

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0557

MANDATORY PENALTY  
IN THE MATTER OF

DEPARTMENT OF GENERAL SERVICES  
OFFICE OF STATE PUBLISHING  
SACRAMENTO COUNTY

This Complaint is issued to the California Department of General Services, Office of State Publishing (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 Nos. 98-066 and R5-2005-0086 (NPDES No. CA0078875), and Time Schedule Order (TSO) No. R5-2005-0087.

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

1. The Discharger owns and operates a publishing facility that provides printing and communications services to State, Federal, and City agencies. The Discharger discharges non-contact cooling water from air-conditioning heat exchange coils into the American River, a water of the United States. The discharge commingles with on-site storm runoff prior to the discharge to the American River.
2. On 17 April 1998, the Regional Water Board adopted WDRs Order No. 98-066 to regulate discharges of waste. On 24 June 2005, the Regional Water Board adopted WDRs Order No. R5-2005-0086, which contained new requirements and rescinded WDRs Order No. 98-060. The WDRs include a time schedule which allows the Discharger until 22 May 2010 to comply with final effluent limitations. The time schedule also includes interim effluent limitations for, among other constituents, cadmium, copper, lead, nickel, and selenium. Because the Discharger could not consistently comply with the Effluent Limitations for arsenic and iron contained in the WDRs, the Regional Water Board also adopted TSO No. R5-2005-0087 on 24 June 2005. The TSO provides the Discharger a time schedule until 1 June 2010 to comply with effluent limitations for arsenic and iron, and includes interim effluent limitations for those constituents.
3. On 6 December 2007, the Regional Water Board adopted Resolution No. R5-2007-0164 amending WDRs Order No. R5-2005-0086 and TSO No. R5-2005-0087. The resolution amended the WDRs to modify Effluent Limitation B.2. and amended the TSO's interim effluent limitations because the Discharger provided new information and additional data supporting revised interim effluent limitations for, among other constituents, arsenic, cadmium, copper, iron, lead, nickel, and selenium.

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 No. 98-066 Effluent Limitations No. B.3. states *“The average monthly discharge flow shall not exceed 1.3 mgd.”*
7. WDRs Order No. R5-2005-0086 Effluent Limitations No. B.2. states, in part, *“Until 21 May 2010...the effluent shall not exceed the following interim priority pollutant limits:”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>
Cadmium	µg/L	5.6
	lbs/day <sup>1</sup>	0.06
Copper	µg/L	46
	lbs/day <sup>1</sup>	0.49
Lead	µg/L	2.5
	lbs/day <sup>1</sup>	0.03
Nickel	µg/L	221
	lbs/day <sup>1</sup>	2.4
Selenium	µg/L	34
	lbs/day <sup>1</sup>	0.37

<sup>1</sup> Based upon an average discharge flow of 1.3 mgd for Discharge 001.

8. WDRs Order No. R5-2005-0086 Effluent Limitations No. B.3. states: “*The discharge shall not have a pH less than 6.5 nor greater than 8.5.*”
9. WDRs Order No. R5-2005-0086 Effluent Limitations No. B.4. states: “*The temperature of the discharge shall not exceed 70°F in any day of discharge.*”
10. Hereby Ordered Item No. 2 of TSO No. R5-2005-0087 states, in part, “*The following interim effluent discharge limitations for arsenic...[and]...iron...shall be effective until 31 May 2010...*”

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>
Arsenic	µg/L	71
	lbs/day <sup>1</sup>	0.77
Iron	µg/L	987
	lbs/day <sup>1</sup>	11

<sup>1</sup> Based upon an average discharge flow of 1.3 mgd

11. 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 Nos. 98-066, R5-2005-0086, and R5-2005-0087 during the period beginning 1 January 2000 and ending 31 March 2008. The violation is defined as serious because the measured concentration of Group I constituents exceeded the maximum prescribed level by more than 40 percent on this occasion. The mandatory minimum penalty for this serious violation is **three thousand dollars (\$3,000)**.
12. According to the Discharger’s self-monitoring reports, the Discharger committed twenty-six (26) serious Group II violations of the above effluent limitations contained in Order Nos. 98-066, R5-2005-0086 and R5-2005-0087 during the period beginning 1 January 2000 and ending 31 March 2008. 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 **seventy-eight thousand dollars (\$78,000)**.
13. According to the Discharger’s self-monitoring reports, the Discharger committed twenty-three (23) non-serious violations of the above effluent limitations contained in Order Nos. 98-066, R5-2005-0086 and R5-2005-0087 during the period beginning 1 January 2000

and ending 31 March 2008. Sixteen (16) 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 **forty-eight thousand dollars (\$48,000)**.

14. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred twenty-nine thousand dollars (\$129,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
15. 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 CALIFORNIA DEPARTMENT OF GENERAL SERVICES, OFFICE OF STATE PUBLISHING, IS GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **23/24 October 2008**, unless the Discharger does either of the following **by 28 August 2008**:
  - a) *Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **one hundred and twenty-nine thousand dollars (\$129,000)**; or*
  - b) *Agrees to enter into settlement discussions with the Regional 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 Regional Water Board.*
3. If a hearing on this matter is held, the Regional 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

29 July 2008

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**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 **California Department of General Services, Office of State Publishing** (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0557 (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 California Regional Water Quality Control Board, Central Valley Region (Regional 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 civil liability imposed in the amount of **one hundred twenty-nine thousand dollars (\$129,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0557" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Water Board by **28 August 2008** or this matter will be placed on the Regional Water Board's agenda for adoption as initially proposed in the Complaint.
  - 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 Regional Water Board receive new information or comments during this comment period, the Regional 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 Regional 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)** I certify that the Discharger will promptly engage the Regional 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. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Water Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional 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 Regional 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.

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(Print Name and Title)

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(Signature)

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(Date)

**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0557**

**California Department of General Services**  
**Office of State Publishing**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 98-066 and R5-2005-0086)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period</u> <u>Type</u>	<u>Remarks</u>
1	30-May-00	Flow	MGD	1.3	1.4	Monthly	3
2	30-Jun-00	Flow	MGD	1.3	1.7	Monthly	3
3	30-Jul-00	Flow	MGD	1.3	1.7	Monthly	3
4	30-Aug-00	Flow	MGD	1.3	1.6	Monthly	4
5	30-Nov-00	Flow	MGD	1.3	1.6	Monthly	4
6	30-Dec-01	Flow	MGD	1.3	1.7	Monthly	3
7	17-May-06	pH	pH	6.5	6.2	Daily	3
8	18-May-06	pH	pH	6.5	6.2	Daily	3
9	22-May-06	pH	pH	6.5	5.7	Daily	3
10	23-May-06	Cadmium	µg/L	5.6	5.9	Monthly	4
11	23-May-06	Copper	µg/L	46	208	Monthly	2
12	23-May-06	Copper	lbs/day	0.49	0.8667	Monthly	2
13	23-May-06	Iron	µg/L	987	2430	Daily	1
14	29-Jun-06	Copper	µg/L	46	200	Monthly	2
15	24-Jul-06	Cadmium	µg/L	5.6	10.1	Monthly	2
16	24-Jul-06	Cadmium	lbs/day	0.06	0.07	Monthly	4
17	24-Jul-06	Copper	µg/L	46	198	Monthly	2
18	24-Jul-06	Copper	lbs/day	0.49	1.4	Monthly	2
19	1-Aug-06	pH	pH units	6.5	6.3	Daily	4
20	24-Aug-06	Cadmium	µg/L	5.6	13.4	Monthly	2
21	24-Aug-06	Cadmium	lbs/day	0.06	0.12	Monthly	2
22	24-Aug-06	Copper	µg/L	46	218	Monthly	2
23	24-Aug-06	Copper	lbs/day	0.49	2	Monthly	2
24	24-Aug-06	Selenium	µg/L	34	56.8	Monthly	2
25	24-Aug-06	Selenium	lbs/day	0.37	0.52	Monthly	2
26	24-Aug-06	Lead	µg/L	2.5	31.7	Monthly	2
27	24-Aug-06	Lead	lbs/day	0.03	0.3	Monthly	2
28	30-Oct-06	Copper	µg/L	46	236	Monthly	2
29	30-Oct-06	Copper	lbs/day	0.49	0.67	Monthly	2
30	23-May-07	Lead	µg/L	2.5	3.4	Monthly	2
31	19-Jun-07	Copper	µg/L	46	181	Monthly	2
32	19-Jun-07	Copper	lbs/day	0.49	1.3	Monthly	2
33	19-Jun-07	Nickel	µg/L	221	6100	Monthly	2
34	19-Jun-07	Nickel	lbs/day	2.4	45	Monthly	2
35	19-Jun-07	Selenium	µg/L	34	44	Monthly	2
36	19-Jun-07	Lead	µg/L	2.5	14	Monthly	2
37	19-Jun-07	Lead	lbs/day	0.03	0.1	Monthly	2
38	4-Jul-07	Temp.	deg. F	70	71	Daily	4

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MANDATORY PENALTY  
CALIFORNIA DEPARTMENT OF GENERAL SERVICES  
OFFICE OF STATE PUBLISHING  
SACRAMENTO COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period</u> <u>Type</u>	<u>Remarks</u>
39	14-Jul-07	Temp.	deg. F	70	71	Daily	4
40	17-Jul-07	pH	pH units	6.5	6.4	Daily	4
41	18-Jul-07	Temp.	deg. F	70	71	Daily	4
42	21-Jul-07	Temp.	deg. F	70	71	Daily	4
43	24-Jul-07	Temp.	deg. F	70	72	Daily	4
44	25-Jul-07	pH	pH units	6.5	6.4	Daily	4
45	26-Jul-07	Temp.	deg. F	70	71	Daily	4
46	27-Jul-07	pH	pH units	6.5	6.4	Daily	4
47	28-Jul-07	Temp.	deg. F	70	72	Daily	4
48	29-Jul-07	pH	pH units	6.5	6.3	Daily	4
49	28-Aug-07	Arsenic	µg/L	71	86	Daily	2
50	28-Aug-07	Selenium	µg/L	34	46	Daily	2

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 violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<b><u>VIOLATIONS AS OF:0</u></b>	<b><u>3/31/2008</u></b>
Group I Serious Violations:	1
Group II Serious Violations:	26
Non-Serious Exempt from MPs:	7
Non-serious Violations Subject to MPs:	16
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>43</u></b>

**Mandatory Minimum Penalty = (27 Serious Violations + 16 Non-Serious Violations) x \$3,000 = \$129,000**



# California Regional Water Quality Control Board Central Valley Region

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



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

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

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

**DATE:** 29 July 2008

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

**SUBJECT:** DEPARTMENT OF GENERAL SERVICES, OFFICE OF STATE PUBLISHING,  
RESPONSE TO NOV AND ASSESSMENT OF MMPS

On 16 May 2008, the Regional Water Board sent the Department of General Services, Office of State Publishing (Discharger) a Notice of Violation and a draft Record of Violations for the period of 1 January 2000 through 31 December 2007. The Discharger responded by letter dated 23 June 2008. The following is a discussion of the comments and any changes made to the Record of Violations based on the Discharger's comments.

## Temperature

Violations 1-6. The Discharger included copies of reporting sheets that show that the temperature gauge was broken and replaced. The Discharger showed that there were no discharge temperature violations at that time. I deleted the violations.

Violations 48, 49, 51, 52, and 55. The Discharger stated that the temperatures were as recorded on the discharge temperature meter on the discharge pipe. On 18 June 2008, the Discharger measured temperatures at the discharge pipe and measured temperatures on the spillway prior to entering the river. The Discharger stated that it found that the temperatures at the end of the spillway were at least 1°F lower than from the discharge pipe. The Discharger requested that we delete these violations because it found a consistent 1°F temperature drop between the discharge pipe and the point where the discharge enters the river. However, MMPs are based upon documented, reported violations. All the Discharger has shown is that the temperatures might have been different prior to entering the river but it could not state that there were no temperature violations. I retained the violations. To address this issue in the future, the Discharger may wish to move its permanent effluent monitoring station farther down the outfall, closer to the spillway, which may require modification of their NPDES permit.

## pH

Violation 11. The Discharger included copies of reporting sheets for a corrected self-monitoring report. The report shows that the pH had previously been incorrectly reported. I deleted the violation.

## Flow

Violations 13-15. The Discharger presented copies of corrected self-monitoring reports that showed that the Discharger did not violate the effluent flow limitations. I deleted the violations.

## **Metals**

Violations 20-28, 30-47, 59-60. Time Schedule Order (TSO) R5-2005-0087, adopted 24 June 2005, established interim effluent limitations for arsenic, and WDRs Order No. R5-2005-0086 included interim limitations for cadmium, copper, lead, nickel, and selenium. The interim limitations were performance-based, using available data provided by the Discharger at that time. The Discharger did not comply with the interim limitations. On 6 December 2007, the Regional Water Board adopted Resolution No. R5-2007-0164, which amended WDRs Order No. R5-2005-0086, and TSO No. R5-2005-0087, to increase the interim effluent limitations for cadmium, copper, lead, nickel, and selenium. The Discharger requested that we delete the violations which occurred before the WDRs and TSO were amended. I retained the violations because the Discharger violated the effluent limitations in effect at the time.

## **Non-Serious Violations not Subject to MMPs**

Violations 7, 8, and 16. When violations 1-6 are deleted, violations 7 and 8 are no longer subject to MMPs because there were no violations during the prior 180 days. When violations 13-15 are deleted, violation 16 is no longer subject to MMPs because there were no violations during the prior 180 days.

## **Summary**

The total number of Group 1 violations is 1.

The total number of Group 2 violations is 26.

The total number of Group 3 violations is 23; 16 are subject to MMPs.

The ACL decreases from \$150,000 to \$129,000.

**California Department of General Services  
Office of State Publishing**

RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 98-066, R5-2005-0086 and  
Time Schedule Order R5-2005-0087)

		<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period</u> <u>Type</u>	<u>Remarks</u>
<del>1</del>		<del>18-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>3</del>
<del>2</del>		<del>19-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>3</del>
<del>3</del>		<del>20-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>3</del>
<del>4</del>		<del>24-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>4</del>
<del>5</del>		<del>25-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>4</del>
<del>6</del>		<del>26-Jan-00</del>	<del>Temp.</del>	<del>deg. F</del>	<del>70</del>	<del>72</del>	<del>Daily</del>	<del>4</del>
7	1	30-May-00	Flow	MGD	1.3	1.4	Monthly	<u>34</u>
8	2	30-Jun-00	Flow	MGD	1.3	1.7	Monthly	<u>34</u>
9	3	30-Jul-00	Flow	MGD	1.3	1.7	Monthly	3
10	4	30-Aug-00	Flow	MGD	1.3	1.6	Monthly	4
<del>11</del>		<del>30-Sep-00</del>	<del>pH</del>		<del>8.5</del>	<del>8.6</del>	<del>Monthly</del>	<del>4</del>
12	5	30-Nov-00	Flow	MGD	1.3	1.6	Monthly	4
<del>13</del>		<del>30-Jul-01</del>	<del>Flow</del>	<del>MGD</del>	<del>1.3</del>	<del>1.5</del>	<del>Monthly</del>	<del>3</del>
<del>14</del>		<del>30-Aug-01</del>	<del>Flow</del>	<del>MGD</del>	<del>1.3</del>	<del>1.6</del>	<del>Monthly</del>	<del>3</del>
<del>15</del>		<del>30-Sep-01</del>	<del>Flow</del>	<del>MGD</del>	<del>1.3</del>	<del>1.4</del>	<del>Monthly</del>	<del>3</del>
16	6	30-Dec-01	Flow	MGD	1.3	1.7	Monthly	<u>34</u>
17	7	17-May-06	pH	pH	6.5	6.2	Daily	3
18	8	18-May-06	pH	pH	6.5	6.2	Daily	3
19	9	22-May-06	pH	pH	6.5	5.7	Daily	3
20	10	23-May-06	Cadmium	µg/L	5.6	5.9	Monthly	4
21	11	23-May-06	Copper	µg/L	46	208	Monthly	2
22	12	23-May-06	Copper	lbs/day	0.49	0.8667	Monthly	2
23	13	23-May-06	Iron	µg/L	987	2430	Daily	1
24	14	29-Jun-06	Copper	µg/L	46	200	Monthly	2
25	15	24-Jul-06	Cadmium	µg/L	5.6	10.1	Monthly	2
26	16	24-Jul-06	Cadmium	lbs/day	0.06	0.07	Monthly	4
27	17	24-Jul-06	Copper	µg/L	46	198	Monthly	2
28	18	24-Jul-06	Copper	lbs/day	0.49	1.4	Monthly	2
29	19	1-Aug-06	pH	pH units	6.5	6.3	Daily	4
30	20	24-Aug-06	Cadmium	µg/L	5.6	13.4	Monthly	2
31	21	24-Aug-06	Cadmium	lbs/day	0.06	0.12	Monthly	2
32	22	24-Aug-06	Copper	µg/L	46	218	Monthly	2
33	23	24-Aug-06	Copper	lbs/day	0.49	2	Monthly	2
34	24	24-Aug-06	Selenium	µg/L	34	56.8	Monthly	2
35	25	24-Aug-06	Selenium	lbs/day	0.37	0.52	Monthly	2
36	26	24-Aug-06	Lead	µg/L	2.5	31.7	Monthly	2
37	27	24-Aug-06	Lead	lbs/day	0.03	0.3	Monthly	2
38	28	30-Oct-06	Copper	µg/L	46	236	Monthly	2
39	29	30-Oct-06	Copper	lbs/day	0.49	0.67	Monthly	2

		<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period</u> <u>Type</u>	<u>Remarks</u>
40	30	23-May-07	Lead	µg/L	2.5	3.4	Monthly	2
41	31	19-Jun-07	Copper	µg/L	46	181	Monthly	2
42	32	19-Jun-07	Copper	lbs/day	0.49	1.3	Monthly	2
43	33	19-Jun-07	Nickel	µg/L	221	6100	Monthly	2
44	34	19-Jun-07	Nickel	lbs/day	2.4	45	Monthly	2
45	35	19-Jun-07	Selenium	µg/L	34	44	Monthly	2
46	36	19-Jun-07	Lead	µg/L	2.5	14	Monthly	2
47	37	19-Jun-07	Lead	lbs/day	0.03	0.1	Monthly	2
48	38	4-Jul-07	Temp.	deg. F	70	71	Daily	4
49	39	14-Jul-07	Temp.	deg. F	70	71	Daily	4
50	40	17-Jul-07	pH	pH units	6.5	6.4	Daily	4
51	41	18-Jul-07	Temp.	deg. F	70	71	Daily	4
52	42	21-Jul-07	Temp.	deg. F	70	71	Daily	4
53	43	24-Jul-07	Temp.	deg. F	70	72	Daily	4
54	44	25-Jul-07	pH	pH units	6.5	6.4	Daily	4
55	45	26-Jul-07	Temp.	deg. F	70	71	Daily	4
56	46	27-Jul-07	pH	pH units	6.5	6.4	Daily	4
57	47	28-Jul-07	Temp.	deg. F	70	72	Daily	4
58	48	29-Jul-07	pH	pH units	6.5	6.3	Daily	4
59	49	28-Aug-07	Arsenic	µg/L	71	86	Daily	2
60	50	28-Aug-07	Selenium	µg/L	34	46	Daily	2

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 violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

**VIOLATIONS AS OF: 12/31/2007**

Group I Serious Violations: 1

Group II Serious Violations: 26

Non-Serious Exempt from MPs: ~~74~~

Non-serious Violations Subject to MPs: ~~1623~~

~~Mass Limit Violations Not Subject to MPs: 0~~

**Total Violations Subject to MPs: 43**

**Mandatory Minimum Penalty = (27 Serious Violations + ~~1623~~ Non-Serious Violations) x \$3,000 = \$129450,000**