

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0525

MANDATORY PENALTY
IN THE MATTER OF

CITY OF RIO VISTA AND ECO RESOURCES, INC.
TRILOGY AND NORTHWEST WASTEWATER TREATMENT PLANTS
SOLANO COUNTY

This Complaint is issued to the City of Rio Vista and ECO Resources, Inc. (hereafter collectively referred to as Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL), 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. R5-2002-0099 and R5-2004-0092 (NPDES No. CA0083771).

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

1. The City of Rio Vista owned the Trilogy Wastewater Treatment Plant (WWTP). ECO Resources, Inc., operated the WWTP through 31 July 2005. On 1 August 2005, Veolia Water, Inc. became the new contract operator, but has not been named as a Discharger. The City of Rio Vista closed the Trilogy WWTP on 31 July 2006 and opened the Northwest Wastewater Treatment Plant, which provides sewerage service to part of the City of Rio Vista, in Solano County. Treated domestic, commercial and industrial wastewater is discharged to an unnamed ephemeral stream that is tributary to the Sacramento River, a water of the United States.
2. On 7 June 2002, the Regional Water Board adopted WDRs Order No. R5-2002-0099 to regulate discharges of waste from the Trilogy Wastewater Treatment Plant. On 9 July 2004, the Regional Water Board adopted WDRs Order No. R5-2004-0092, which regulated the operations of both the Trilogy Wastewater Treatment Plant and the Northwest Wastewater Treatment Plant, contained new regulations, and rescinded Order No. R5-2002-0099. The WDRs include effluent limitations and other requirements regarding the wastewater discharges.
3. 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.”

4. 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.”

5. The Executive Officer has issued one prior Administrative Civil Liability Complaint (ACLC) for Mandatory Minimum Penalties to the Discharger. ACLC No. R5-2004-0526 was issued 25 June 2004 in the amount of \$9,000, for effluent violations through 31 March 2004. The Regional Water Board has accepted payment and considers this prior matter resolved.

6. WDRs Order No. R5-2002-0099 Effluent Limitations No. B.1. include, in part, the following effluent limitations:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average</u>	<u>4-day Average</u>	<u>1-Hr Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>
BOD ^{1,2}	mg/L	10				20
	lbs/day ³	16.5				33
TSS ²	mg/L	10				20
	lbs/day ³	16.5				33
Aluminum	µg/L		87	750		
Ammonia-as N ⁵	mg/L	Attach F		Attach G		
Total Coliform ⁹	MPN/100mL				2.2	23
Settleable Solids	mL/L	0.1				0.2

¹ 5-day, 20°C biochemical oxygen demand (BOD).

² To be ascertained by a 24-hour composite.

³ Based upon a design treatment capacity of 0.2 mgd.

⁵ To evaluate compliance with this limitation, ammonia analyses shall be divided by developed dilution credit in accordance with dilution study and results compared to Attachments F and G values.

⁹ The total number of coliform bacteria shall not exceed an MPN of 23 per 100 mL in more than one sample in any 30-day period. No single sample shall exceed an MPN of 240 per 100 mL.

7. WDRs Order No. R5-2004-0092 Effluent Limitations No. B.1. include, in part, the following effluent limitations:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>
BOD ^{1,2}	mg/L	10		20
	lbs/day ³	16.7		33.4
TSS ²	mg/L	10		20
	lbs/day ³	16.7		33.4
Turbidity	NTU	2 ⁴		5 ⁴
Total Coliform	MPN/100mL		2.2	23 ⁵
<u>Settleable Solids</u>	<u>mL/L</u>	0.1		0.2

¹ 5-day, 20°C biochemical oxygen demand (BOD).

² To be ascertained by a 24-hour composite.

³ Based upon an average dry weather flow of 0.2 mgd. For reporting purposes, compliance with these limitations shall be determined as follows. For monthly average limitations: (measured concentration [mg/L]) x 8.345 [conversion factor] x (monthly average flow rate). For daily maximum limitations: (measured concentration [mg/L]) x 8.345 [conversion factor] x (daily flow rate).

⁴ Turbidity of the filtered wastewater does not exceed any of the following: a) an average of 2 NTU within a 24-hour period, 2) 5 NTU more than 5 percent of the time within a 24-hour period; and c) 10 NTU at any time.

⁵ The total number of coliform bacteria shall not exceed an MPN of 23 per 100 mL in more than one sample in any 30-day period. No single sample shall exceed an MPN of 240 per 100 mL.

8. According to the Discharger's self-monitoring reports, the Discharger committed two hundred seventy-nine (279) serious Group I violations of the above effluent limitations contained in Order Nos. R5-2002-0099 and R5-2004-0092 during the period beginning 1 April 2004 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 these serious violations is **eight hundred thirty-seven thousand dollars (\$837,000)**.
9. According to the Discharger's self-monitoring reports, the Discharger committed sixty (60) non-serious violations of the above effluent limitations contained in Order Nos. R5-2002-0099 and R5-2004-0092 during the period beginning 1 April 2004 and ending 31 December 2007. Fifty-six (56) 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 **one hundred sixty-eight thousand dollars (\$168,000)**.
10. The total amount of the mandatory penalties assessed for the cited effluent violations is **one million five thousand dollars (\$1,005,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.

11. CWC section 13385 (k)(1) states, in part:

“In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works...”

12. CWC section 13385 (k)(2) states, in part:

“For the purposes of this subdivision, ‘a publicly owned treatment works serving a small community’ means a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works...”

13. Staff at the State Water Resources Control Board has determined that the City of Rio Vista Trilogy and Northwest Wastewater Treatment Plants are a *“publicly owned treatment works serving a small community.”*
14. The Discharger has spent \$25.37 million for engineering design, environmental review, land acquisition, treatment plant construction, and outfall construction for the new Northwest Wastewater Treatment Plant. The Discharger has completed the above compliance project to address the effluent violations. With the completed compliance project, the Discharger has expended in excess of the mandatory minimum penalty that is required by CWC sections 13385(h) and (i).
15. The compliance project was performed in accordance with the State Water Resources Control Board Enforcement Policy.
16. 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 RIO VISTA AND ECO RESOURCES, INC ARE HEREBY 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 million five thousand dollars (\$1,005,000)**.
2. The Regional Water Board considers payment of above penalty satisfied through the completion of the compliance project noted above in accordance with CWC section 13385(k).

3. A hearing on this matter will be held at the Regional Water Board meeting scheduled on **31 July/1 August 2008**, unless the Discharger agrees to waive the hearing by completing the attached form and returning it to the Regional Water Board by **4 June 2008**.
4. 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.

JACK E. DEL CONTE, Assistant Executive Officer

5 May 2008

Attachment A: Record of Violations
BLH: 05/05/08

**WAIVER OF HEARING 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 Rio Vista and ECO Resources, Inc. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0525 (hereinafter the "Complaint");
2. I am informed of the right provided by California Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of service of the Complaint;
3. I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of service of the Complaint; and
4. I certify that the Discharger has expended an amount equal to or in excess of the assessed mandatory minimum penalties through completion of the compliance project specified in the Complaint. The Regional Water Board will accept the compliance project in lieu of monetary penalties.
5. I understand the completion of the above compliance project 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 during this comment period, the Regional Water Board may withdraw the complaint and issue a new complaint.
6. I understand that completion of the above compliance project 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.

(Print Name and Title)

(Signature)

(Date)

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0525

City of Rio Vista and ECO Resources, Inc.
Trilogy and Northwest Wastewater Treatment Plants
RECORD OF VIOLATIONS (1 April 2004 – 31 December 2007) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program No. 5-01-178)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
1	13-Apr-04	Ammonia	mg/L	21.9	23	1-Hr Ave		3
2	13-Apr-04	Aluminum	µm/L	87	2300	4-Day Ave		1
3	19-Apr-04	Ammonia	mg/L	24.1	27	1-Hr Ave		3
4	16-Dec-04	Turbidity	NTU	10	16	Instantaneous		1
5	16-Dec-04	Turbidity	NTU	2	16	Daily Ave		1
6	16-Dec-04	Turbidity	NTU	5	16	Daily Max		1
7	17-Dec-04	Turbidity	NTU	2	3	Daily Ave		1
8	18-Dec-04	Turbidity	NTU	2	3	Daily Ave		1
9	19-Dec-04	Turbidity	NTU	10	17	Instantaneous		1
10	19-Dec-04	Turbidity	NTU	2	17	Daily Ave		1
11	19-Dec-04	Turbidity	NTU	5	17	Daily Max		1
12	20-Dec-04	Turbidity	NTU	2	7	Daily Ave		1
13	20-Dec-04	Turbidity	NTU	5	7	Daily		1
14	22-Dec-04	TSS	lbs/day	33	40	Daily	0.24	5
15	23-Dec-04	Turbidity	NTU	10	12	Instantaneous		4
16	23-Dec-04	Turbidity	NTU	2	12	Daily Ave		1
17	23-Dec-04	Turbidity	NTU	5	12	Daily Max		1
18	24-Dec-04	Turbidity	NTU	2	8	Daily Ave		1
19	24-Dec-04	Turbidity	NTU	5	8	Daily Max		1
20	25-Dec-04	Turbidity	NTU	10	21	Instantaneous		1
21	25-Dec-04	Turbidity	NTU	2	21	Daily Ave		1
22	25-Dec-04	Turbidity	NTU	5	21	Daily Max		1
23	27-Dec-04	Turbidity	NTU	2	6	Daily Ave		1
24	27-Dec-04	Turbidity	NTU	5	6	Daily Max		4
25	28-Dec-04	Turbidity	NTU	2	10	Daily Ave		1
26	28-Dec-04	Turbidity	NTU	5	10	Daily Max		1
27	29-Dec-04	Turbidity	NTU	10	24	Instantaneous		1
28	29-Dec-04	Turbidity	NTU	2	24	Daily Ave		1
29	29-Dec-04	Turbidity	NTU	5	24	Daily Max		1
30	30-Dec-04	BOD	lbs/day	33	46	Daily	0.15	4
31	30-Dec-04	BOD	mg/L	20	36	Daily		1
32	31-Dec-04	BOD	lbs/day	16	23	Monthly	0.18	1
33	31-Dec-04	BOD	mg/L	10	18	Monthly		1
34	31-Dec-04	TSS	mg/L	16	23	Monthly		1
35	31-Dec-04	TSS	mg/L	10	12	Monthly		4
36	31-Dec-04	Turbidity	NTU	2	3	Daily Ave		4

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 CITY OF RIO VISTA AND ECO RESOURCES, INC.
 TRILOGY AND NORTHWEST WWTPS
 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
37	31-Dec-04	Turbidity	NTU	2	8	Monthly Instantaneous		1
38	1-Jan-05	Turbidity	NTU	10	25	Daily Ave		1
39	1-Jan-05	Turbidity	NTU	2	25	Daily Max		1
40	1-Jan-05	Turbidity	NTU	5	25	Daily Max Instantaneous		1
41	2-Jan-05	Turbidity	NTU	10	27	Daily Ave		1
42	2-Jan-05	Turbidity	NTU	2	27	Daily Max		1
43	2-Jan-05	Turbidity	NTU	5	27	Daily Max Instantaneous		1
44	3-Jan-05	Turbidity	NTU	10	25	Daily Ave		1
45	3-Jan-05	Turbidity	NTU	2	25	Daily Max		1
46	3-Jan-05	Turbidity	NTU	5	25	Daily Max Instantaneous		1
47	4-Jan-05	Turbidity	NTU	10	33	Daily Ave		1
48	4-Jan-05	Turbidity	NTU	2	33	Daily Max		1
49	4-Jan-05	Turbidity	NTU	5	33	Daily Max Instantaneous		1
50	5-Jan-05	BOD	lbs/day	33	202	Daily	0.17	1
51	5-Jan-05	BOD	mg/L	20	145	Daily		1
52	5-Jan-05	TSS	lbs/day	33	103	Daily	0.17	1
53	5-Jan-05	TSS	mg/L	20	74	Daily Instantaneous		1
54	6-Jan-05	Turbidity	NTU	10	39	Daily Ave		1
55	6-Jan-05	Turbidity	NTU	2	39	Daily Max		1
56	6-Jan-05	Turbidity	NTU	5	39	Daily Max Instantaneous		1
57	7-Jan-05	Turbidity	NTU	10	16	Daily Ave		1
58	7-Jan-05	Turbidity	NTU	2	16	Daily Max		1
59	7-Jan-05	Turbidity	NTU	5	16	Daily Max Instantaneous		1
60	8-Jan-05	Turbidity	NTU	10	12	Daily Ave		4
61	8-Jan-05	Turbidity	NTU	2	12	Daily Max		1
62	8-Jan-05	Turbidity	NTU	5	12	Daily Max Instantaneous		1
63	9-Jan-05	Turbidity	NTU	10	33	Daily Ave		1
64	9-Jan-05	Turbidity	NTU	2	33	Daily Max		1
65	9-Jan-05	Turbidity	NTU	5	33	Daily Max Instantaneous		1
66	10-Jan-05	Turbidity	NTU	10	22	Daily		1
67	10-Jan-05	Turbidity	NTU	2	22	Daily Max		1
68	10-Jan-05	Turbidity	NTU	5	22	Daily Max Instantaneous		1
69	11-Jan-05	Turbidity	NTU	10	16	Daily		1

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 CITY OF RIO VISTA AND ECO RESOURCES, INC.
 TRILOGY AND NORTHWEST WWTPS
 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
70	11-Jan-05	Turbidity	NTU	2	16	Daily Ave		1
71	11-Jan-05	Turbidity	NTU	5	16	Daily Max		1
72	12-Jan-05	BOD	lbs/day	33	38	Daily	0.27	5
73	12-Jan-05	TSS	lbs/day	33	104	Daily	0.27	5
74	12-Jan-05	TSS	mg/L	20	46	Daily		1
75	12-Jan-05	Turbidity	NTU	2	10	Daily Ave		1
76	12-Jan-05	Turbidity	NTU	5	10	Daily Max		1
77	13-Jan-05	Turbidity	NTU	10	20	Instantaneous		1
78	13-Jan-05	Turbidity	NTU	2	20	Daily Ave		1
79	13-Jan-05	Turbidity	NTU	5	20	Daily Max		1
80	14-Jan-05	Turbidity	NTU	10	21	Instantaneous		1
81	14-Jan-05	Turbidity	NTU	2	21	Daily Ave		1
82	14-Jan-05	Turbidity	NTU	5	21	Daily Max		1
83	15-Jan-05	Turbidity	NTU	2	7	Daily Ave		1
84	15-Jan-05	Turbidity	NTU	5	7	Daily Max		1
85	16-Jan-05	Turbidity	NTU	2	8	Daily Ave		1
86	16-Jan-05	Turbidity	NTU	5	8	Daily Max		1
87	17-Jan-05	Turbidity	NTU	10	15	Instantaneous		1
88	17-Jan-05	Turbidity	NTU	2	15	Daily Ave		1
89	17-Jan-05	Turbidity	NTU	5	15	Daily Max		1
90	18-Jan-05	Turbidity	NTU	2	8	Daily Ave		1
91	18-Jan-05	Turbidity	NTU	5	8	Daily Max		1
92	19-Jan-05	Turbidity	NTU	10	51	Instantaneous		1
93	19-Jan-05	Turbidity	NTU	2	51	Daily		1
94	19-Jan-05	Turbidity	NTU	5	51	Daily Max		1
95	20-Jan-05	Turbidity	NTU	10	36	Instantaneous		1
96	20-Jan-05	Turbidity	NTU	2	36	Daily Ave		1
97	20-Jan-05	Turbidity	NTU	5	36	Daily Max		1
98	21-Jan-05	TSS	mg/L	20	50	Daily		1
99	21-Jan-05	Turbidity	NTU	2	5	Daily		1
100	22-Jan-05	Turbidity	NTU	10	13	Instantaneous		4
101	22-Jan-05	Turbidity	NTU	2	13	Daily Ave		1
102	22-Jan-05	Turbidity	NTU	5	13	Daily Max		1
103	24-Jan-05	Turbidity	NTU	10	14	Instantaneous		4

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 TRILOGY AND NORTHWEST WWTPS
 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
10								
4	24-Jan-05	Turbidity	NTU	2	14	Daily Ave		1
10								
5	24-Jan-05	Turbidity	NTU	5	14	Daily Max		1
10						Instantaneous		
6	26-Jan-05	Turbidity	NTU	10	13			4
10								
7	26-Jan-05	Turbidity	NTU	2	13	Daily Ave		1
10								
8	26-Jan-05	Turbidity	NTU	5	13	Daily Max		1
10						Instantaneous		
9	27-Jan-05	Turbidity	NTU	10	18			1
11								
0	27-Jan-05	Turbidity	NTU	2	18	Daily Ave		1
11								
1	27-Jan-05	Turbidity	NTU	5	18	Daily Max		1
11								
2	28-Jan-05	BOD	mg/l	20	46	Daily		1
11								
3	28-Jan-05	Turbidity	NTU	10	22	Daily		1
11								
4	28-Jan-05	Turbidity	NTU	2	22	Daily Ave		1
11								
5	28-Jan-05	Turbidity	NTU	5	22	Daily Max		1
11								
6	29-Jan-05	Turbidity	NTU	2	10	Daily Ave		1
11								
7	29-Jan-05	Turbidity	NTU	5	10	Daily Max		1
11						Instantaneous		
8	30-Jan-05	Turbidity	NTU	10	16			1
11								
9	30-Jan-05	Turbidity	NTU	2	16	Daily		1
12								
0	30-Jan-05	Turbidity	NTU	5	16	Daily Max		1
12								
1	31-Jan-05	BOD	lbs/day	16.5	67	Monthly	0.15	1
12								
2	31-Jan-05	BOD	mg/L	10	54	Monthly		1
12								
3	31-Jan-05	TSS	lbs/day	16.5	63	Monthly	0.15	1
12								
4	31-Jan-05	TSS	mg/L	10	47	Monthly		1
12								
5	31-Jan-05	Turbidity	NTU	2	20	Monthly		1
12						Instantaneous		
6	31-Jan-05	Turbidity	NTU	10	39			1
12								
7	31-Jan-05	Turbidity	NTU	2	39	Daily Ave		1
12								
8	31-Jan-05	Turbidity	NTU	5	39	Daily Max		1

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 CITY OF RIO VISTA AND ECO RESOURCES, INC.
 TRILOGY AND NORTHWEST WWTPS
 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
12 9	1-Feb-05	Turbidity	NTU	2	8	Daily Ave		1
13 0	1-Feb-05	Turbidity	NTU	5	8	Daily Max		1
13 1	3-Feb-05	TSS	mg/L	20	23	Daily Instantaneous		4
13 2	4-Feb-05	Turbidity	NTU	10	30	s		1
13 3	4-Feb-05	Turbidity	NTU	2	30	Daily Ave		1
13 4	4-Feb-05	Turbidity	NTU	5	30	Daily Max Instantaneous		1
13 5	5-Feb-05	Turbidity	NTU	10	32	s		1
13 6	5-Feb-05	Turbidity	NTU	2	32	Daily Ave		1
13 7	5-Feb-05	Turbidity	NTU	5	32	Daily Max Instantaneous		1
13 8	6-Feb-05	Turbidity	NTU	10	13	s		1
13 9	6-Feb-05	Turbidity	NTU	2	13	Daily Ave		1
14 0	6-Feb-05	Turbidity	NTU	5	13	Daily Max		1
14 1	7-Feb-05	Coliform	MPN/100m L	23	1600	Daily		4
14 2	8-Feb-05	Coliform	MPN/100m L	23	280	Daily Instantaneous		4
14 3	8-Feb-05	Turbidity	NTU	10	47	s		1
14 4	8-Feb-05	Turbidity	NTU	2	47	Daily Ave		1
14 5	8-Feb-05	Turbidity	NTU	5	47	Daily Max		1
14 6	9-Feb-05	Coliform	MPN/100m L	2.2	9	7-day		4
14 7	9-Feb-05	Coliform	MPN/100m L	23	1600	Daily Instantaneous		4
14 8	9-Feb-05	Turbidity	NTU	10	36	s		1
14 9	9-Feb-05	Turbidity	NTU	2	36	Daily Ave		1
15 0	9-Feb-05	Turbidity	NTU	5	36	Daily Max		1
15 1	10-Feb-05	BOD	mg/L	20	24	Daily		4
15 2	10-Feb-05	Coliform	MPN/100m L	2.2	280	7-day		4
15 3	10-Feb-05	Coliform	MPN/100m L	23	900	Daily		4

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0525
 CITY OF RIO VISTA AND ECO RESOURCES, INC.
 TRILOGY AND NORTHWEST WWTPS
 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
15								
4	10-Feb-05	TSS	lbs/day	33	92	Daily	0.14	1
15								
5	10-Feb-05	TSS	mg/L	20	79	Daily		1
15						Instantaneous		
6	10-Feb-05	Turbidity	NTU	10	87			1
15								
7	10-Feb-05	Turbidity	NTU	2	87	Daily Ave		1
15								
8	10-Feb-05	Turbidity	NTU	5	87	Daily Max		1
15			MPN/100m					
9	11-Feb-05	Coliform	L	2.2	280	7-day		4
16			MPN/100m					
0	11-Feb-05	Coliform	L	23	70	Daily		4
16						Instantaneous		
1	11-Feb-05	Turbidity	NTU	10	87			1
16								
2	11-Feb-05	Turbidity	NTU	2	87	Daily Ave		1
16								
3	11-Feb-05	Turbidity	NTU	5	87	Daily Max		1
16			MPN/100m					
4	12-Feb-05	Coliform	L	2.2	280	7-day		4
16			MPN/100m					
5	12-Feb-05	Coliform	L	23	170	Daily		4
16						Instantaneous		
6	12-Feb-05	Turbidity	NTU	10	90			1
16								
7	12-Feb-05	Turbidity	NTU	2	90	Daily Ave		1
16								
8	12-Feb-05	Turbidity	NTU	5	90	Daily Max		1
16			MPN/100m					
9	13-Feb-05	Coliform	L	2.2	280	7-day		4
17						Instantaneous		
0	13-Feb-05	Turbidity	NTU	10	45			1
17								
1	13-Feb-05	Turbidity	NTU	2	45	Daily Ave		1
17								
2	13-Feb-05	Turbidity	NTU	5	45	Daily Max		1
17			MPN/100m					
3	14-Feb-05	Coliform	L	2.2	170	7-day		4
17								
4	14-Feb-05	Turbidity	NTU	2	4	Daily		1
17			MPN/100m					
5	15-Feb-05	Coliform	L	2.2	70	7-day		4
17						Instantaneous		
6	15-Feb-05	Turbidity	NTU	10	14			1
17								
7	15-Feb-05	Turbidity	NTU	2	14	Daily Ave		1
17								
8	15-Feb-05	Turbidity	NTU	5	14	Daily Max		1

ATTACHMENT A
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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
17								
9	16-Feb-05	TSS	lbs/day	33	109	Daily	0.18	1
18								
0	16-Feb-05	TSS	mg/l	20	72	Daily		1
18								
1	16-Feb-05	Turbidity	NTU	2	9	Daily Ave		1
18								
2	16-Feb-05	Turbidity	NTU	5	9	Daily Max		1
18								
3	17-Feb-05	BOD	lbs/day	33	38	Daily	0.13	4
18								
4	17-Feb-05	BOD	mg/L	20	38	Daily		1
18						Instantaneous		
5	17-Feb-05	Turbidity	NTU	10	21	s		1
18								
6	17-Feb-05	Turbidity	NTU	2	21	Daily Ave		1
18								
7	17-Feb-05	Turbidity	NTU	5	21	Daily Max		1
18						Instantaneous		
8	18-Feb-05	Turbidity	NTU	10	61	s		1
18								
9	18-Feb-05	Turbidity	NTU	2	61	Daily Ave		1
19								
0	18-Feb-05	Turbidity	NTU	5	61	Daily Max		1
19						Instantaneous		
1	19-Feb-05	Turbidity	NTU	10	17	s		1
19								
2	19-Feb-05	Turbidity	NTU	2	17	Daily Ave		1
19								
3	19-Feb-05	Turbidity	NTU	5	17	Daily Max		1
19			MPN/100m					
4	20-Feb-05	Coliform	L	23	110	Daily		4
19						Instantaneous		
5	21-Feb-05	Turbidity	NTU	10	44	s		1
19								
6	21-Feb-05	Turbidity	NTU	2	44	Daily Ave		1
19								
7	21-Feb-05	Turbidity	NTU	5	44	Daily Max		1
19						Instantaneous		
8	22-Feb-05	Turbidity	NTU	10	27	s		1
19								
9	22-Feb-05	Turbidity	NTU	2	27	Daily Ave		1
20								
0	22-Feb-05	Turbidity	NTU	5	27	Daily Max		1
20			MPN/100m					
1	23-Feb-05	Coliform	L	2.2	4	7-day		4
20			MPN/100m					
2	23-Feb-05	Coliform	L	23	900	Daily		4
20						Instantaneous		
3	23-Feb-05	Turbidity	NTU	10	26	s		1

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
20								
4	23-Feb-05	Turbidity	NTU	2	26	Daily Ave		1
20								
5	23-Feb-05	Turbidity	NTU	5	26	Daily Max		1
20								
6	24-Feb-05	BOD	lbs/day	33	39	Daily	0.19	4
20								
7	24-Feb-05	BOD	mg/L	20	25	Daily		4
20			MPN/100m					
8	24-Feb-05	Coliform	L	2.2	6	7-day		4
20								
9	24-Feb-05	TSS	lbs/day	33	68	Daily	0.19	1
21								
0	24-Feb-05	TSS	mg/L	20	44	Daily		1
21			MPN/100m					
1	25-Feb-05	Coliform	L	2.2	8	7-day		4
21								
2	25-Feb-05	Turbidity	NTU	2	8	Daily Ave		1
21								
3	25-Feb-05	Turbidity	NTU	5	8	Daily Max		1
21			MPN/100m					
4	27-Feb-05	Coliform	L	2.2	6	7-day		4
21								
5	28-Feb-05	BOD	lbs/day	16.5	29	Monthly	0.15	1
21								
6	28-Feb-05	BOD	mg/L	10	25	Monthly		1
21			MPN/100m					
7	28-Feb-05	Coliform	L	2.2	6	7-day		4
21								
8	28-Feb-05	TSS	lbs/day	16.5	72	Monthly	0.15	1
21								
9	28-Feb-05	TSS	mg/L	10	55	Monthly		1
22								
0	28-Feb-05	Turbidity	NTU	2	3	Daily Ave		4
22								
1	28-Feb-05	Turbidity	NTU	2	34	Monthly Instantaneous		1
22								
2	1-Mar-05	Turbidity	NTU	10	35			1
22								
3	1-Mar-05	Turbidity	NTU	2	35	Daily Ave		1
22								
4	1-Mar-05	Turbidity	NTU	5	35	Daily Max		1
22								
5	2-Mar-05	BOD	lbs/day	33	43	Daily	0.16	4
22								
6	2-Mar-05	BOD	mg/L	20	33	Daily Instantaneous		1
22								
7	2-Mar-05	Turbidity	NTU	10	49			1
22								
8	2-Mar-05	Turbidity	NTU	2	49	Daily Ave		1

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
22								
9	2-Mar-05	Turbidity	NTU	5	49	Daily Max		1
23						Instantaneous		
0	3-Mar-05	Turbidity	NTU	10	34			1
23								
1	3-Mar-05	Turbidity	NTU	2	34	Daily Ave		1
23								
2	3-Mar-05	Turbidity	NTU	5	34	Daily Max		1
23			MPN/100m					
3	4-Mar-05	Coliform	L	23	500	Daily		4
23						Instantaneous		
4	4-Mar-05	Turbidity	NTU	10	20			1
23								
5	4-Mar-05	Turbidity	NTU	2	20	Daily Ave		1
23								
6	4-Mar-05	Turbidity	NTU	5	20	Daily Max		1
23						Instantaneous		
7	5-Mar-05	Turbidity	NTU	10	24			1
23								
8	5-Mar-05	Turbidity	NTU	2	24	Daily Ave		1
23								
9	5-Mar-05	Turbidity	NTU	5	24	Daily Max		1
24			MPN/100m					
0	7-Mar-05	Coliform	L	2.2	5	7-day		4
24			MPN/100m					
1	8-Mar-05	Coliform	L	2.2	5	7-day		4
24								
2	8-Mar-05	Turbidity	NTU	2	6	Daily Ave		1
24								
3	8-Mar-05	Turbidity	NTU	5	6	Daily Max		4
24								
4	9-Mar-05	BOD	lbs/day	33	54	Daily	0.24	5
24								
5	9-Mar-05	BOD	mg/L	20	27	Daily		4
24			MPN/100m					
6	9-Mar-05	Coliform	L	2.2	5	7-day		4
24								
7	9-Mar-05	Turbidity	NTU	2	3	Daily Ave		1
24			MPN/100m					
8	10-Mar-05	Coliform	L	2.2	5	7-day		4
24						Instantaneous		
9	10-Mar-05	Turbidity	NTU	10	46			1
25								
0	10-Mar-05	Turbidity	NTU	2	46	Daily Ave		1
25								
1	10-Mar-05	Turbidity	NTU	5	46	Daily Max		1
25			MPN/100m					
2	11-Mar-05	Coliform	L	2.2	5	7-day		4
25			MPN/100m					
3	11-Mar-05	Coliform	L	23	27	daily		4

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
25			MPN/100m					
4	12-Mar-05	Coliform	L	2.2	6	7-day		4
25						Instantaneous		
5	12-Mar-05	Turbidity	NTU	10	88			1
25								
6	12-Mar-05	Turbidity	NTU	2	88	Daily Ave		1
25								
7	12-Mar-05	Turbidity	NTU	5	88	Daily Max		1
25			MPN/100m					
8	13-Mar-05	Coliform	L	2.2	6	7-day		4
25			MPN/100m					
9	14-Mar-05	Coliform	L	2.2	6	7-day		4
26								
0	14-Mar-05	Turbidity	NTU	2	9	Daily Ave		1
26								
1	14-Mar-05	Turbidity	NTU	5	9	Daily Max		1
26			MPN/100m					
2	15-Mar-05	Coliform	L	2.2	6	7-day		4
26						Instantaneous		
3	15-Mar-05	Turbidity	NTU	10	68			1
26								
4	15-Mar-05	Turbidity	NTU	2	68	Daily Ave		1
26								
5	15-Mar-05	Turbidity	NTU	5	68	Daily Max		1
26			MPN/100m					
6	16-Mar-05	Coliform	L	2.2	6	7-day		4
26			MPN/100m					
7	17-Mar-05	Coliform	L	2.2	6	7-day		4
26								
8	17-Mar-05	Turbidity	NTU	2	9	Daily Ave		1
26								
9	17-Mar-05	Turbidity	NTU	5	9	Daily Max		1
27								
0	18-Mar-05	Turbidity	NTU	2	10	Daily Ave		1
27								
1	18-Mar-05	Turbidity	NTU	5	10	Daily Max		1
27								
2	19-Mar-05	Turbidity	NTU	2	8	Daily Ave		1
27								
3	19-Mar-05	Turbidity	NTU	5	8	Daily Max		1
27								
4	20-Mar-05	TSS	lbs/day	33	68	Daily	0.22	5
27								
5	20-Mar-05	TSS	mg/L	20	38	Daily		1
27								
6	23-Mar-05	BOD	lbs/day	33	38	Daily	0.22	5
27								
7	23-Mar-05	TSS	lbs/day	33	155	Daily	0.22	5
27								
8	23-Mar-05	BOD	mg/L	20	21	Daily		4

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 RECORD OF VIOLATIONS

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
27	9 23-Mar-05	TSS	mg/L	20	85	Daily		1
28	0 23-Mar-05	Turbidity	NTU	2	3	Daily		4
28	1 25-Mar-05	Coliform	MPN/100m L	23	240	Daily		4
28	2 25-Mar-05	Turbidity	NTU	10	30	Instantaneous		1
28	3 25-Mar-05	Turbidity	NTU	2	30	Daily Ave		1
28	4 25-Mar-05	Turbidity	NTU	5	30	Daily Max		1
28	5 26-Mar-05	Turbidity	NTU	10	83	Instantaneous		1
28	6 26-Mar-05	Turbidity	NTU	2	83	Daily Ave		1
28	7 26-Mar-05	Turbidity	NTU	5	83	Daily Max		1
28	8 27-Mar-05	Turbidity	NTU	10	92	Instantaneous		1
28	9 27-Mar-05	Turbidity	NTU	2	92	Daily Ave		1
29	0 27-Mar-05	Turbidity	NTU	5	92	Daily Max		1
29	1 28-Mar-05	Turbidity	NTU	2	9	Daily Ave		1
29	2 28-Mar-05	Turbidity	NTU	5	9	Daily Max		1
29	3 29-Mar-05	Turbidity	NTU	10	29	Instantaneous		1
29	4 29-Mar-05	Turbidity	NTU	2	29	Daily		1
29	5 29-Mar-05	Turbidity	NTU	5	29	Daily Max		1
29	6 30-Mar-05	BOD	lbs/day	33	36	Daily	0.23	5
29	7 30-Mar-05	TSS	lbs/day	33	43	Daily	0.23	5
29	8 30-Mar-05	TSS	mg/L	20	23	Daily		4
29	9 30-Mar-05	Turbidity	NTU	10	29	Instantaneous		1
30	0 30-Mar-05	Turbidity	NTU	2	29	Daily		1
30	1 30-Mar-05	Turbidity	NTU	5	29	Daily Max		1
30	2 31-Mar-05	BOD	lbs/day	16.5	37	Monthly	0.20	1
30	3 31-Mar-05	BOD	mg/L	10	22	Monthly		1

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
30	4 31-Mar-05	TSS	lbs/day	16.5	59	Monthly	0.20	1
30	5 31-Mar-05	TSS	mg/L	10	40	Monthly		1
30	6 31-Mar-05	Turbidity	NTU	2	25	Monthly		1
30	7 31-Mar-05	Turbidity	NTU	10	58	Instantaneous		1
30	8 31-Mar-05	Turbidity	NTU	2	58	Daily Ave		1
30	9 31-Mar-05	Turbidity	NTU	5	58	Daily Max		1
31	0 2-Apr-05	Turbidity	NTU	10	21	Instantaneous		1
31	1 2-Apr-05	Turbidity	NTU	2	21	Daily Ave		1
31	2 2-Apr-05	Turbidity	NTU	5	21	Daily Max		1
31	3 3-Apr-05	Turbidity	NTU	10	99	Instantaneous		1
31	4 3-Apr-05	Turbidity	NTU	2	99	Daily Ave		1
31	5 3-Apr-05	Turbidity	NTU	5	99	Daily Max		1
31	6 4-Apr-05	Turbidity	NTU	10	17	Instantaneous		1
31	7 4-Apr-05	Turbidity	NTU	2	17	Daily Ave		1
31	8 4-Apr-05	Turbidity	NTU	5	17	Daily Max		1
31	9 5-Apr-05	Turbidity	NTU	10	34	Instantaneous		1
32	0 5-Apr-05	Turbidity	NTU	2	34	Daily Ave		1
32	1 5-Apr-05	Turbidity	NTU	5	34	Daily Max		1
32	2 6-Apr-05	BOD	mg/L	20	29	Daily		1
32	3 6-Apr-05	TSS	lbs/day	33	44	Daily	0.116	4
32	4 6-Apr-05	TSS	mg/L	20	46	Daily		1
32	5 6-Apr-05	Turbidity	NTU	10	39	Instantaneous		1
32	6 6-Apr-05	Turbidity	NTU	2	39	Daily Ave		1
32	7 6-Apr-05	Turbidity	NTU	5	39	Daily Max		1
32	8 7-Apr-05	Turbidity	NTU	10	20	Instantaneous		1

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Flow Rate</u>	<u>Remarks</u>
32	9	7-Apr-05	Turbidity	NTU	2	20	Daily Ave	1
33	0	7-Apr-05	Turbidity	NTU	5	20	Daily Max	1
33	1	8-Apr-05	Turbidity	NTU	10	19	Instantaneous	1
33	2	8-Apr-05	Turbidity	NTU	2	19	Daily Ave	1
33	3	8-Apr-05	Turbidity	NTU	5	19	Daily Max	1
33	4	9-Apr-05	Turbidity	NTU	10	39	Instantaneous	1
33	5	9-Apr-05	Turbidity	NTU	2	39	Daily Ave	1
33	6	9-Apr-05	Turbidity	NTU	5	39	Daily Max	1
33	7	10-Apr-05	Turbidity	NTU	10	100	Instantaneous	1
33	8	10-Apr-05	Turbidity	NTU	2	100	Daily Ave	1
33	9	10-Apr-05	Turbidity	NTU	5	100	Daily Max	1
34	0	11-Nov-05	Turbidity	NTU	2	3	Daily Ave	1
34	1	12-Nov-05	Turbidity	NTU	2	4	Daily Ave	1
34	2	13-Nov-05	Turbidity	NTU	2	5	Daily Ave	1
34	3	14-Nov-05	Turbidity	NTU	2	3	Daily Ave	1
34	4	15-Nov-05	Turbidity	NTU	2	4	Daily Ave	1
34	5	16-Nov-05	Turbidity	NTU	2	3	Daily Ave	1
34	6	17-Nov-05	Turbidity	NTU	2	3	Daily Ave	1
34	7	9-Aug-07	Coliform	MPN/100m L	240	1600	Daily	3
34	8	9-Aug-07	Coliform	MPN/100m L	2.2	801	7-day med	3

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.
5. Mass rate limitation exceedances due only to wet weather not assessed MMPs pursuant to State Water Board Order WQO 2004-0013.

VIOLATIONS AS OF: 12/31/2007

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Group I Serious Violations:	279
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	4
Non-serious Violations Subject to MPs:	56
Mass Limit Violations Not Subject to MPs:	9
<u>Total Violations Subject to MPs:</u>	<u>335</u>

Mandatory Minimum Penalty = (279 Serious Violations + 56 Non-Serious Violations) x \$3,000 = \$1,005,000

* 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 (0.20 MGD) are considered wet weather for purposes of applying SWRCB Order WQO 2004-0013.