

# **EXHIBIT 9**



Linda S. Adams  
Secretary for  
Environmental  
Protection

California Regional Water Quality Control Board  
Central Valley Region

Katherine Hart, Chair

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Arnold  
Schwarzenegger  
Governor

FILE

5 November 2010

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

**REVISED NOTICE OF VIOLATION AND RECORD OF VIOLATIONS FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, MALAGA COUNTY WATER DISTRICT WASTEWATER TREATMENT FACILITY (NPDES CA0084239, RM 376453), FRESNO COUNTY**

On 8 July 2010, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff issued a Notice of Violation and Draft Record of Violations for Assessment of Mandatory Minimum Penalties for Malaga County Water District that requested the District to provide any comments by 22 July 2010. Staff has reviewed the District's response to the Notice of Violation, dated 21 July 2010 and received 22 July 2010 via facsimile, submitted by Mr. Neal Costanzo on the District's behalf.

Enclosed is Revised Attachment A, Record of Violations. The Assistant Executive Officer of the Central Valley Water Quality Control Board proposes to issue an Administrative Civil Liability Complaint (Complaint) pursuant to California Water Code section 13385 for violations of Waste Discharge Requirements Order R5-2008-0033 (NPDES Permit No. CA0084239) that occurred at the Malaga County Water District Wastewater Treatment Facility (facility). The Complaint would propose an administrative civil liability of forty-five thousand dollars (\$45,000) in mandatory minimum penalties pursuant to California Water Code section 13385 for effluent limitation violations that have occurred at the facility during the period from 14 March 2008 to 31 January 2010.

If you have any questions regarding the enclosed, please contact Ms. Jill Walsh at (559) 445-5130 or [jwalsh@waterboards.ca.gov](mailto:jwalsh@waterboards.ca.gov).

LONNIE M. WASS  
Supervising Engineer

Enclosure: Revised Attachment A, Record of Violations

cc w/encl: Mr. Neal E. Costanzo, Costanzo & Associates, Fresno

APPROVED  
  
Supervising Engineer

**California Environmental Protection Agency**

## REVISED ATTACHMENT A

### Malaga County Water District Malaga Wastewater Treatment Facility

RECORD OF VIOLATIONS (14 March 2008 to 31 January 2010) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program No. R5-2008-0033)  
(Dismissed violations indicated in strike-out font)

<u>Violation ID<sup>1</sup></u>	<u>Violation Date</u>	<u>Violation Type<sup>2</sup></u>	<u>Violation Description<sup>3</sup></u>	<u>MMP Type<sup>4</sup></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
<del>868017</del>	<del>5/28/2008</del>	<del>CAT1</del>	<del>4M; BOD; 15; mg/L; AW; 16</del>	<del>CHRONIC</del>
<del>868018</del>	<del>6/10/2008</del>	<del>CAT1</del>	<del>6M; BOD; 15; mg/L; AW; 20</del>	<del>CHRONIC</del>
<del>868020</del>	<del>6/10/2008</del>	<del>CAT1</del>	<del>6M; BOD; 30; mg/L; DM; 31</del>	<del>CHRONIC</del>
<del>868019</del>	<del>6/29/2008</del>	<del>CAT1</del>	<del>6M; BOD; 15; mg/L; AW; 17</del>	<del>CHRONIC</del>
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 <sup>6</sup>
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	8/28/2009	CAT1	8M; SS; 0.2; ml/L; DM; 7.5	SERIOUS
868106	8/30/2009	CAT1	8M; SS; 0.1; ml/L; AM; 0.29	SERIOUS
868110	8/30/2009	OEV	8M; EC; 841; umhos/cm; AM; 845	CHRONIC
<del>868111</del>	<del>12/31/2009</del>	<del>OEV</del>	<del>12M; Turbidity; 2; NTU; AM; 2.23</del>	<del>CHRONIC</del>
868112	12/7/2009	OEV	12M; pH; 6.5-8.3; SU; IM; 8.5	CHRONIC

<sup>1</sup> Violation ID in CIWQS

<sup>2</sup> Abbreviations used in this table are defined in table of abbreviations below.

<sup>3</sup> 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.

<sup>4</sup> Chronic non-serious and serious violations are subject to MMPs. Exempt **non-serious** (chronic) violations fall within the first three violations in a six-month period, thus are exempt.

<sup>5</sup> 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.

<sup>6</sup> More than a six-month break of effluent limitation violations subject to MMPs; thus, chronic count begins.

<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 1/31/2010</u>
Group 1 Serious Violations Subject to MMPs	3
Group 2 Serious Violations Subject to MMPs:	1
Non-serious Violations Subject to MMPs:	11
<b>Total Violations Subject to MMPs:</b>	<b>15</b>
 <b><i>Mandatory Minimum Penalty = 15 violations x \$3,000 = \$45,000</i></b>	