

ALLEGED VIOLATIONS

Violation Group No. 1, Effluent Limitations: According to quarterly monitoring reports submitted by the Discharger for the period from April 1, 2005 through December 31, 2009, the Discharger had eight effluent limitation exceedances subject to mandatory minimum penalties. One exceedance was a non-serious (chronic) effluent violation, and seven exceedances were serious effluent violations. The mandatory minimum penalty amount for these violations is **\$21,000** as shown in the following table:

Table 1: Violations of Effluent Limitations (Mandatory Minimum Penalties Pursuant to CWC section 13385 (h) and (i))

| Date | Parameter (Waste Stream) | Reported Value | Permit Limit | Units | Violation Type | Mandatory Minimum Penalty |
|--------------|--|-----------------------|---------------------|--------------|-------------------------|----------------------------------|
| 7/15/05 | Copper 6-month median (Gross Effluent) | 0.15 | 0.12 | mg/l | Serious | \$3,000 |
| 12/9/05 | Copper 6-month median (Gross Effluent) | 0.50 | 0.12 | mg/l | Serious | \$3,000 |
| 3/31/06 | Copper 6-month median (Gross Effluent) | 0.82 | 0.12 | mg/l | Serious | \$3,000 |
| 6/28/06 | Copper 6-month median (Gross Effluent) | 0.50 | 0.12 | mg/l | Serious | \$3,000 |
| 9/26/06 | Copper 6-month median (Gross Effluent) | 0.18 | 0.12 | mg/l | Serious | \$3,000 |
| 1/5/07 | Copper 6-month median (Gross Effluent) | 0.32 | 0.12 | mg/l | Serious | \$3,000 |
| 4/12/07 | Copper 6-month median (Gross Effluent) | 0.31 | 0.12 | mg/l | Serious | \$3,000 |
| 3/27/08 | Copper 6-month median (Gross Effluent) | 0.14 | 0.12 | mg/l | 1 st Chronic | \$0 |
| TOTAL | | | | | | \$21,000 |

Violation Group No. 2, Reporting Violations: According to quarterly self-monitoring reports submitted by the Discharger for the period from April 1, 2005 through December 31, 2009, the Discharger submitted 19 quarterly and 2 annual self-monitoring reports that were deficient. The deficiencies in these reports constitute violations that are classified in the Enforcement Policy as Class II violations and may be subject to discretionary penalties. The maximum potential penalty amount for these violations is **\$210,000**, as shown in the following table:

Table 2: Deficient Self-Monitoring Reports (Liability Pursuant to CWC section 13385 (c))

| Sampling Event Date | Waste Stream | Deficiency | Parameter | Days of Violation | Maximum Potential Penalty |
|---------------------------------|---|---|------------------------|-------------------|---------------------------|
| 5/16/2005 (Quarterly Report) | Boiler and Cooling Water Blowdown; Gross Effluent Waste Stream | Analysis Not Conducted (SMR Missing Data) | Hexavalent Chromium | 1 | \$10,000 |
| | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | | |
| 7/15/2005 (Quarterly Report) | Boiler and Cooling Water Blowdown; Gross Effluent Waste Stream | Analysis Not Conducted (SMR Missing Data) | Hexavalent Chromium | 1 | \$10,000 |
| | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | | |
| 12/9/2005 (Quarterly Report) | Boiler and Cooling Water Blowdown; Gross Effluent Waste Stream | Analysis Not Conducted (SMR Missing Data) | Hexavalent Chromium | 1 | \$10,000 |
| | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | | |
| 2005 (Annual Report) | Gross Effluent Waste Stream | Sampling and Analysis Not Conducted (Annual Report Missing Data) | Chronic Toxicity | 1 | \$10,000 |

| Sampling Event Date | Waste Stream | Deficiency | Parameter | Days of Violation | Maximum Potential Penalty |
|--|-----------------------------|--|---|--------------------------|----------------------------------|
| 3/31/2006 6/28/2006 9/26/2006 (Quarterly Reports) | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | 3 | \$30,000 |
| 12/31/2006 (Quarterly Report) | All Three Waste Streams | Sampling and Analysis Not Conducted (SMR Missing Data) | Total & Hexavalent Chromium, Zinc, pH, Copper, Lead, Free Chlorine, TSS, Oil & Grease | 1 | \$10,000 |
| 1/05/2007 4/12/2007 9/27/2007 12/27/2007 (Quarterly Reports) | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | 4 | \$40,000 |
| 2007 (Annual Report) | Gross Effluent Waste Stream | Sampling and Analysis Not Conducted (Annual Report Missing Data) | Chronic Toxicity | 1 | \$10,000 |
| 3/27/2008 6/19/2008 9/26/2008 1/14/2009 (Quarterly Reports) | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | 4 | \$30,000 |
| 3/20/2009 6/18/2009 9/24/2009 12/10/2009 (Quarterly Reports) | All Three Waste Streams | Required Holding Time Exceeded (Results Invalid) | pH & Chlorine Residual | 4 | \$40,000 |
| TOTAL | | | | 21 | \$210,000 |

Violation Group No. 3, Unauthorized Discharges: According to a Summary Report Letter dated October 15, 2008 prepared and submitted by SCS Engineers on behalf of the Discharger, six unauthorized discharges of bottom ash processing wastewater (washwater) occurred in 2006, 2007, and 2008 during a pilot study. The letter describes the pilot study conducted by the Discharger to determine the feasibility of processing bottom ash to be recycled for fuel. The Discharger estimates the volume of washwater discharged to be 2000 gallons for each incident, or a total of 12,000 gallons. These unauthorized discharges are violations of prohibitions contained in the WDRs, classified in the Enforcement Policy as Class II violations, and may be subject to discretionary penalties. The maximum potential penalty amount for these violations is **\$120,000**, as shown in the following table:

Table 3: Unauthorized Discharges (Liability Pursuant to CWC section 13385(c))

| Date | Gallons Discharged | Gallons Cleaned Up | Gallons Discharged to Pacific Ocean | Days of Violation | Maximum Potential Penalty |
|---------------|---------------------------|---------------------------|--|--------------------------|----------------------------------|
| 2006 | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| 2007 | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| 2008 | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| | 2,000 | 0 | 2,000 | 1 | \$20,000 |
| TOTALS | | | 12,000 | 6 | \$120,000 |