = April); constituent or parameter (e.g., pH, Flow); effluent limitation; units; limitation period; and reported result.
- 4 Chronic non-serious and serious violations are subject to MMPs. The first three non-serious violations within a six-month period are exempt.
- 5 Violations supporting the classification of Violation ID 867973 as "CHRONIC" were the effluent limitation violations 748354, 771680, and 771678 that occurred on 2/15/2008, 12/10/2007, and 12/03/2007, respectively, and were previously addressed by ACL Complaint R5-2008-0583 issued 21 November 2008.
- 6 More than a six-month break of effluent limitation violations subject to MMPs; thus, chronic count resets.

<u>Abbreviation</u>	<u>Definition</u>
ACL	Administrative Civil Liability
AM	Average Monthly
AW	Average Weekly
BOD	Biochemical Oxygen Demand
CAT1	Violation of Group 1 effluent limitation as defined in Enforcement Policy
CAT2	Violation of Group 2 effluent limitation as defined in Enforcement Policy
CIWQS	California Integrated Water Quality System database
DM	Daily Maximum
EC	Electrical conductivity
IM	Instantaneous maximum
M	Monthly
MMP	Mandatory minimum penalty
MPN	Most Probable Number
NH3-N	Ammonia as nitrogen
NTU	Nephelometric turbidity unit
OEV	Other effluent violation as defined in Enforcement Policy
SS	Settleable solids
SU	Standard unit (for pH)
TCO	Total coliform organisms

<u>MMP VIOLATION TYPE</u>	<u>VIOLATION PERIOD</u> <u>3/14/08 TO 9/30/2011</u>
Group 1 Serious Violations Subject to MMPs	7
Group 2 Serious Violations Subject to MMPs:	1
Chronic (non-serious) Violations Subject to MMPs:	13
Total Violations Subject to MMPs:	21

Mandatory Minimum Penalty = 21 violations x \$3,000 = \$63,000