

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0572

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF ROSEVILLE  
DRY CREEK WASTEWATER TREATMENT PLANT  
PLACER COUNTY

This Complaint is issued to the City of Roseville, Dry Creek 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 5-00-164 (NPDES No. CA0079502).

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 collection, treatment, and disposal system, and provides sewerage service for the City of Roseville, portions of southeast Placer County, and South Placer Municipal Utility District. Treated municipal wastewater is discharged to Dry Creek, which is tributary to Natomas Cross Canal, tributary to the Sacramento River, a water of the United States.
2. On 16 June 2000, the Central Valley Water Board adopted WDRs Order 5-00-164 to regulate discharges of waste from the WWTP. The WDRs include effluent limitations and other requirements regarding the wastewater discharges.
3. On 25 June 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint R5-2008-0544 in the amount of ninety-six thousand dollars (\$96,000) for Mandatory Minimum Penalties (MMPs). After consideration of additional information submitted by the Discharger, this Complaint rescinds Administrative Civil Liability Complaint R5-2008-0544, and adjusts the amount of violations subject to MMPs. The adjustments are discussed in the 24 June 2008 (amended 25 August 2008) technical memorandum prepared by Central Valley Water Board staff, included as Attachment B to this Complaint and discussed in Finding No. 12 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. The Executive Officer previously issued Administrative Civil Liability Complaint (ALCL) 5-01-512 to the Discharger for mandatory penalties for effluent limitation violations from 1 January 2000 to 31 December 2000 in the amount of \$12,000. The Central Valley Water Board accepted payment from the Discharger of the penalty associated with ALCL 5-01-512, and considers this prior matter resolved.

7. WDRs Order 5-00-164 Effluent Limitations No. B.1. include, in part, the following effluent limitations: *“Effluent shall not exceed the following limits at discharge points 001, 002, 003, and 004.”*

<u>Constituent</u>	<u>Units</u>	<u>Daily Maximum</u>	<u>Daily Average</u>	<u>Weekly Average</u>	<u>Monthly Average</u>
Turbidity	NTU	5	2	--	--

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MANDATORY PENALTY  
CITY OF ROSEVILLE  
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<u>Constituent</u>	<u>Units</u>	<u>1-Hour Average<sup>1</sup></u>	<u>4-Day Average<sup>2</sup></u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	0.02	0.01	--	--
Ammonia	mg N/L	Attachment B	--	Attachment C <sup>2</sup>	--
	lbs/day <sup>3</sup>	5	--	5	--
Cadmium	µg/L	Attachment D	Attachment D	--	--
	lbs/day <sup>3</sup>	5	5	--	--

<sup>1</sup> Maximum Concentration

<sup>2</sup> Continuous Concentration

<sup>3</sup> Based upon a design treatment capacity of 18 mgd ( $x \text{ mg/L} \times 8.345 \times 18 \text{ mgd} = y \text{ lbs/day}$ )

<sup>5</sup> Using the value, in mg/L, determined from Attachment B, C, D, or E (as appropriate), calculate the lbs per day using the formula:  $x \text{ mg/L} \times 8.345 \times 18 \text{ mgd} = y \text{ lbs/day}$

<u>Constituent</u>	<u>Units</u>	<u>7-Day Median<sup>1</sup></u>	<u>Single Sample 30-Day Maximum<sup>2</sup></u>
Total Coliform Organisms	MPN/100 mL	2.2	23 to 240

<sup>1</sup> 7-Day Median is based on the sample results of the previous seven days.

<sup>2</sup> In a 30-day period, only a single sample may exceed 23 MPN/100 mL and no sample should exceed 240 MPN/100 mL.

8. According to the Discharger's self-monitoring reports, the Discharger committed one (1) serious Group I violation of the above effluent limitations contained in Order 5-00-164 during the period beginning 1 January 2001 and ending 31 December 2007. 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 this serious violation is **three thousand dollars (\$3,000)**.
9. According to the Discharger's self-monitoring reports, the Discharger committed sixteen (16) serious Group II violations of the above effluent limitations contained in Order 5-00-164 during the period beginning 1 January 2001 and ending 31 December 2007. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **forty-eight thousand dollars (\$48,000)**.
10. According to the Discharger's self-monitoring reports, the Discharger committed eight (8) non-serious violations of the above effluent limitations contained in Order 5-00-164 during the period beginning 1 January 2001 and ending 31 December 2007. Four (4) 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 **twelve thousand dollars (\$12,000)**.

11. The total amount of the mandatory penalties assessed for the cited effluent violations is **sixty-three thousand dollars (\$63,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
12. As described in the technical memorandum mentioned in Finding No. 3, Central Valley Water Board staff made the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft Record of Violations).
  - Cyanide Violations 3, 5-8, and 24. The Discharger presented evidence that, for these particular instances for this specific facility, the cyanide readings were false positives. These violations were deleted.
  - Bis(2-ethylhexyl)phthalate Violations 11-12. The Discharger presented evidence that these violations were due to contamination by the automatic sampler. These violations were deleted.
  - Ammonia and pH Violations 15-17. The Discharger reported an operational upset in the self-monitoring report. The Discharger was only charged with one violation.
  - Chlorine Residual Violation 18. The Discharger requested that this be included with violations 15-17. This violation was retained because no other violation occurred on that date and the prior violations (15-17) were unrelated to the dechlorination process.
  - Turbidity Violation 31. The Discharger provided evidence that this violation was due to a natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which would not have been prevented or avoided by the exercise of due care or foresight. The Discharger reported that the natural phenomenon was a 50-year storm event, which caused considerable damage to many other similarly situated facilities. A total of 2.9 inches of rain fell in 19 hours, causing the third highest influent flow ever recorded at the WWTP. This violation was deleted.
13. 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 ROSEVILLE, DRY CREEK WASTEWATER TREATMENT PLANT, IS  
HEREBY GIVEN NOTICE THAT:**

1. Administrative Civil Liability Complaint R5-2008-0544 is hereby rescinded.
2. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **sixty-three thousand dollars (\$63,000)**.

3. 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 **sixty-three thousand dollars (\$63,000)**; 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.
4. 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.

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JACK E. DEL CONTE, Assistant Executive Officer

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17 September 2008

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Attachment A: Record of Violations  
Attachment B: Technical memorandum  
BLH: 09/17/08

**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 City of Roseville, Dry Creek WWTP (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2008-0572 (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 **sixty-three thousand dollars (\$63,000)** by check, which will contain a reference to "ACL Complaint R5 2008-0572" 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 R5-2008-0572**

**City of Roseville**

**Dry Creek Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2001 – 31 December 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program 5-00-164.)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Result</u>	<u>Period Type</u>	<u>Flow*</u>	<u>Remarks</u>
1	23-Feb-01	Turbidity	NTU	5	6	Daily Maximum		3
2	5-Dec-01	Turbidity	NTU	5	6	1-Day Maximum		3
3	24-Feb-03	Chlorine Residual	mg/l	0.02	0.16	1-Hour Average		2
4	26-Feb-03	Chlorine Residual	mg/l	0.02	0.11	1-Hour Average		2
5	30-Sep-03	Chlorine Residual	mg/l	0.02	0.11	1-Hour Average		2
6	3-Dec-03	Chlorine Residual	mg/l	0.02	0.06	1-Hour Average		2
7	21-Dec-03	Ammonia	lbs/day	99.4	235.8	1-Hour Average	12.7	1,5
8	21-Dec-03	Ammonia	mg/l	0.7	2.2	1-Hour Average		1,5
9	21-Dec-03	pH	pH units	8.5	9.2	Instantaneous		1,5
10	22-Dec-03	Chlorine Residual	mg/l	0.02	0.07	1-Hour Average		2
11	25-Feb-04	Chlorine Residual	mg/l	0.02	0.05	1-Hour Average		2
12	10-Jan-05	Chlorine Residual	mg/l	0.02	0.36	1-Hour Average		2
13	4-Mar-05	Chlorine Residual	mg/l	0.02	0.63	1-Hour Average		2
14	19-Oct-05	Cadmium	µg/L	3.8	5.9	1-Hour Average		2
15	7-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		3
16	8-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		3
17	9-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
18	10-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
19	11-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
20	8-Dec-05	Cadmium	µg/L	2.0	3.4	4-Day Average		2
21	8-Dec-05	Cadmium	lbs/day	0.6	1.0	4-Day Average		2
22	19-Dec-06	Cadmium	µg/l	4.3	7.5	1-Hour Average		2
23	19-Dec-06	Cadmium	µg/l	2.2	7.3	4-Day Average		2
24	19-Dec-06	Cadmium	lbs/day	0.4	0.6	4-Day Average	9.72	2
25	17-Feb-07	Chlorine Residual	mg/l	0.02	1.23	1-Hour Average		2
26	30-Jun-07	Cadmium	µg/L	3	5	4-Day Average		2

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.
5. Single serious violation due to a single Operational Upset, pursuant to CWC §13385(f).

**VIOLATIONS AS OF:**

**12/31/2007**

Group 1 Serious Violations:	1
Group 2 Serious Violations:	16
Non-Serious Exempt from MMPs:	4
Non-serious Violations Subject to MMPs:	4
Single Operational Upset:	2

**Total Violations Subject to MMPs: 21**

**Mandatory Minimum Penalty = (17 Serious Violations + 4 Non-Serious Violations) × \$3,000 = \$63,000**



**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**

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**Arnold  
Schwarzenegger**  
*Governor*

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
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<http://www.waterboards.ca.gov/centralvalley>

\* Arithmetic mean of all 1-day flow rates in mgd while discharging to surface waters during 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

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**TO:** Patricia Leary, Senior Engineer  
NPDES Compliance and Enforcement

**FROM:** Barry Hilton, WRCE  
NPDES Compliance and Enforcement

**DATE:** 24 June 2008  
(Amended 25 August 2008)

**SIGNATURE:** \_\_\_\_\_

**SUBJECT:** CITY OF ROSEVILLE, DRY CREEK WWTP

On 25 September 2007, the Central Valley Water Board sent the City of Roseville (Dry Creek WWTP) (Discharger) a draft Record of Violations for the period of 1 January 2001 through 31 May 2007. The Discharger responded by letter dated 19 October 2007. On 25 June 2006, the Assistant Executive Officer issued Administrative Civil Liability Complaint R5-2008-0544. The Discharger, at a 23 July 2008 meeting with Central Valley Water Board staff, and in a 5 August 2008 memorandum, presented additional evidence regarding the alleged cyanide, bis(2-ethylhexyl)phthalate, and turbidity violations.

### ACLC Period

I extended the ACLC from the 31 May 2007 date in the ROV to 31 December 2007.

### Roseville Response

Non-Serious violations. The Discharger agreed that violation #1, 4, 26, 27, 28, 29, and 30 were non-serious violations. It requested that violations # 1, 4, 26, 27 and 28 be classified as Remark 3 rather than Remark 4. I agreed with the Discharger regarding violations 1, 4, and 26, however I retained violations # 27 and 28 because there were three or more violations during the previous 180 days.

Cyanide. The Discharger disagreed with violations 3, 5-8, and 24. The Discharger presented evidence that the cyanide readings were false positives due to sample preservation. The technical evidence cited as the basis for the arguments indicated that cyanide could be formed when samples are preserved to a pH of 12 and held for up to 14 days, as allowed pursuant to Standard Methods. The Discharger presented evidence specific to the Dry Creek WWTF that the samples most likely were false positives. The Discharger has modified its sampling and testing procedures by not preserving with sodium hydroxide, reducing the holding time prior to analysis, and by applying for laboratory certification to perform the test on-site. The Discharger further provided evidence that after modifying sampling and testing procedures that there have been no further violations since June 2005. Staff agreed to delete the violations because the Discharger provided site specific evidence that the reported laboratory results most likely were invalid.

### **Bis(2-ethylhexyl)phthalate**

Violations 11-12. The Discharger, during the 23 July 2008 meeting and in the 5 August 2008 memorandum, presented evidence that violations 12 and 13 most likely were invalid results because the automatic sampler utilized tubing containing bis(2-ethylhexyl)phthalate. The discharger has changed the type of sampler tubing and has instituted grab sampling to ensure that the collection technique does not introduce bis(2-ethylhexyl)phthalate into the samples. Subsequently, the Discharger has not violated the effluent limitations for bis(2-ethylhexyl)phthalate. Based upon this additional information, I agreed to delete the violations.

### **Operational Upsets**

Violations 15-17, ammonia and pH. The Discharger reported an operational upset in the self-monitoring report. I adjusted the remarks to account for an SOU for violations 16 & 17.

Violation 18, chlorine residual. The Discharger requested that the chlorine residual violation be included as part of the SOU for violations 15-17. This occurred on a succeeding day and did not conform to the criteria for an SOU because no other violations occurred on that date, and the prior violations (15-17) were unrelated to the dechlorination process. I retained the violation.

### **Natural Phenomenon of Exceptional Character**

Violation 31, turbidity. The Discharger claims that a 50-year storm with 2.9 inches of precipitation in 19 hours caused the third highest influent high flow into the WWTP thereby resulting in a high turbidity. The Discharger presented evidence that there was a large storm that resulted in flooding for many dischargers on that day. The Discharger demonstrated that the extraordinary influent flow resulted in hydraulic overloading of all of its unit processes and necessitated utilizing emergency storage. The Discharger's operational personnel demonstrated a high level of professional acumen in minimizing the effluent violations other than the slight turbidity violation. I deleted the violation because the Discharger demonstrated that the event was due to a natural phenomenon of an exceptional character.

### **Incorrect Data Entry**

Violation 2. The Discharge Monitoring Report shows <10 µg/L, not a violation. The laboratory sheet showed non-detect with a detection of 50 µg/L. I concur with the Discharger that ½ of the detection limit was entered as the result. This would not be an MMP violation; it could be a monitoring or testing violation if a more sensitive test were available. I deleted this violation.

### **Cadmium**

Violations 20-21. The Discharger disagreed and presented evidence that these were not violations. I reviewed the monitoring file and our records. I corrected CIWQS and dismissed the violations.

Violation 25. The Discharger states that the hardness was 87 mg/L and therefore the 4-day average limitation was 2.0 µg/L and the 1-hour was 3.7 µg/L. The Discharger was correct. There should not have been a violation. I corrected CIWQS and dismissed the violation.

The Discharger voluntarily added three cadmium violations for October and December 2005. Our records also showed another cadmium violation for 30 June 2007. These were not in the draft ROV, but were added to the ACLC Attachment A as violations #22, 28, 29, and 35.

Violations 32, 33 and 34. The Discharger agreed with new violation # 32 but requested that the 4-day average concentration and 4-day average lbs/day violations be considered an SOU. Multiple violations for the same constituent, based upon a single sample do not meet the criteria for an SOU because these violations are not the result of an operational upset. I retained the violations.

New violations 36 and 37. The Discharger reported 1-hour and 4-day cadmium violations in its third-quarter priority pollutants monitoring report. I show these as occurring on 30 September 2007 because, when the actual monitoring date is unknown, we report the violation as occurring on the last day of the monitoring period. In this case, the last day of the monitoring period is 30 September 2007.

**Summary**

The total number of Group 1 violations is 1.

The total number of Group 2 violations is 16.

The total number of non-serious violations is 8; 4 are subject to MMPs.

The total number of exempted violations due to an SOU is 2.

**City of Roseville**  
**Dry Creek Wastewater Treatment Plant**  
 RECORD OF VIOLATIONS (1 January 2001 – 31 May 2007) MANDATORY PENALTIES  
 (Data reported under Monitoring and Reporting Program 5-00-164.)

Old #	New #	Date	Violation Type	Units	Limit	Result	Period Type	Flow	Remarks
4	1	23-Feb-01	Turbidity	NTU	5	6	1-Day Maximum		3
<del>2</del>		<del>30-Jul-01</del>	<del>Acrolein</del>	<del>µg/l</del>	<del>24</del>	<del>25</del>	<del>30-Day Average</del>		<del>3</del>
<del>3</del>		<del>31-Oct-01</del>	<del>Cyanide</del>	<del>µg/l</del>	<del>5.2</del>	<del>6.8</del>	<del>4-Day Average</del>		<del>2</del>
4	2	5-Dec-01	Turbidity	NTU	5	6	1-Day Maximum		3
<del>5</del>		<del>1-Feb-02</del>	<del>Cyanide</del>	<del>µg/l</del>	<del>5.2</del>	<del>6.6</del>	<del>4-Day Average</del>		<del>2</del>
<del>6</del>		<del>1-Feb-02</del>	<del>Cyanide</del>	<del>lbs/day</del>	<del>0.8</del>	<del>1.0</del>	<del>4-Day Average</del>		<del>4</del>
<del>7</del>		<del>30-Apr-02</del>	<del>Cyanide</del>	<del>µg/l</del>	<del>5.2</del>	<del>7.2</del>	<del>4-Day Average</del>		<del>2</del>
<del>8</del>		<del>28-Oct-02</del>	<del>Cyanide</del>	<del>µg/l</del>	<del>5.2</del>	<del>6.5</del>	<del>4-Day Average</del>		<del>2</del>
9	3	24-Feb-03	Chlorine Residual	mg/l	0.02	0.16	1-Hour Average		2
10	4	26-Feb-03	Chlorine Residual	mg/l	0.02	0.11	1-Hour Average		2
<del>11</del>		<del>30-Apr-03</del>	<del>Bis(2-ethylhexyl)-phthalate</del>	<del>µg/l</del>	<del>4.8</del>	<del>3.0</del>	<del>30-Day Average</del>		<del>2</del>

Old #	New #	Date	Violation Type	Units	Limit	Result	Period Type	Flow	Remarks
<del>42</del>		<del>30-Apr-03</del>	<del>Bis(2-ethylhexyl) phthalate</del>	<del>lbs/day</del>	<del>0.3</del>	<del>0.4</del>	<del>30-Day Average</del>	<del>15.7</del>	<del>2</del>
13	5	30-Sep-03	Chlorine Residual	mg/l	0.02	0.11	1-Hour Average		2
14	6	3-Dec-03	Chlorine Residual	mg/l	0.02	0.06	1-Hour Average		2
15	7	21-Dec-03	Ammonia	lbs/day	99.4	235.8	1-Hour Average	12.7	1
16	8	21-Dec-03	Ammonia	mg/l	0.7	2.2	1-Hour Average		<u>54</u>
17	9	21-Dec-03	pH	pH units	8.5	9.2	Instantaneous		<u>54</u>
18	10	22-Dec-03	Chlorine Residual	mg/l	0.02	0.07	1-Hour Average		2
19	11	25-Feb-04	Chlorine Residual	mg/l	0.02	0.05	1-Hour Average		2
<del>20</del>	<del>26-Apr-04</del>	<del>Cadmium</del>	<del>µg/l</del>	<del>2.2</del>	<del>2.4</del>	<del>4-Day Average</del>			<del>4</del>
<del>21</del>	<del>26-Apr-04</del>	<del>Cadmium</del>	<del>lbs/day</del>	<del>0.3</del>	<del>0.4</del>	<del>4-Day Average</del>			<del>4</del>
22	12	10-Jan-05	Chlorine Residual	mg/l	0.02	0.36	1-Hour Average		2
23	13	4-Mar-05	Chlorine Residual	mg/l	0.02	0.63	1-Hour Average		2
<del>24</del>	<del>26-Jun-05</del>	<del>Cyanide</del>	<del>µg/l</del>	<del>5.2</del>	<del>7.2</del>	<del>4-Day Average</del>			<del>2</del>
	14	19-Oct-05	Cadmium	µg/L	3.8	5.9	1-Hour Average		2
<del>25</del>	<del>27-Oct-05</del>	<del>Cadmium</del>	<del>µg/l</del>	<del>2.0</del>	<del>2.3</del>	<del>4-Day Average</del>			<del>3</del>
26	15	7-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		3
27	16	8-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		<u>34</u>
28	17	9-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
29	18	10-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
30	19	11-Nov-05	Coliform	MPN/100ml	2.2	4	7-Day Median		4
	20	8-Dec-05	Cadmium	µg/L	2.0	3.4	4-Day Average		2
	21	8-Dec-05	Cadmium	lbs/day	0.6	1.0	4-Day Average		2
<del>31</del>	<del>2-Jan-06</del>	<del>Turbidity</del>	<del>NTU</del>	<del>2</del>	<del>3</del>	<del>1-Day Average</del>		<del>14.4</del>	<del>4</del>
32	22	19-Dec-06	Cadmium	µg/l	4.3	7.5	1-Hour Average		2
33	23	19-Dec-06	Cadmium	µg/l	2.2	7.3	4-Day Average		2
34	24	19-Dec-06	Cadmium	lbs/day	0.4	0.6	4-Day Average	9.72	2
35	25	17-Feb-07	Chlorine Residual	mg/l	0.02	1.23	1-Hour Average		2
	26	<u>30-Jun-07</u>	<u>Cadmium</u>	<u>µg/L</u>	<u>3</u>	<u>5</u>	<u>4-Day Average</u>		<u>2</u>

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.
5. Single Operational Upset

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>125/31/2007</u></b>
Group 1 Serious Violations:	<u>12</u>
Group 2 Serious Violations:	<u>1649</u>
Non-Serious Exempt from MPs:	<u>45</u>
Non-serious Violations Subject to MPs:	<u>49</u>
Single Operational Upset:	<u>2</u>
<b><u>Total Violations Subject to MMPs:</u></b>	<b><u>2130</u></b>

Mandatory Minimum Penalty = (1724 Serious Violations + 49 Non-Serious Violations) × \$3,000 = ~~\$9963,000~~

\* Arithmetic mean of all 1-day flow rates (~~“EFF FLOW” on Discharger Self-Monitoring Reports,~~ in mgd) while discharging to surface waters during period.