

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0521

MANDATORY PENALTY  
IN THE MATTER OF

CALAVERAS COUNTY WATER DISTRICT  
AND  
SADDLE CREEK GOLF COURSE, L.P.  
COPPER COVE WASTEWATER RECLAMATION FACILITY  
CALAVERAS COUNTY

This Complaint is issued to the Calaveras County Water District and Saddle Creek Golf Course, L.P. (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2006-0081 (NPDES No. CA0084620).

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

1. The Discharger owns and operates two wastewater treatment facilities. The secondary treatment facility utilizes hypochlorite to disinfect secondary treated water and control algae. The chlorinated secondary wastewater is either stored in ponds or discharged through spray irrigation on pasture. This discharge is regulated under WDRs Order R5-2010-0070 and is not the subject of this Complaint.
2. The tertiary treatment facility takes the secondary-treated water from Pond 6, and provides additional treatment through coagulation-flocculation, filtration, and ultraviolet disinfection. The tertiary facility discharges treated effluent to a receiving pond for golf course irrigation and to a regulated wetlands system, with subsequent runoff to Littlejohns Creek, a water of the United States, as well as indirect discharge and incidental runoff to jurisdictional wetlands. This Complaint is associated with the discharge from the tertiary facility.
3. In order to regulate discharges from the tertiary facility, on 3 August 2006, the Central Valley Water Board issued WDRs Order R5-2006-0081, which became effective 23 August 2006. On 3 August 2006, the Board also issued Time Schedule Order (TSO) R5-2006-0082. TSO R5-2006-0082 provided a time schedule to comply with final effluent limitations for electrical conductivity by 1 June 2009, and to comply with the final effluent limitations for aluminum, ammonia, chloroform, iron, and manganese by 1 August 2011.
4. This Complaint addresses administrative civil liability for effluent violations that occurred during the period from 23 August 2006 through 31 December 2011. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum

penalties. Attachment A to this Complaint is attached hereto and incorporated herein by this reference.

5. On 26 January 2011, Central Valley Water Board staff issued the Discharger a draft Record of Violations for the period 6 August 2006 through 30 November 2010. The Discharger responded on 11 February 2011 and acknowledged the coliform and ammonia violations but questioned the validity of the chlorine and dichlorobromomethane results. On 7 November 2011, the Discharger's engineer submitted a technical memorandum providing additional information regarding the chlorine residual violations.
6. On 23 February 2012, Board staff issued the Discharger a second Notice of Violation and draft Record of Violations for the period 6 August 2003 through 31 December 2011, including the chlorine residual violations. By letter dated 1 March 2012, the Discharger acknowledged the dichlorobromomethane violations but requested that the chlorine residual violations be removed and provided a copy of its 7 November 2011 technical memorandum. Board staff considered all the responses provided by the Discharger and have continue to allege the chlorine violations in this Complaint, as discussed further in Attachment B.
7. CWC section 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 subdivision (i)(1) states, in part:

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.

8. 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.

9. CWC section 13385(j) exempts certain violations from the mandatory minimum penalties, and states, in relevant part:

Subdivisions (h) and (i) do not apply to any of the following:

- 3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308 if all of the following requirements are met:
  - C) The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible....For the purposes of this subdivision, the time schedule may not exceed five years in length .... The interim requirements shall include both of the following:
    - i) Effluent limitations for the pollutant or pollutants of concern.
    - ii) Actions and milestones leading to compliance with the effluent limitation.

10. TSO R5-2006-0082 contains interim effluent limitations for ammonia; however, as shown on Attachment A, the Discharger exceeded those interim effluent limits and therefore CWC section 13385(j) does not exempt those particular violations from mandatory minimum penalties.

11. WDRs Order R5-2006-0081 Effluent Limitations IV.A.2.b., include, in part, the following effluent limitations:

- b. Effluent Disinfected by UV System - ...the discharge of reclaimed wastewater to the SCGC's receiving pond shall maintain compliance with the following effluent limitations...

**Final Effluent Limitations  
Discharge to SCGC Receiving Pond NC-2D  
(For UV Disinfected Effluent)**

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Dichlorobromomethane <sup>5</sup>	µg/L	0.56	1.13
	lbs/day <sup>3</sup>	0.0044	0.0089
<sup>3</sup> The mass limits (lbs/day) under the Monthly Average column and the Daily Maximum column are based on the concentration limits multiplied by their corresponding flows (monthly average 0.95 mgd and daily maximum 0.95 mgd) and the unit conversion factor of 8.34. <sup>5</sup> Full compliance with this limitation is required by 18 May 2010.			

12. WDRs Order R5-2006-0081 Effluent Limitations IV.A.2.d., include, in part, the following effluent limitations:
  - d. Total Ammonia: Effluent ammonia (as N) shall not exceed the following:
    - 2.14 mg/L as a 1-hr average;
13. WDRs Order R5-2006-0081 Effluent Limitations IV.A.2.f., include, in part, the following effluent limitations:
  - f. Total Residual Chlorine: Effluent total residual chlorine shall not exceed the following:
    - 0.01 mg/L as a four-day average;
    - 0.02 mg/L as a one-hour average, and;
    - 0.079 lbs/day as a four-day average at design flow of 0.95 mgd.
14. WDRs Order R5-2006-0081 Effluent Limitations IV.A.2.h., include, in part, the following effluent limitations:
  - h. Total Coliform Organisms: Effluent total coliform organisms concentrations shall not exceed the following:
    - 2.2 MPN/100 mL as a seven-day median based on the previous seven daily sample results;
    - 23 MPN/100 mL more than once in any 30-day period; and
15. According to the Discharger's self-monitoring reports, the Discharger committed two (2) serious Group I violations of the above effluent limitations contained in WDRs Order R5-2006-0081, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels in WDRs Order R5-2006-0081 by 40 percent or more. The mandatory minimum penalty for these serious violations is **six thousand dollars (\$6,000)**.
16. According to the Discharger's self-monitoring reports, the Discharger committed fourteen (14) serious Group II violations of the above effluent limitations contained in WDRs Order R5-2006-0081, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels in WDRs Order R5-2006-0081 by 20 percent or more. The mandatory minimum penalty for these serious violations is **forty-two thousand dollars (\$42,000)**.
17. According to the Discharger's self-monitoring reports, the Discharger committed four (4) non-serious violations of the above effluent limitations contained in Order R5-2006-0081, as shown in Attachment A. None of the non-serious violations are subject to mandatory penalties under CWC section 13385 subdivision (i)(1) because these violations were not preceded by three or more effluent limit violations within a six-month period.
18. The total amount of the mandatory penalties assessed for the alleged effluent violations is **forty-eight thousand dollars (\$48,000)**. As stated herein, a detailed list of the alleged effluent violations is included in Attachment A. This Complaint addresses administrative

civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties.

19. 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).

**CALAVERAS COUNTY WATER DISTRICT AND SADDLE CREEK GOLF COURSE LLP  
ARE HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **forty-eight thousand dollars (\$48,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **7/8 June 2012**, unless the Discharger does one of the following by **9 April 2012**:
  - a) Waives the hearing by completing the attached form (checking off the box next to Option 1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **forty-eight thousand dollars (\$48,000)**; or
  - b) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests to engage in settlement discussions by checking off the box next to Option #2 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed; or
  - c) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests a delay by checking off the box next to Option #3 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed.
3. If a hearing on this matter is held, the Central Valley 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.
4. If this matter proceeds to hearing, the Executive Officer reserves the right to amend the proposed amount of civil liability to conform to the evidence presented, including but not limited to, increasing the proposed amount to account for the costs of enforcement (including staff, legal and expert witness costs) incurred after the date of the issuance of this Complaint through completion of the hearing.

*Original signed by Frederick Moss for*  
\_\_\_\_\_  
PAMELA C. CREEDON, Executive Officer

9 March 2012  
\_\_\_\_\_

DATE

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

I am duly authorized to represent the Calaveras County Water District and Saddle Creek Golf Course, L.P. (hereafter Discharger) in connection with Administrative Civil Liability Complaint R5-2012-0521 (hereafter Complaint). 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. The person who has been issued a complaint may waive the right to a hearing."

**(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)**

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **forty-eight thousand dollars (\$48,000)** by check that references "ACL Complaint R5-2012-0521" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **9 April 2012**.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. 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.

**(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

**(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

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(Print Name and Title)

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(Signature)

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(Date)

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0521**

**Calaveras County Water District  
Saddle Creek Golf Course, L.P.**

**Copper Cove Wastewater Reclamation Facility**

RECORD OF VIOLATIONS (23 August 2006 – 31 December 2011) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program and R5-2006-0081)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
1	30-May-08	Coliform	MPN/100mL	2.2	4	7-day	3	889130
2	31-May-08	Coliform	MPN/100mL	2.2	4	7-day	3	889131
3	27-May-08	Ammonia	mg/L	2.14*	5	1-hour	1	889132
4	3-June-08	Ammonia	mg/L	2.14*	6.4	1-hour	1	892708
5	2-Sep-10	Dichlorobromomethane	µg/L	1.13	1.2	Daily	3	887908
6	30-Sep-10	Dichlorobromomethane	µg/L	0.56	1.2	Monthly	2	887909
7	6-Oct-10	Dichlorobromomethane	µg/L	1.13	1.5	Daily	2	889138
8	6-Oct-10	Total Chlorine Residual	mg/L	0.02	0.05	1-hour	2	889134
9	6-Oct-10	Total Chlorine Residual	mg/L	0.01	0.05	4-day	2	889136
10	6-Oct-10	Total Chlorine Residual	lb/day	0.079	0.15	4-day	2	889137
11	31-Oct-10	Dichlorobromomethane	µg/L	0.56	1.5	Monthly	2	889139
12	17-Nov-10	Total Chlorine Residual	mg/L	0.02	0.028	1-hour	2	889141
13	17-Nov-10	Total Chlorine Residual	mg/L	0.01	0.028	4-day	2	889142
14	17-Nov-10	Dichlorobromomethane	µg/L	1.13	2.6	Daily	2	920403
15	17-Nov-10	Dichlorobromomethane	µg/L	0.56	2.6	Monthly	2	920410
17	17-Nov-10	Dichlorobromomethane	lb/day	0.0044	0.0055	Monthly	2	920409
18	6-Dec-10	Dichlorobromomethane	µg/L	1.13	2.9	Daily	2	900287
19	31-Dec-10	Dichlorobromomethane	µg/L	0.56	2.9	Monthly	2	900288
20	31-Dec-10	Dichlorobromomethane	lb/day	0.0044	.0087	Monthly	2	900289
21	7-Jul-11	Coliform	MPN/100mL	23	280	>1X/30 d	3	919171

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 violation falls within the first three violations in a six-month period, thus is not subject to MMPs.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>12/31/2011</u>
Group I Serious Violations:	2
Group II Serious Violations:	14
Non-Serious Violations Not Subject to MMPs:	4
Non-serious Violations Subject to MMPs:	0
<b><u>Total Violations Subject to MMPs:</u></b>	<b><u>16</u></b>

**Mandatory Minimum Penalty = (16 Serious Violations + 0 Non-Serious Violations) x \$3,000 = \$48,000**

\* TSO Limitations: 4.35 mg/L as daily maximum.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Central Valley Regional Water Quality Control Board**

**TO:** Wendy Wyels, Supervisor  
Compliance and Enforcement Section

**FROM:** Victor Vasquez, Senior Engineer  
NPDES Compliance and Enforcement

**DATE:** 9 March 2012

**SIGNATURE:**

**SUBJECT:** CALAVERAS COUNTY WATER DISTRICT MMP VIOLATIONS

On 26 January 2011, Central Valley Water Board staff issued the Discharger a draft Record of Violations (ROV) for the period 6 August 2006 through 30 November 2010. The Discharger responded on 11 February 2011 and did not dispute the coliform and ammonia violations but questioned the validity of the chlorine and dichlorobromomethane results. On 7 November 2011, the Discharger's engineer submitted a technical memorandum providing additional technical information regarding the alleged chlorine residual violations.

On 23 February 2012, Board staff issued the Discharger a second Notice of Violation and draft Record of Violations for the period 6 August 2003 through 31 December 2011 which included the chlorine residual violations. By letter dated 1 March 2012, the Discharger did not dispute the dichlorobromomethane violations but requested that the chlorine residual violations be removed and provided a copy of its 7 November 2011 technical memorandum. This memorandum summarizes the information from the Discharger's responses and my recommendation regarding the violation dismissals requested by the Discharger, as follows:

Coliform violations

- In the 11 February 2011 response, the Discharger agreed with the 30 May 2008 and 31 May 2008 violations of the coliform 7-day median effluent limitation and stated that there have not been violations of that limitation since May 2008.

Staff's review found that after the January 2011 ROV was issued, a coliform violation occurred on 7 July 2011 for exceeding the 23 MPN/100 mL limitation more than once in 30-days.

Ammonia violations

- In the 11 February 2011 response, the Discharger stated that the ammonia effluent limitations have not been violated since 28 May 2008.

Staff's review found that after the January 2011 ROV was issued, Board staff re-reviewed the monitoring data and determined that there was an additional ammonia violation that

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



occurred on 3 June 2008. However, the Discharger is correct in that there have not been ammonia violations since June 2008.

#### Dichlorobromomethane (DCBM) violations

- In the 11 February 2011 response, the Discharger stated that it should not be assessed penalties for the DCBM violations in September 2010 and October 2010 because it has never had a DCBM violation in the previous five years and that it has not made any changes to its operations. The Discharger also stated that the monthly average violations in September 2010 and October 2010 were based on the single monthly sample results and that it appears it should increase the sampling frequency. The Discharger also stated it will contact its laboratory to see if results were due to analytical interferences.
- In the 1 March 2012 response, the Discharger stated that the trihalomethane (THM) violations (i.e., the DCBM violations) have been verified by testing. The District stated that because it is trying to meet both the requirements of its NPDES permit and its land discharge permit, it must chlorinate its effluent for disinfection and therefore it is impossible to prevent THM formation.

In its 1 March 2012 response, the Discharger acknowledged that the reported DCBM results that were cited as violations are valid measurements and result from treatment processes at its facility. Because the Discharger is regulated under both an NPDES permit and a land discharge permit (WDRS Order R5-2010-0070), it must comply with requirements of both permits. The DCBM effluent limitations of the NPDES permit are based on the requirements contained in the California Toxics Rule which must be implemented for discharges to surface waters through the NPDES permit. There have not been prior violations of DCBM that were subject to MMPs because the NPDES permit, adopted in August 2006, included interim effluent limitations for DCBM and dibromochloromethane until 18 May 2010. Board staff further reviewed the monitoring data submitted by the Discharger and determined that three additional DCBM violations occurred in November 2010, as shown in Table 1 to this memo. These violations were added to the Complaint. It should be noted that the facility has also had violations for chloroform, another THM; however, the Time Schedule Order provided MMP protection for chloroform violations until 1 August 2011.

The monitoring frequency required by the permit is the minimum required to determine compliance with effluent limitations. When there is only one sample during a calendar month, it is standard practice that the single monthly result is also the monthly average. The Discharger can sample for DCBM more frequently, however, the daily results must comply with the maximum daily effluent limitation (MDEL). In November and December 2010 there were violations of the DCBM MDEL, and additional daily samples can result in additional daily violations.

#### Total chlorine residual violations

- In the 11 February 2011 response, the Discharger explained that the 6 October 2010 and 17 November 2010 results are not valid due to sample analysis outside of the

allowed sample holding time and analytical method interference. The Discharger also indicated that chlorine disinfection was not used at the facility because a UV system was constructed instead.

- In the 7 November 2011 technical memorandum, the Discharger explained that the 6 October 2010 and 17 November 2010 chlorine residual results are not valid due to sample analysis outside of the allowed sample holding time and interferences when using the N,N-diethyl-p-phenylenediamine (DPD) colorimetric analytical method. The Discharger provided a letter from its contract laboratory dated 4 March 2011 which recommended that the reported chlorine residual results from October 2010 and December 2010 not be used for compliance purposes because they may be false positive measurements. The Discharger also discussed possible complexation of chlorine with constituents in the secondary effluent (arsenic, sulfate, iron, and manganese) during the two-week storage time of the secondary effluent in Pond 6 prior to tertiary treatment, which would result in reduced levels of chlorine residual. The Discharger also explained that if the secondary effluent had measurable chlorine residual, UV disinfection during tertiary treatment will reduce chlorine residual concentrations due to photolytic reactions.

The Discharger is asking to invalidate the October 2010 and November 2010 chlorine residual results based on sample analysis being outside of the allowed holding time. In accordance with Standard Provision III.B in Attachment D of the WDRs, the Discharger is required to analyze samples in accordance with 40 CFR Part 136 procedures, which includes sample hold time requirements. Because chlorine is highly volatile, 40 CFR Part 136 requires sample analysis to be conducted within 15 minutes because otherwise a much lower measurement would be obtained. The Discharger did not conduct chlorine analysis within the required hold time and yet an elevated result was measured which exceeded the chlorine effluent limitations. Because the measured results would be expected to be higher were the samples analyzed within the required hold times, the reported measured results would actually indicate a much higher chlorine level in the effluent on the dates of the cited chlorine residual violations. The mandatory minimum penalties proposed for those violations are warranted based on the reported results.

The Discharger is also asking to invalidate the October 2010 and November 2010 chlorine residual results based on potential analytical interferences and constituent interactions. The Discharger only discussed potential interference but has not provided any documentation such as sample results on the dates of the violations showing the actual levels of constituents in the effluent that may cause interference or studies using actual effluent demonstrating interference. Board staff re-evaluated chlorine residual monitoring data for the effluent in 2010 and the data show that chlorine levels were non-detect prior to October 2010, see attached Table 1. Therefore, if interference were occurring, the effluent data prior to October 2010 would also be expected to show elevated chlorine residual levels. It is Board staff's understanding that the Discharger has switched to a different chlorine residual analytical method starting in early 2011 after being notified by Board staff of the chlorine violations. However, the DPD method was used throughout 2010; if this particular method is the reason that there were chlorine residual detections in October and November

2010, then it would be reasonable to assume that there would have been additional detections during 2010. Because there weren't, staff discount the Discharger's position that the DPD test method caused the elevated results.

As discussed above, elevated levels of the chlorine disinfection by-products chloroform, DCBM and dibromochloromethane were observed from September 2010 through December 2010. As shown in the attached Table 1, the occurrence of these elevated disinfection by-product levels coincide with the period of the chlorine residual violations and further indicate the presence of chlorine residual in the effluent.

### **Summary**

The chlorine residual violations have been retained in the ROV, Attachment A of the ACLC. In addition, an ammonia violation, three DCBM violations, and a coliform violation were added to the ROV in Attachment A of the ACLC.

**ATTACHMENT B, TABLE 1**

Date	Constituents	Units	Limit	Measured	Period	CIWQS
1-Jan-10	Facility did not operate					
1-Feb-10	Facility did not operate					
1-Mar-10	Facility did not operate					
1-Apr-10	Facility did not operate					
12-May-10	<i>Chloroform</i>	$\mu\text{g/L}$	1.1	0.33	<b>Monthly</b>	
12-May-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
12-May-10	Dichlorobromomethane	$\mu\text{g/L}$	1.13	ND	Daily	
12-May-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
9-Jun-10	<i>Chloroform</i>	$\mu\text{g/L}$	1.1	ND	<b>Monthly</b>	
9-Jun-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
9-Jun-10	Dichlorobromomethane	$\mu\text{g/L}$	1.13	ND	Daily	
9-Jun-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
<b>7-Jul-10</b>	<b><i>Chloroform</i></b>	<b><math>\mu\text{g/L}</math></b>	<b>1.1</b>	<b>3.4</b>	<b>Monthly</b>	<b>881584</b>
<b>7-Jul-10</b>	<b><i>Chloroform</i></b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0233</b>	<b>Monthly</b>	<b>881585</b>
7-Jul-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
7-Jul-10	Dichlorobromomethane	$\mu\text{g/L}$	1.13	ND	Daily	
7-Jul-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
<b>4-Aug-10</b>	<b><i>Chloroform</i></b>	<b><math>\mu\text{g/L}</math></b>	<b>1.1</b>	<b>12</b>	<b>Monthly</b>	<b>883864</b>
<b>4-Aug-10</b>	<b><i>Chloroform</i></b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.054</b>	<b>Monthly</b>	<b>883870</b>
4-Aug-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	0.0540	Daily	
4-Aug-10	Dichlorobromomethane	$\mu\text{g/L}$	1.13	0.53	Daily	
4-Aug-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
<b>2-Sep-10</b>	<b><i>Chloroform</i></b>	<b><math>\mu\text{g/L}</math></b>	<b>1.1</b>	<b>21</b>	<b>Monthly</b>	<b>887906</b>
<b>2-Sep-10</b>	<b><i>Chloroform</i></b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0725</b>	<b>Monthly</b>	<b>887907</b>
2-Sep-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
2-Sep-10	Dichlorobromomethane	$\mu\text{g/L}$	<b>1.13</b>	1.2	Daily	887908
1-Sep-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
30-Sep-10	Dichlorobromomethane	$\mu\text{g/L}$	0.56	1.2	Monthly	887909
<b>6-Oct-10</b>	<b><i>Chloroform</i></b>	<b><math>\mu\text{g/L}</math></b>	<b>1.1</b>	<b>30</b>	<b>Monthly</b>	<b>900280</b>
<b>6-Oct-10</b>	<b><i>Chloroform</i></b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0886</b>	<b>Monthly</b>	<b>900281</b>
6-Oct-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
6-Oct-10	Dichlorobromomethane	$\mu\text{g/L}$	<b>1.13</b>	1.5	Daily	889138
6-Oct-10	Total Chlorine Residual	mg/L	0.02	0.05	1-hour	889134
6-Oct-10	Total Chlorine Residual	mg/L	0.01	0.05	4-day	889136
6-Oct-10	Total Chlorine Residual	lb/day	0.079	0.15	4-day	889137
31-Oct-10	Dichlorobromomethane	$\mu\text{g/L}$	0.56	1.5	Monthly	889139
<b>17-Nov-10</b>	<b><i>Chloroform</i></b>	<b><math>\mu\text{g/L}</math></b>	<b>1.1</b>	<b>47</b>	<b>Monthly</b>	<b>900282</b>
<b>17-Nov-10</b>	<b><i>Chloroform</i></b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0988</b>	<b>Monthly</b>	<b>900283</b>
17-Nov-10	Dibromochloromethane	$\mu\text{g/L}$	0.82	ND	Daily	
<b>17-Nov-10</b>	<b>Dichlorobromomethane</b>	<b><math>\mu\text{g/L}</math></b>	<b>1.13</b>	<b>2.6</b>	<b>Daily</b>	<b>920403</b>

Date	Constituents	Units	Limit	Measured	Period	CIWQS
17-Nov-10	Dichlorobromomethane	lb/day	0.0089	0.0055	Daily	
17-Nov-10	Total Chlorine Residual	mg/L	0.02	0.028	1-hour	889141
17-Nov-10	Total Chlorine Residual	mg/L	0.01	0.028	4-day	889142
<b>30-Nov-10</b>	<b>Dichlorobromomethane</b>	<b>µg/L</b>	<b>0.56</b>	<b>2.6</b>	<b>Monthly</b>	<b>920410</b>
<b>30-Nov-10</b>	<b>Dichlorobromomethane</b>	<b>lb/day</b>	<b>0.0044</b>	<b>0.0055</b>	<b>Monthly</b>	<b>920409</b>
<b>6-Dec-10</b>	<b>Chloroform</b>	<b>µg/L</b>	<b>1.1</b>	<b>41</b>	<b>Monthly</b>	<b>900285</b>
<b>6-Dec-10</b>	<b>Chloroform</b>	<b>µg/L</b>	<b>1.1</b>	<b>0.1231</b>	<b>Monthly</b>	<b>900286</b>
6-Dec-10	Dibromochloromethane	µg/L	0.82	ND	Daily	
6-Dec-10	Dichlorobromomethane	µg/L	1.13	2.9	Daily	900287
8-Dec-10	Total Chlorine Residual	mg/L	0.02	<0.020	1-hour	
31-Dec-10	Dichlorobromomethane	µg/L	0.56	2.9	Monthly	900288
31-Dec-10	Dichlorobromomethane	lb/day	0.0044	0.0087	Monthly	900289
1-Jan-11	Facility did not operate					
1-Feb-11	Facility did not operate					
1-Mar-11	Facility did not operate					
<b>21-Apr-11</b>	<b>Chloroform</b>	<b>µg/L</b>	<b>1.1</b>	<b>6.6</b>	<b>Monthly</b>	<b>902169</b>
<b>21-Apr-11</b>	<b>Chloroform</b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0216</b>	<b>Monthly</b>	<b>902170</b>
21-Apr-11	Dibromochloromethane	µg/L	0.82	ND	Daily	
21-Apr-11	Dichlorobromomethane	µg/L	1.13	ND	Daily	
21-Apr-11	Total Chlorine Residual	mg/L	0.02	<0.006	1-hour	
<b>5-May-11</b>	<b>Chloroform</b>	<b>µg/L</b>	<b>1.1</b>	<b>5.2</b>	<b>Monthly</b>	<b>906674</b>
<b>5-May-11</b>	<b>Chloroform</b>	<b>lb/day</b>	<b>0.0087</b>	<b>0.0364</b>	<b>Monthly</b>	<b>906675</b>
5-May-11	Dibromochloromethane	µg/L	0.82	ND	Daily	
5-May-11	Dichlorobromomethane	µg/L	1.13	ND	Daily	
5-May-11	Total Chlorine Residual	mg/L	0.02	<0.006	1-hour	
<b>2-Jun-11</b>	<b>Chloroform</b>	<b>µg/L</b>	<b>1.1</b>	<b>1.7</b>	<b>Monthly</b>	<b>906679</b>
2-Jun-11	Chloroform	lb/day	0.0087	0.0059	Monthly	
2-Jun-11	Dibromochloromethane	µg/L	0.82	ND	Daily	
2-Jun-11	Dichlorobromomethane	µg/L	1.13	ND	Daily	
2-Jun-11	Total Chlorine Residual	mg/L	0.02	<0.006	1-hour	
14-Jul-11	Chloroform	µg/L	1.1	ND	Monthly	
14-Jul-11	Dibromochloromethane	µg/L	0.82	ND	Daily	
14-Jul-11	Dichlorobromomethane	µg/L	1.13	ND	Daily	
27-Jul-11	Total Chlorine Residual	mg/L	0.02	<0.006	1-hour	
1-Aug-11	Facility did not operate					
1-Sep-11	Facility did not operate					
1-Oct-11	Facility did not operate					
1-Nov-11	Facility did not operate					
1-Dec-11	Facility did not operate					