

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0569

MANDATORY PENALTY
IN THE MATTER OF

CITY OF LINCOLN
WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Complaint is issued to the City of Lincoln, Wastewater Treatment Plant (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order 5-01-242 (NPDES No. CA0084476).

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

1. The Discharger owns and operates a wastewater treatment plant (WWTP), which provides sewerage service for the City of Lincoln and adjacent areas. The City discharges treated municipal wastewater to reclamation areas and to Auburn Ravine Creek, tributary to the East Side Canal, Cross Canal, and the Sacramento River, a water of the United States.
2. On 19 October 2001, the Central Valley Water Board adopted WDRs Order 5-01-242 to regulate discharges of waste from the new WWTP. On 14 March 2003, the WWTP commenced discharge.
3. On 11 December 2007, Central Valley Water Board staff sent the Discharger a draft Record of Violations. The Discharger responded on 4 August 2008. Central Valley Water Board staff prepared a technical memorandum, included as Attachment B to this Complaint, and discussed in Finding No. 7 of this Complaint.
4. CWC sections 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(i)(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 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.”*

- 5. 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.”*
- 6. WDRs Order 5-01-242 Effluent Limitations No. B.1., include, in part, the following effluent limitations: *“Equivalent secondary effluent from the WWTP discharged to Auburn Ravine...shall not be discharged during periods when a minimum of 20-to-1 (receiving water-to-effluent) dilution ratio is unavailable and shall not exceed the following limits: ”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>4-Day Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>	<u>1-Hour Average</u>
Total Suspended Solids	mg/L	60	90			120	
Chlorine Residual	mg/L			0.01		0.02	
Aluminum	µg/L			87			750
	lbs/day ₂						
Copper	µg/L			-- ⁴			-- ⁴
	lbs/day ₂						
Lead	µg/L			-- ⁵			-- ⁵

² Based upon an average dry weather flow of 2.4 MGD. During periods of pond discharge, the mass shall not exceed the amount calculated from a maximum pond pumping rate of 5.6 mgd (concentration x 5.6 mgd x 8.34)

⁴ For copper, the 4-day average limitation is (e(0.8545[ln(hardness)]-1.702)) and the 1-hour average limitation is (e(0.9422[ln(hardness)]-1.700))

⁵ For lead, the 4-day average limitation is (e(1.273[ln(hardness)]-4.705)) and the 1-hour average limitation is (e(1.273[ln(hardness)]-1.460)).

7. As described in the technical memorandum mentioned in Finding No. 3, Central Valley Water Board staff has made the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft Record of Violations).
 - Oil and Grease, Violations 30-32. These violations were deleted because the Discharger documented that the violations resulted from a laboratory error.
 - Aluminum, Violations 2, 19. The Record of Violations incorrectly stated that these were not subject to MMPs because of wet weather flow. However, the mass discharge effluent limitations in WDRs Order 5-01-242 are based upon the flow at the time of the discharge. This reclassification resulted in one additional MMP.
 - Copper, Violation 17. The Record of Violations incorrectly stated that this was not subject to MMPs because of wet weather flow. However, the mass discharge effluent limitations in WDRs Order 5-01-242 are based upon the flow at the time of the discharge. This reclassification resulted in one additional MMP.
 - Total Coliform Organisms, Violations 39-41. These violations were not included in the draft ROV. Nevertheless, the addition of these violations did not result in additional MMPs because they were chronic and were fewer than four violations during the previous 180 day period.
8. According to the Discharger's self-monitoring reports, the Discharger committed three (3) serious Group I violations of the above effluent limitations contained in Order 5-01-242 during the period beginning 14 March 2003 and ending 30 April 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **nine thousand dollars (\$9,000)**.
9. According to the Discharger's self-monitoring reports, the Discharger committed twenty (20) serious Group II violations of the above effluent limitations contained in Order 5-01-242 during the period beginning 14 March 2003 and ending 30 April 2008. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on this occasion. The mandatory minimum penalty for these serious violations is **sixty thousand dollars (\$60,000)**.
10. According to the Discharger's self-monitoring reports, the Discharger committed fourteen (14) non-serious violations of the above effluent limitations contained in Order 5-01-242 during the period beginning 14 March 2003 and ending 30 April 2008. Ten (10) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **thirty thousand dollars (\$30,000)**.
11. The total amount of the mandatory penalties assessed for the cited effluent violations is **ninety-nine thousand dollars (\$99,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.

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).

THE CITY OF LINCOLN WASTEWATER TREATMENT PLANT IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **ninety-nine thousand dollars (\$99,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **4/5 December 2008**, unless the Discharger does either of the following by **17 October 2008**:
 - a) Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **ninety-nine thousand dollars (\$99,000)**; or
 - b) Agrees to enter into settlement discussions with the Central Valley Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Central Valley Water 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.

JACK E. DEL CONTE, Assistant Executive Officer

17 September 2008

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

1. I am duly authorized to represent the City of Lincoln (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2008-0569 (hereinafter the "Complaint");
2. 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" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and
4. **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
 - a. I certify that the Discharger will remit payment for the proposed civil liability in the amount of **ninety-nine thousand dollars (\$99,000)** by check, which will contain a reference to "ACL Complaint R5 2008-0569" and will be made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Central Valley Water Board by **17 October 2008** or this matter will be placed on the Central Valley Water Board's agenda for adoption at the **4/5 December 2008** Central Valley Water Board meeting.
 - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Central Valley Water Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. 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.

-or-

5. **(Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time. The Central Valley Water Board must receive information from the Discharger indicating a controversy regarding the assessed penalty at the time this waiver is submitted, or the waiver may not be accepted.)** I certify that the Discharger will promptly engage the Central Valley Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is *not* waiving its right to a hearing on this matter. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and Central Valley Water Board staff can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. A hearing on the matter may be held before the Central Valley Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability.

(Print Name and Title)

(Signature)

(Date)

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0569
CITY OF LINCOLN**

Wastewater Treatment Plant

RECORD OF VIOLATIONS (14 March 2003– 30 April 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program 5-01-242)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
1	21-Apr-03	Chlorine Residual	mg/L	0.02	2.3	Daily Maximum		2
2	8-May-03	Aluminum	lbs/day	4.1	5.3	4-Day Average	4.335	3
3	8-May-03	Aluminum	µg/L	87	147	4-Day Average		1
4	8-May-03	Copper	µg/L	5.2	6.4	4-Day Average		2
5	18-Jul-03	Copper	µg/L	2.9	3.5	1-Hour Average		2
6	19-Jul-03	Copper	µg/L	2.9	3.4	1-Hour Average		4
7	20-Jul-03	Copper	µg/L	2.9	3.4	1-Hour Average		4
8	21-Jul-03	Copper	µg/L	2.2	3.4	4-Day Average		2
9	21-Jul-03	Copper	µg/L	2.9	3.1	1-Hour Average		4
10	18-Aug-03	Copper	µg/L	2.5	3.2	1-Hour Average		2
11	19-Aug-03	Copper	µg/L	2.5	3.5	1-Hour Average		2
12	20-Aug-03	Copper	µg/L	2.5	3.3	1-Hour Average		2
13	21-Aug-03	Copper	µg/L	1.9	3.4	4-Day Average		2
14	21-Aug-03	Copper	µg/L	2.5	3.6	1-Hour Average		2
15	30-Oct-03	Coliform	MPN/100mL	23	130	Monthly Median		4
16	22-Jan-04	Aluminum	µg/L	87	120	4-Day Average		4
17	22-Jan-04	Copper	lbs/day	0.27	0.39	4-Day Average	2.354	2
18	22-Jan-04	Copper	µg/L	5.9	7.3	4-Day Average		2
19	19-Feb-04	Aluminum	lbs/day	4.1	4.2	4-Day Average	4.453	4
20	19-Feb-04	Aluminum	µg/L	87	113	4-Day Average		4
21	19-Feb-04	Copper	µg/L	5.4	6.4	4-Day Average		4
22	12-Apr-04	Copper	µg/L	6.4	7.6	1-Hour Average		4
23	15-Apr-04	Copper	µg/L	4.6	5.7	4-Day Average		2
24	21-May-04	Copper	µg/L	4.4	15	1-Hour Average		2
25	22-May-04	Copper	µg/L	4.4	7	1-Hour Average		2
26	23-May-04	Copper	µg/L	4.4	5.6	1-Hour Average		2
27	24-May-04	Aluminum	µg/L	87	255	4-Day Average		1
28	24-May-04	Copper	µg/L	3.2	8.9	4-Day Average		2
29	24-May-04	Copper	µg/L	4.4	8	1-Hour Average		2
30	1-Jul-04	Aluminum	µg/L	87	310	4-Day Average		1
31	1-Jul-04	Copper	µg/L	2.5	9.4	4-Day Average		2
32	1-Jul-04	Copper	µg/L	3.2	9.4	1-Hour Average		2
33	1-Jul-04	Lead	µg/L	0.43	1.1	4-Day Average		2
34	1-Jul-04	TSS	mg/L	60	70	Monthly Average		4
35	11-Dec-06	Total Coliform	MPN/100mL	240	>1600	Daily Maximum		3
36	12-Dec-06	Total Coliform	MPN/100mL	240	>1600	Daily Maximum		3
37	16-Jul-07	Total Coliform	MPN/100mL	2.2	8	7-day Median		3

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0569
MANDATORY PENALTY
CITY OF LINCOLN
WASTEWATER TREATMENT PLANT
PLACER COUNTY

Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<u>VIOLATIONS AS OF:</u>	<u>4/30/2008</u>
Group 1 Serious Violations:	3
Group 2 Serious Violations:	20
Non-Serious Violations, Exempt from MPs:	4
Non-Serious Violations, Subject to MPs:	10
<u>Total Violations Subject to MPs:</u>	<u>33</u>

Mandatory Minimum Penalty = (23 Serious Violations + 10 non-Serious Violations) × \$3,000 = \$99,000

* Arithmetic mean of all 1-day flow rates (in MGD) while discharging to surface waters during limitation period.



Linda S. Adams
Secretary for
Environmental Protection

ATTACHMENT B

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold
Schwarzenegger
Governor

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

TO: Patricia Leary, Senior Engineer
NPDES Compliance and Enforcement

FROM: Barry Hilton, WRCE
NPDES Compliance and Enforcement

DATE: 14 August 2008

SIGNATURE: _____

SUBJECT: CITY OF LINCOLN WASTEWATER TREATMENT PLANT, RESPONSE TO
NOV AND ASSESSMENT OF MMPS

On 11 December 2007, Central Valley Water Board staff sent the City of Lincoln (Discharger) a draft Record of Violations (ROV) for the period of 1 January 2000 through 30 September 2007. The Discharger responded by letter dated 4 August 2008. The following discusses the comments and any changes I made to the Record of Violations based on the Discharger's comments. I also extended the ROV through 30 April 2008 and corrected the start date to 14 March 2003, the date the discharge commenced.

Oil and Grease

Violations 30-32. The mass limitation violation, daily maximum, and monthly average violation resulted from a single sample. The Discharger documented that the violations resulted from a laboratory error. I deleted the violations.

Aluminum, Copper, and Lead

Violations 2-29, 34-36. The Discharger requested that the Central Valley Water Board credit the expenditure for the new wastewater treatment plant towards the penalties. To qualify as a small community with financial hardship, the population served must be 10,000 or less. The City of Lincoln would not qualify as a small community with a financial hardship because it has a population greater than 20,000. I retained the violations.

Violation 2, 19. Aluminum. The mass rate limitation is based upon the effluent concentration limitation as a function of a maximum pumping rate of 5.4 mgd. The ROV incorrectly stated that these were exempted from MMPs due to wet weather flow. The discharge rate was calculated in accordance with Effluent Limitations B.1. footnote 2. I changed violation 2 from a 5 to a 3 and violation 19 from a 5 to a 4. These changes resulted in an increase in one violation subject to an MMP.

Violation 17. Copper. The mass rate limitation is based upon the effluent concentration limitation as a function of a maximum pumping rate of 5.4 mgd. The ROV incorrectly stated that these were exempted from MMPs due to wet weather flow. The discharge rate was

California Environmental Protection Agency

calculated in accordance with Effluent Limitations B.1. footnote 2. This resulted in an increase in one MMP.

Flow

Violation 38. The Discharger correctly stated that WDRs Order 5-01-242 does not contain an effluent flow limitation. I deleted the violation.

Additional Violations

Violations 39-41. These were total coliform violations not included in the ROV. These did not result in additional MMPs because these were non-serious violations and were fewer than 4 within a 180 day period. I added the violations.

Summary

The total number of Group 1 violations is reduced from 5 to 3.

The total number of Group 2 violations is increased from 19 to 20.

The total number of non-serious violations is 14; 10 are subject to MMPs.

The ACL remains at \$99,000.

**CITY OF LINCOLN
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (14 March 2003~~1 January 2000~~ – 30 April~~September 2000~~ 2008~~7~~) MANDATORY
PENALTIES

(Data reported under Monitoring and Reporting Program 5-01-242)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
1	21-Apr-03	Chlorine Residual	mg/L	0.02	2.3	Daily Maximum		2
2	8-May-03	Aluminum	lbs/day	4.1	5.3	4-Day Average	4.335	3 5
3	8-May-03	Aluminum	µg/L	87	147	4-Day Average		1
4	8-May-03	Copper	µg/L	5.2	6.4	4-Day Average		2
5	18-Jul-03	Copper	µg/L	2.9	3.5	1-Hour Average		2
6	19-Jul-03	Copper	µg/L	2.9	3.4	1-Hour Average		4
7	20-Jul-03	Copper	µg/L	2.9	3.4	1-Hour Average		4
8	21-Jul-03	Copper	µg/L	2.2	3.4	4-Day Average		2
9	21-Jul-03	Copper	µg/L	2.9	3.1	1-Hour Average		4
10	18-Aug-03	Copper	µg/L	2.5	3.2	1-Hour Average		2
11	19-Aug-03	Copper	µg/L	2.5	3.5	1-Hour Average		2
12	20-Aug-03	Copper	µg/L	2.5	3.3	1-Hour Average		2
13	21-Aug-03	Copper	µg/L	1.9	3.4	4-Day Average		2
14	21-Aug-03	Copper	µg/L	2.5	3.6	1-Hour Average		2
15	30-Oct-03	Coliform	MPN/100mL	23	130	Monthly Median		4
16	22-Jan-04	Aluminum	µg/L	87	120	4-Day Average		4
17	22-Jan-04	Copper	lbs/day	0.27	0.39	4-Day Average	2.354	2 5
18	22-Jan-04	Copper	µg/L	5.9	7.3	4-Day Average		2
19	19-Feb-04	Aluminum	lbs/day	4.1	4.2	4-Day Average	4.453	4 5
20	19-Feb-04	Aluminum	µg/L	87	113	4-Day Average		4
21	19-Feb-04	Copper	µg/L	5.4	6.4	4-Day Average		4
22	12-Apr-04	Copper	µg/L	6.4	7.6	1-Hour Average		4
23	15-Apr-04	Copper	µg/L	4.6	5.7	4-Day Average		2
24	21-May-04	Copper	µg/L	4.4	15	1-Hour Average		2
25	22-May-04	Copper	µg/L	4.4	7	1-Hour Average		2
26	23-May-04	Copper	µg/L	4.4	5.6	1-Hour Average		2
27	24-May-04	Aluminum	µg/L	87	255	4-Day Average		1
28	24-May-04	Copper	µg/L	3.2	8.9	4-Day Average		2
29	24-May-04	Copper	µg/L	4.4	8	1-Hour Average		2
30	7 Jun 04	Oil and Grease	lbs/day	300	1100	Daily Maximum	3.036	5
31	7 Jun 04	Oil and Grease	mg/L	15	47	Daily Maximum		4
32	30 Jun 04	Oil and Grease	mg/L	40	26	Monthly Average		4
33	1-Jul-04	Aluminum	µg/L	87	310	4-Day Average		1
34	1-Jul-04	Copper	µg/L	2.5	9.4	4-Day Average		2
35	1-Jul-04	Copper	µg/L	3.2	9.4	1-Hour Average		2

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
36	1-Jul-04	Lead	µg/L	0.43	1.1	4-Day Average		2
37	1-Jul-04	TSS	mg/L	60	70	Monthly Average		4
38	30-Jul-06	Flow Rate	MGD	3.3	3.4	Monthly Average		3
39	11-Dec-06	Total Coliform	MPN/100mL	240	>1600	Daily Maximum		3
40	12-Dec-06	Total Coliform	MPN/100mL	240	>1600	Daily Maximum		3
41	16-Jul-07	Total Coliform	MPN/100mL	2.2	8	7-day Median		3

Remarks:

5. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
6. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
7. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
8. Non-serious violation subject to mandatory penalties.
- ~~9. Mass rate limitation exceedances due only to wet weather not assessed MMPs pursuant to State Water Board Order WQO 2004 0013.~~

VIOLATIONS AS OF: 49/30/20078

Group 1 Serious Violations:	<u>35</u>
Group 2 Serious Violations:	<u>2049</u>
Non-Serious Violations, Subject to MPs:	<u>109</u>
Non-Serious Violations, Exempt from MPs:	<u>4</u>
Mass Rate Limitation, Wet Weather, Exempt from MPs:	4
<u>Total Violations Subject to MPs:</u>	<u>33</u>

Mandatory Minimum Penalty = (234 Serious Violations + 109 Non-Serious Violations) × \$3,000 = \$99,000

* Arithmetic mean of all 1-day flow rates (in MGD) while discharging to surface waters during limitation period. ~~Values greater than the design dry weather flow rate (2.4 MGD) are considered wet weather for purposes of applying SWRCB Order WQO 2004 0013.~~