

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF APRIL 14 and 15, 2010
South Lake Tahoe**

ITEM: 10

SUBJECT: **CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER FOR THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR MANDATORY MINIMUM PENALTY, HOT CREEK FISH HATCHERY, MONO COUNTY**

CHRONOLOGY: June 14, 2006 Board Order No. R6V-2006-0027 adopted
May 11, 2009 Time Schedule Order No. R6V-2009-0016 adopted
January 12, 2010 Time Schedule Order No. R6V-2009-0016-A1 amended
February 1, 2010 Administrative Civil Liability Complaint No. R6V-2010-0004 issued

ISSUES: Are the violations cited in the proposed ACL Order subject to mandatory minimum penalties?

Are any of the violations cited in the proposed ACL Order exempt from mandatory minimum penalties?

DISCUSSION: On June 14, 2006, the Water Board adopted Board Order No. R6V-2006-0027 for the Hot Creek Fish Hatchery, owned and operated by the California Department of Fish and Game. The California Department of Fish and Game is hereinafter referred to as the "Discharger." Board Order No. R6V-2006-0027 specifies effluent limitations for flow, nitrate plus nitrite as nitrogen, and potassium permanganate, among other water quality parameters, for Hot Creek Fish Hatchery and requires certain monitoring reports.

Water Code sections 13385 (h)(1) and 13385 (i)(1) require the Lahontan Water Board to assess mandatory minimum penalties of three thousand dollars (\$3,000) for serious and chronic violations of effluent limitations specified in NPDES permits issued by the Lahontan Water Board. Board Order No. R6V-2006-0027 is an NPDES permit that regulates the hatchery discharge to Hot Creek.

10-0001

Monitoring reports submitted by the Discharger from August 1, 2006 through May 31, 2009, indicate that the Discharger has violated effluent limitations for discharge flow, nitrate plus nitrite as nitrogen, and potassium permanganate contained in Board Order No. R6V-2006-0027. These effluent limitation violations satisfy the criteria specified by Water Code sections 13385 (h)(1) and 13385 (i)(1) that require the Lahontan Water Board to impose mandatory minimum penalties. The Discharger also failed to submit the required July 2006 monitoring report; that failure is also subject to a mandatory minimum penalty.

On May 11, 2009, the Lahontan Water Board's Assistant Executive Officer issued the Discharger a Time Schedule Order (TSO) to address the ongoing effluent limitation violations. The TSO establishes interim effluent limitations for discharge flow and nitrate plus nitrite as nitrogen and a schedule for the Discharger to develop, submit, and implement measures that will return the Discharger to compliance with its NPDES permit effluent limitations, or any revision of such limitations. Pursuant to Water Code section 13385(j)(3), compliance with the TSO requirements exempts the Discharger from additional mandatory minimum penalties for violating NPDES permit effluent limitations for nitrate plus nitrite as nitrogen and discharge flow since the TSO was issued. The Discharger is currently in compliance with TSO requirements.

On February 10, 2010, ACL Complaint No. R6V-2010-0004 was issued, alleging the violations discussed above, and proposing mandatory minimum penalties in the amount of \$225,000.

At the public hearing, the Water Board will be asked to consider adopting the proposed Administrative Civil Liability Order (Enclosure 1) based upon ACL Complaint No. R6V-2010-0004.

RECOMMENDATION:

Adoption of the Administrative Civil Liability Order as proposed.

Enclosure:

1. Proposed Administrative Civil Liability Order

10-0002

ENCLOSURE 1

10-0003



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6V-2010-(PROPOSED)

ADMINISTRATIVE CIVIL LIABILITY ORDER AGAINST THE CALIFORNIA
DEPARTMENT OF FISH AND GAME FOR MANDATORY MINIMUM PENALTY,
HOT CREEK FISH HATCHERY

Mono County

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) finds that the California Department of Fish and Game has violated the following:

- A. Effluent limitations for nitrate plus nitrite as nitrogen, potassium permanganate, and flow as specified in Board Order No. R6V-2006-0027.
- B. Reporting requirements as specified in Board Order No. R6V-2006-0027.

A hearing on Administrative Civil Complaint No. R6V-2010-0004 was held before the Lahontan Water Board on April 15, 2010. Based upon evidence and testimony received at the hearing, the Lahontan Water Board makes the following findings:

1. **Discharger**

The California Department of Fish and Game owns and operates Hot Creek Fish Hatchery (Facility.) Board Order No. R6V-2006-0027 (NPDES Permit No. CA0102776) was adopted on June 15, 2006 to regulate waste discharges from the Facility. Board Order No. R6V-2006-0027 identifies the California Department of Fish and Game as the Discharger with primary responsibility. The California Department of Fish and Game is hereinafter referred to as the "Discharger."

2. **Property**

The Facility is operated by the Discharger on property owned by the Los Angeles Department of Water and Power and the United States Forest Service. The Facility is located at 85 Old School Road, Mammoth Lakes, in Mono County.

3. **Facility**

Hot Creek Fish Hatchery. The Facility consists of two hatcheries (Hatchery I and Hatchery II), two spawning houses, 42 fingerling tanks, 40 fingerling troughs, nine brood ponds, 42 production ponds, four production raceways, and three settling ponds.

10-0004

4. **Discharge**

Wastewater from the Facility's four raceways receives sedimentation treatment in two parallel flow-through settling ponds before it is discharged to Hot Creek. Wastewater from Hatchery I, the Hatchery I brood ponds, and the Hatchery I spawning house receives sedimentation treatment in another settling pond (McBurney Pond) before it is discharged to Hot Creek. Wastewater from Hatchery II, the Hatchery II brood ponds, and the Hatchery II spawning house does not receive treatment before it is discharged to a short tributary of Hot Creek.

5. **Enforcement History**

In 2006, Administrative Civil Liability Order No. R6V-2006-0005 was adopted against the Discharger for mandatory minimum penalties associated with the violation of effluent limitations contained in Board Order No. 6-99-55 for total suspended solids.

On December 5, 2008, the Lahontan Water Board issued a Notice of Violation to the Discharger for the violation of effluent limitations for nitrate plus nitrite as nitrogen and flow as prescribed by Board Order No. R6V-2006-0027.

On May 11, 2009, the Lahontan Water Board's Assistant Executive Officer issued a Time Schedule Order to address the ongoing violations of the effluent limitations (nitrate plus nitrite as nitrogen and flow) prescribed by Board Order No. R6V-2006-0027.

On February 1, 2010, the Lahontan Water Board's Cleanup and Enforcement Division Manager issued Administrative Civil Liability Complaint No. R6V-2010-0004 to the Discharger for effluent and reporting violations originally identified in the Notice of Violation and Time Schedule Order.

This Administrative Civil Liability Order for mandatory minimum penalty addresses the violations cited in the February 1, 2010 Administrative Civil Liability Complaint.

6. **Violations – Board Order No. R6V-2006-0027**

Board Order No. R6V-2006-0027 includes the following discharge specifications:

- a. Section IV.A.1.b requires wastewater discharged from the Facility not to exceed the following effluent limits for nitrate plus nitrite as nitrogen at monitoring locations M-001, M-002, M-003, and M-004:
 - i. 0.23 mg/L Average Monthly
 - ii. 0.31 mg/L Maximum Daily

- b. Section IV.A.1.b requires wastewater discharged from the Facility not to exceed the following maximum daily effluent limits for flow:
 - i. At M-001, 6.9 million gallons per day (MGD)
 - ii. At M-002, 6.5 MGD
 - iii. At M-003, 3.8 MGD
 - iv. At M-004, 2.5 MGD

- c. Section IV.A.1.b requires wastewater discharged from the Facility not to exceed the following effluent limits for potassium permanganate at monitoring locations M-001, M-002, M-003, and M-004:
 - i. 0.12 mg/L Average Monthly
 - ii. 0.25 mg/L Maximum Daily

Nitrate plus nitrite as nitrogen and flow are Group I pollutants, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations.

According to monitoring reports submitted by the Discharger from August 1, 2006 through May 31, 2009, the Discharger violated the NPDES Permit effluent limitations as listed in the table of violations provided in Attachment A, which is made a part of this Order. Additionally, the Discharger failed to submit the monitoring report that was to provide the monthly monitoring results for July 2006, which is also identified in Attachment A.

7. Authority and Maximum Potential Civil Liability

Water Code section 13385(h)(1) requires the Lahontan Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each **serious violation**.

Water Code section 13385(h)(2) provides that a **serious violation** occurs if the discharge exceeds the effluent limitations (a) by 40 percent or more for a Group I pollutant as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations, or (b) by 20 percent or more for a Group II pollutant, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations.

Water Code section 13385.1(a)(1) provides that a **serious violation** also means a failure to file a discharge monitoring report required pursuant to Section 13383.

Water Code section 13385(i) requires the Lahontan Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a period of six consecutive months (**chronic violations**):

- a. violates a waste discharge requirement effluent limitation;
- b. fails to file a report pursuant to Water Code section 13260;
- c. files an incomplete report pursuant to Water Code section 13260; or
- 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.

Water Code section 13385(i)(2) defines a "period of six consecutive months" as, "...the period commencing on the date that one of the violations described in this subdivision [Water Code section 13385(i)] occurs and ending 180 days after that date." However, **serious violations** may qualify as chronic violations for the purposes of determining a "period of six consecutive months," and may count as the first three **chronic violations**, though such violations are not counted twice for the purpose of assessing the penalty amount.

According to the definitions of **serious violations** above, the Discharger committed 16 serious violations from August 14, 2006 to May 4, 2009, as shown on lines 2, 7, 37, 38, 41, 48, 51, 53, 69 through 72, and 74 through 77 of the table of violations provided in Attachment A of this Order. The amount of the mandatory minimum penalty for the 16 serious violations (\$3,000 for each of the 16 violations) is **forty-eight thousand dollars (\$48,000)**.

According to the definition of **chronic violations** above, the Discharger committed 74 chronic violations from September 2006 through May 4, 2009, as shown on lines 4 through 77 of the table of violations provided in Attachment A of this Order. Fifteen of these violations also constitute **serious violations** as noted above. However, these 15 violations do not result in double penalties. The 74 **chronic violations** less the 15 **serious violations** to avoid double penalty results in 59 remaining **chronic violations**. The amount of the mandatory minimum penalty for the 59 remaining **chronic violations** (\$3,000 for each of the 59 violations) is **one hundred seventy-seven thousand dollars (\$177,000)**.

The total amount of the mandatory minimum penalty for serious and chronic violations that occurred August 14, 2006 through May 4, 2009 is (\$48,000 + \$177,000) **two hundred twenty-five thousand dollars (\$225,000)**.

8. Administrative Civil Liability Complaint Issued by Water Board Staff

Water Board staff issued Administrative Civil Liability Complaint No. R6V-2010-0004 to the Discharger on February 1, 2010. The Complaint states that the Discharger violated effluent limitations and reporting requirements contained in Board Order No. R6V-2006-0027 (NPDES Permit No. CA0102776). The Complaint lists the dates and nature of violations and recommends that the Discharger be assessed a

mandatory minimum penalty in the amount of two hundred twenty-five thousand dollars (\$225,000).

9. California Environmental Quality Act

This enforcement action is being taken by the Lahontan Water Board to enforce provisions of the Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 210000 et seq.) in accordance with California Code of Regulations, title 14, section 15321.

10. Petition

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code 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 of this Order, except that if the thirtieth day following the date of this Order 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.

IT IS HEREBY ORDERED THAT:

1. The Administrative Civil Liability recommended in Administrative Civil Liability Complaint No. R6V-2010-0004 is hereby affirmed.
2. The Lahontan Water Board imposes administrative civil liability against the Discharger in the amount of \$225,000.
3. The Discharger must provide payment with a cashier's check or money order in the amount of \$225,000 to the *State Water Pollution Cleanup and Abatement Account* by May 15, 2010.
4. If the Discharger fails to make the specified payment to the *State Water Pollution Cleanup and Abatement Account* within the time limits specified in this Order, the Lahontan Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Lahontan Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

I, Harold J. Singer, 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, Lahontan Region, on April 14, 2010.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment: A – Table of Violations

PROPOSED

ATTACHMENT A



Attachment A - Table of Violations

Hot Creek Hatchery MMP Violations Table

No.	Date	Violation Type	Location	Parameter	Description	MMP
1	8/14/2006		M-004	Flow	Flow rate of 3.16 MGD at M-004 exceeds the Effluent Limit of 2.5 MGD	0
2	9/2/2006	Serious	Reporting	Reporting	July 2006 monthly SMR due on September 17, 2006. July 2006 monthly SMR never received	1
3	Sep-06		M-002	Flow	Flow rate of 7.0 MGD at M-002 exceeds the Effluent Limit of 6.5 MGD	0
4	Sep-06	Chronic	M-001	Flow	Flow rate of 7.0 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
5	Sep-06	Chronic	M-004	Flow	Flow rate of 2.7 MGD at M-004 exceeds the Effluent Limit of 2.5 MGD	1
6	9/18/2006	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.260 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
7	9/18/2006	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.322 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
8	9/18/2006	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.322 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
9	10/23/2006	Chronic	M-002	Flow	Flow rate of 6.7 MGD at M-002 exceeds the Effluent Limit of 6.5 MGD	1
10	11/13/2006	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.240 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
11	11/13/2006	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.238 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
12	11/13/2006	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.231 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
13	11/13/2006	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.277 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
14	11/29/2006	Chronic	M-001	Potassium Permanganate	Analytical result of 0.674 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.12 mg/L	1
15	11/29/2006	Chronic	M-001	Potassium Permanganate	Analytical result of 0.674 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.25 mg/L	1
16	11/29/2006	Chronic	M-002	Potassium Permanganate	Analytical result of 0.743 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.12 mg/L	1
17	11/29/2006	Chronic	M-002	Potassium Permanganate	Analytical result of 0.743 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.25 mg/L	1
18	3/26/2007	Chronic	M-003	Flow	Flow rate of 4.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
19	3/26/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.247 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
20	3/26/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.243 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
21	3/26/2007	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.249 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
22	3/26/2007	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.236 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
23	5/7/2007	Chronic	M-003	Flow	Flow rate of 4.1 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
24	6/4/2007	Chronic	M-003	Flow	Flow rate of 4.94 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
25	6/4/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.251 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
26	6/4/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.239 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
27	7/9/2007	Chronic	M-003	Flow	Flow rate of 4.6 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
28	8/6/2007	Chronic	M-003	Flow	Flow rate of 4.18 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
29	9/10/2007	Chronic	M-003	Flow	Flow rate of 4.2 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
30	9/10/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.236 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
31	9/10/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.243 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
32	12/10/2007	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.266 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
33	2/4/2008	Chronic	M-003	Flow	Flow rate of 4.30 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
34	3/3/2008	Chronic	M-003	Flow	Flow rate of 4.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
35	3/3/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.264 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
36	3/3/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.265 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
37	3/3/2008	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.380 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
38	3/3/2008	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.406 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
39	3/3/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.380 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
40	3/3/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.406 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
41	4/7/2008	Serious*/Chronic	M-003	Flow	Flow rate of 5.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
42	5/5/2008	Chronic	M-003	Flow	Flow rate of 5.30 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
43	6/2/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.292 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
44	6/2/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.312 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
45	6/2/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.312 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
46	6/2/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.255 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
47	6/2/2008	Chronic	M-003	Flow	Flow rate of 5.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
48	6/2/2008	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.364 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
49	6/2/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.364 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1

10-0010

Attachment A - Table of Violations

Hot Creek Hatchery MMP Violations Table - Continued

No.	Date	Violation Type	Location	Parameter	Description	MMP
50	7/7/2008	Chronic	M-001	Flow	Flow rate of 7.0 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
51	7/7/2008	Serious*/Chronic	M-003	Flow	Flow rate of 6.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
52	8/4/2008	Chronic	M-001	Flow	Flow rate of 7.3 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
53	8/4/2008	Serious*/Chronic	M-003	Flow	Flow rate of 6.6 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
54	9/8/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.287 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
55	9/8/2008	Chronic	M-003	Flow	Flow rate of 4.8 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
56	9/8/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.316 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
57	9/8/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.316 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
58	10/6/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
59	11/2/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
60	12/1/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.258 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
61	12/1/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.256 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
62	12/1/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.254 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
63	12/1/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
64	12/1/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.253 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
65	1/5/2009	Chronic	M-003	Flow	Flow rate of 3.9 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
66	2/2/2009	Chronic	M-003	Flow	Flow rate of 3.88 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
67	3/2/2009	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.272 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
68	3/2/2009	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.266 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
69	3/2/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 1.07 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
70	3/2/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 1.07 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
71	3/2/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.72 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
72	3/2/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.72 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
73	5/4/2009	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.247 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
74	5/4/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.613 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
75	5/4/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.613 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
76	5/4/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.624 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
77	5/4/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.624 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
Total Violations Subject to MMP						75

First three of four violations occurring in a period of six consecutive months. Only the serious violation on Line 2 is subject to MMP.

* - One of the 15 serious violations that are not included in the MMP calculation for chronic violations.

10...0011