

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0556

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF TURLOCK WATER QUALITY CONTROL FACILITY  
STANISLAUS COUNTY

This Complaint is issued to the City of Turlock (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. 95-059 and 5-01-122 (NPDES No. CA0078948).

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 the City of Turlock Water Quality Control Facility (WQCF), which provides sewerage service to the City of Turlock in Stanislaus County. Treated domestic, commercial and industrial wastewater is discharged to Harding Drain downstream of the Turlock Irrigation District Lateral No. 5 Drain, tributary to the San Joaquin River, a water of the United States.
2. On 24 March 1995, the Regional Water Board adopted WDRs Order No. 95-059 to regulate discharges of waste from the WQCF. On 11 May 2001, the Regional Water Board adopted WDRs Order No. 5-01-122, which contained new regulations and rescinded Order No. 95-059. The WDRs include effluent limitations and other requirements regarding the wastewater discharges.
3. On 11 May 2001, the Regional Water Board adopted Cease and Desist Order (CDO) No. 5-01-123 requiring the Discharger to comply with effluent limitations for aluminum and molybdenum by 1 May 2006.
4. On 3 October 2002, the State Water Resources Control Board adopted Order No. WQO 2002-0016 remanding Order Nos. 5-01-122 and 5-01-123 to the Regional Water Board. The Order also stayed the following provisions of Order No. 5-01-122: (a) final Effluent Limitations for aluminum, copper, cyanide, zinc, bromodichloromethane, molybdenum, tributyltin, iron, ammonia, and manganese in Effluent Limitations B.1.; (b) the effective date of the final Effluent Limitations for copper, cyanide, zinc, and bromodichloromethane; and (c) the compliance schedule for copper and zinc. The Order also stayed the compliance schedule for aluminum and molybdenum set forth in CDO No. 5-01-123. The constituents of concern listed in this paragraph are not the subject of this Administrative Civil Liability Complaint.

5. On 18 March 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R5-2008-0512 in the amount of two hundred sixteen thousand dollars (\$216,000) for Mandatory Minimum Penalties (MMPs) to the Discharger. After consideration of additional information submitted by the Discharger, this Complaint rescinds Administrative Civil Liability Complaint No. R5-2008-0512, and adjusts the amount of violations subject to MMPs. The adjustments are discussed in a 15 May 2008 technical memorandum prepared by Regional Water Board staff, included as an attachment to the 29 July 2008 cover letter to this Complaint, and are discussed in Finding No. 13 of this revised Complaint.

6. CWC section 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

*CWC section 13385(h)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation."*

*CWC section 13385 (h)(2) states, "For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."*

*CWC section 13385(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."*

7. 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."*

8. WDRs Order No. 95-059 Effluent Limitations No. B.1. include, in part, the following effluent limitations:

| <u>Constituent</u>       | <u>Unit</u> | <u>Monthly Average</u> | <u>Weekly Average</u> | <u>Monthly Median</u> | <u>Daily Maximum</u> |
|--------------------------|-------------|------------------------|-----------------------|-----------------------|----------------------|
| Total Suspended Solids   | mg/L        | 30 <sup>2</sup>        | 45 <sup>2</sup>       |                       | 90 <sup>2</sup>      |
| Total Coliform Organisms | MPN/100mL   |                        |                       | 23                    | 500                  |

<sup>2</sup> To be ascertained by 24-hour composite.

9. WDRs Order No. 5-01-122 Effluent Limitations No. B.1. include, in part, the following effluent limitations:

| <u>Constituent</u>                    | <u>Unit</u> | <u>Monthly Average</u> | <u>Weekly Average</u> | <u>Monthly Median</u> | <u>Daily Maximum</u> |
|---------------------------------------|-------------|------------------------|-----------------------|-----------------------|----------------------|
| Total Suspended Solids <sup>2</sup>   | mg/L        | 10 <sup>3</sup>        | 15 <sup>3</sup>       |                       | 20 <sup>3</sup>      |
| Settleable Solids                     | mL/L        | 0.1                    |                       |                       | 0.2                  |
| Total Coliform Organisms <sup>2</sup> | MPN/100mL   |                        |                       | 23                    | 500                  |
| Turbidity <sup>2</sup>                | NTU         | 2 <sup>4</sup>         |                       |                       | 5 <sup>4</sup>       |
| Chlorine                              | mg/L        | 0.01                   |                       |                       | 0.02                 |

<sup>2</sup> Limits effective 1 May 2006

<sup>3</sup> To be ascertained by flow proportional 24-hour composite sample

<sup>4</sup> The daily maximum of 5 NTU must not be exceeded 5% of the time or 10 NTU at any time within a 24-hour period. The daily average must not exceed 2 NTU.

10. WDRs Order No. 5-01-122 Effluent Limitations No. B.2. include, in part, the following effluent limitations: “*Interim total coliform organism, BOD, TSS...effluent limits will be in effect through 1 May 2006.*” *The interim effluent limits are as follows:*

| <u>Constituent</u>       | <u>Unit</u> | <u>Monthly Average</u> | <u>Weekly Average</u> | <u>Daily Maximum</u> |
|--------------------------|-------------|------------------------|-----------------------|----------------------|
| Total Suspended Solids   | mg/L        | 30 <sup>2</sup>        | 45 <sup>2</sup>       | 90 <sup>2</sup>      |
| Total Coliform Organisms | MPN/100mL   | 23 <sup>4</sup>        |                       | 500                  |

<sup>2</sup> To be ascertained by 24-hour composite samples.

<sup>4</sup> Monthly median value.

11. WDRs Order No. 5-01-122 Effluent Limitations No. B.3.requires that “*The effluent discharge shall meet or exceed a concentration of 5.0 mg/L for dissolved oxygen by 1 May 2002 and effective 1 May 2006 shall meet or exceed a concentration of 7.5 mg/L for dissolved oxygen.*”
12. WDRs Order No. 5-01-122 Effluent Limitations No. B.8. requires that “*The discharge shall not have a pH less than 6.5 nor greater than 8.5.*”
13. As described in the 15 May 2008 technical memorandum mentioned in Finding No. 5, the Regional Water Board herein rescinds the Administrative Civil Liability Complaint No. R5-2008-0512, and makes the following adjustments to the Record of Violations (all violation numbers reference those contained in the Draft Notice of Violations):

- pH: violations 8-12, 14, 15, 20-23, 26-29, and 31-34 were dismissed because the Discharger provided evidence that the reported values were incorrect and that there were no effluent violations, due to a malfunctioning probe. pH exceedance 63 was dismissed because it was found to be a typographical error.
- Turbidity: violations 83, 86, 87, 90-94, 97, 98, 101-104 were dismissed because the Discharger provided evidence that the turbidity of the discharge was actually lower than the reported turbidity, due to an incorrect sampling location. The Discharger has moved the sampling location.
- Rounding Error: violations 63, 66, 70-75, 77, 78, 81-84 were included in the original Draft Notice of Violations because they were incorrectly tabulated. Rounding to the appropriate amount of significant figures does not result in violations subject to mandatory minimum penalties. Therefore, these violations were removed.

The following violations were retained in the Record of Violations, under protest from the City:

- Settleable and Suspended Solids Exceedances: a failure of the redwood media in the City's Activated Biofiltration Tower No. 2 resulted in violations 13, 16-19, 30, and 35-43. The Discharger characterized this failure as an "unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight." If that was so, these violations would be exempt from mandatory minimum penalties pursuant to CWC section 13385(j)(1)(B). However, the Regional Water Board does not concur. The failure of this piece of equipment was not of an "exceptional, inevitable, and irresistible character," and therefore these violations do not qualify for this exemption.
- Settleable Solids Exceedances Caused by Construction Activity: although the Discharger claims that violations 48, 49, 53, 56, 57, and 58 were false positives that were the result of construction area in the vicinity, the Regional Water Board does not find this explanation convincing. In a tertiary wastewater treatment plant with filtered effluent, there should be no more than a trace of settleable material.
- Dissolved Oxygen: The Discharger contends that violations 66, 67, and 68 were the direct result of an arson fire in downtown Turlock, and therefore should be exempt from mandatory minimum penalties pursuant to CWC section 13385(j)(1)(C), which provides that, "An intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight," exempts such resultant violations. However, the Discharger has failed to draw a causal link between the two events that would convince the Regional Water Board that the exemption is applicable.

- Reported Turbidity Exceedances During Startup: the Discharger contends that violations 69-74 should be excused because the City's facility was undergoing start-up, and certain start-up activities are exempt from mandatory minimum penalties pursuant to CWC section 13385(j)(1)(D). However, this code provision requires that the discharger submit an operations plan to the Regional Water Board prior to start-up in order to take advantage of this provision. The Discharger did not submit an operations plan, and therefore the provision is inapplicable to these violations.
  - Miscalculating the 180 Day Window: The Discharger claims that violations 54, 55, 75, and 76 should not be subject to mandatory minimum penalties because they were not preceded by three violations in a 180-day window. Under the Statewide Enforcement Policy, the Regional Water Board utilizes a "rolling" 180-day calculation, and these penalties are therefore appropriately included.
14. According to the Discharger's self-monitoring reports, the Discharger committed thirty (36) serious Group I violations of the above effluent limitations contained in Order Nos. 95-059 and 5-01-122 during the period beginning 1 January 2000 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 **one hundred eight thousand dollars (\$108,000)**.
  15. According to the Discharger's self-monitoring reports, the Discharger committed four (4) serious violations of the above effluent limitations for Group II constituents contained in Order Nos. 95-059 and 5-01-122 during the period beginning 1 January 2000 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 **twelve thousand dollars (\$12,000)**.
  16. According to the Discharger's self-monitoring reports, the Discharger committed thirty-two (32) non-serious violations of the above effluent limitations contained in Order Nos. 95-059 and 5-01-122 during the period beginning 1 January 2000 and ending 31 December 2007. Eighteen (18) 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 **fifty-four thousand dollars (\$54,000)**.
  17. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred seventy-four thousand dollars (\$174,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
  18. 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 TURLOCK IS HEREBY GIVEN NOTICE THAT:**

1. Administrative Civil Liability Complaint No. R5-2008-0512 is hereby rescinded.
2. 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 seventy-four thousand dollars (\$174,000)**.
3. 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 seventy-four thousand dollars (\$174,000)**; 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.
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.

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JACK E. DEL CONTE, Assistant Executive Officer

29 July 2008

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**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0556**

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

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

1. I am duly authorized to represent The City of Turlock (hereafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0556 (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 and seventy-four thousand dollars (\$174,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0556" 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. R5-2008-0556**

**Turlock, City of  
Water Quality Control Facility**

RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 95-059 and 5-01-122)

|    | <u>Date</u> | <u>Violation Type</u> | <u>Units</u>  | <u>Limit</u> | <u>Measure</u><br><u>d</u> | <u>Period Type</u> | <u>Flow</u><br><u>Rate*</u> | <u>Remarks</u> |
|----|-------------|-----------------------|---------------|--------------|----------------------------|--------------------|-----------------------------|----------------|
| 1  | 1-Feb-00    | TSS                   | mg/L          | 90           | 120                        | Daily              |                             | 3              |
| 2  | 2-Feb-00    | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 3              |
| 3  | 17-May-01   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 3              |
| 4  | 19-Sep-01   | Coliform              | MPN/100m<br>L | 500          | 900                        | Daily              |                             | 3              |
| 5  | 19-Apr-02   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 3              |
| 6  | 3-May-02    | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 3              |
| 7  | 5-Jul-02    | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 3              |
| 8  | 1-Oct-02    | Settleable Solids     | mg/L          | 0.2          | 1                          | Daily              |                             | 1              |
| 9  | 6-Oct-02    | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 10 | 6-Oct-02    | TSS                   | mg/L          | 90           | 106                        | Daily              |                             | 4              |
| 11 | 7-Oct-02    | Settleable Solids     | mg/L          | 0.2          | 4                          | Daily              |                             | 1              |
| 12 | 7-Oct-02    | TSS                   | mg/L          | 90           | 100                        | Daily              |                             | 4              |
| 13 | 16-Oct-02   | Chlorine Residual     | lbs/day       | 3.34         | 86.7                       | Daily              | 10.4                        | 2              |
| 14 | 16-Oct-02   | Chlorine Residual     | mg/L          | 0.02         | 1                          | Daily              |                             | 2              |
| 15 | 21-Oct-02   | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 16 | 8-Nov-02    | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 17 | 9-Nov-02    | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 18 | 10-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.4                        | Daily              |                             | 1              |
| 19 | 16-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 20 | 18-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 21 | 19-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 22 | 29-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.4                        | Daily              |                             | 1              |
| 23 | 30-Nov-02   | Settleable Solids     | mg/L          | 0.1          | 0.2                        | Monthly            |                             | 1              |
| 24 | 30-Nov-02   | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 25 | 24-Jun-03   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 3              |
| 26 | 21-Jul-03   | Coliform              | MPN/100m<br>L | 500          | 900                        | Daily              |                             | 3              |
| 27 | 7-Feb-04    | Settleable Solids     | mg/L          | 0.2          | 1                          | Daily              |                             | 1              |
| 28 | 26-Mar-04   | pH                    | pH units      | 8.5          | 8.7                        | Instantaneous      |                             | 3              |
| 29 | 4-Jun-04    | Settleable Solids     | mg/L          | 0.2          | 0.5                        | Daily              |                             | 1              |
| 30 | 5-Jun-04    | Settleable Solids     | mg/L          | 0.2          | 0.4                        | Daily              |                             | 1              |
| 31 | 15-Jun-04   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 4              |
| 32 | 27-Jun-04   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 4              |

ATTACHMENT A  
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0556  
 CITY OF TURLOCK WATER QUALITY CONTROL FACILITY

|    | <u>Date</u> | <u>Violation Type</u> | <u>Units</u>  | <u>Limit</u> | <u>Measure</u><br><u>d</u> | <u>Period Type</u> | <u>Flow</u><br><u>Rate*</u> | <u>Remarks</u> |
|----|-------------|-----------------------|---------------|--------------|----------------------------|--------------------|-----------------------------|----------------|
| 33 | 1-Jul-04    | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 4              |
| 34 | 24-Jul-04   | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 35 | 29-Aug-04   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 4              |
| 36 | 13-Sep-04   | Coliform              | MPN/100m<br>L | 500          | 900                        | Daily              |                             | 4              |
| 37 | 5-Oct-04    | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 38 | 6-Oct-04    | Settleable Solids     | mg/L          | 0.2          | 0.4                        | Daily              |                             | 1              |
| 39 | 7-Oct-04    | Settleable Solids     | mg/L          | 0.2          | 0.3                        | Daily              |                             | 1              |
| 40 | 7-Jan-05    | Coliform              | MPN/100m<br>L | 500          | 900                        | Daily              |                             | 4              |
| 41 | 10-Aug-05   | Coliform              | MPN/100m<br>L | 500          | 1600                       | Daily              |                             | 3              |
| 42 | 6-Feb-06    | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 3              |
| 43 | 7-Feb-06    | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 3              |
| 44 | 11-Mar-06   | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 3              |
| 45 | 12-Mar-06   | pH                    | pH units      | 6.5          | 6.4                        | Instantaneous      |                             | 4              |
| 46 | 4-May-06    | DO                    | mg/L          | 7.5          | 6.9                        | Daily              |                             | 4              |
| 47 | 15-May-06   | DO                    | mg/L          | 7.5          | 6.6                        | Daily              |                             | 4              |
| 48 | 17-May-06   | DO                    | mg/L          | 7.5          | 6.9                        | Daily              |                             | 4              |
| 49 | 1-Jul-06    | Turbidity             | NTU           | 2            | 4                          | Monthly Avg        |                             | 1              |
| 50 | 29-Jul-06   | Turbidity             | NTU           | 5            | 10                         | Daily Average      |                             | 1              |
| 51 | 30-Jul-06   | Turbidity             | NTU           | 5            | 9                          | Daily Average      |                             | 1              |
| 52 | 31-Jul-06   | Turbidity             | NTU           | 5            | 7                          | Daily Average      |                             | 1              |
| 53 | 1-Aug-06    | Turbidity             | NTU           | 2            | 3                          | Monthly Avg        |                             | 4              |
| 54 | 1-Sep-06    | Turbidity             | NTU           | 2            | 3                          | Monthly Avg        |                             | 1              |
| 55 | 25-Sep-06   | Turbidity             | NTU           | 5            | 6                          | Daily Average      |                             | 4              |
| 56 | 12-Dec-06   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 4              |
| 57 | 27-Dec-06   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 4              |
| 58 | 28-Dec-06   | Turbidity             | NTU           | 2            | 4                          | Daily Average      |                             | 1              |
| 59 | 29-Dec-06   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 60 | 30-Dec-06   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 4              |
| 61 | 31-Dec-06   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 62 | 23-Feb-07   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 4              |
| 63 | 7-Mar-07    | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 64 | 8-Mar-07    | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 65 | 13-Mar-07   | Turbidity             | NTU           | 2            | 4                          | Daily Average      |                             | 1              |
| 66 | 14-Mar-07   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 67 | 21-Mar-07   | Turbidity             | NTU           | 2            | 3                          | Daily Average      |                             | 1              |
| 68 | 22-Mar-07   | Turbidity             | NTU           | 2            | 4                          | Daily Average      |                             | 1              |

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 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0556  
 CITY OF TURLOCK WATER QUALITY CONTROL FACILITY

|    | <u>Date</u> | <u>Violation Type</u> | <u>Units</u> | <u>Limit</u> | <u>Measure</u><br><u>d</u> | <u>Period Type</u> | <u>Flow</u><br><u>Rate*</u> | <u>Remarks</u> |
|----|-------------|-----------------------|--------------|--------------|----------------------------|--------------------|-----------------------------|----------------|
| 69 | 27-Mar-07   | Turbidity             | NTU          | 2            | 4                          | Daily Average      |                             | 1              |
| 70 | 28-Mar-07   | Turbidity             | NTU          | 2            | 4                          | Daily Average      |                             | 1              |
| 71 | 6-Aug-07    | Chlorine Residual     | mg/L         | 0.02         | 0.32                       | Daily Max          |                             | 2              |
| 72 | 12-Oct-07   | Chlorine Residual     | mg/L         | 0.02         | 0.42                       | Daily Max          |                             | 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.

| <u>VIOLATIONS AS OF:</u>                       | <u>12/31/2007</u> |
|--|-------------------|
| Group I Serious Violations:                    | 36                |
| Group II Serious Violations:                   | 4                 |
| Non-Serious Exempt from MPs:                   | 14                |
| Non-serious Violations Subject to MPs:         | 18                |
| <b><u>Total Violations Subject to MPs:</u></b> | <b><u>58</u></b>  |

**Mandatory Minimum Penalty = (40 Serious Violations + 18 Non-Serious Violations) x \$3,000 = \$174,000**

\* 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 (20 MGD) are considered wet weather flows.



# 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:** 15 May 2008 (Amended 28 July 2008) **SIGNATURE:** \_\_\_\_\_

**SUBJECT:** CITY OF TURLOCK—WATER QUALITY CONTROL FACILITY

On 15 November 2007, the Regional Water Board mailed the City of Turlock a Draft Record of Violations (ROV) for Assessment of Mandatory Minimum Penalties (MMPs) for the period of 1 January 2000 through 31 August 2007. On 18 January 2008, the City of Turlock submitted comments regarding the ROV. On 18 March 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint (ACLC) R5-2008-0512. On 15 April 2008, the City submitted supplemental information related to the May 2006 low dissolved oxygen violations.

This memorandum references the City's comments on the Draft Record of Violations and the supplemental information. I have included a copy of the original Attachment A and have used an underline/strikeout font to show the violations I added and deleted from the Draft ROV and the ACLC. The first column shows the violation number in the Draft ROV; the second column shows the violation number in the 18 March 2008 ACLC.

In the following commentary, I discuss the violations I deleted from the Draft ROV prior to issuing the ACLC, the violation I added in the ACLC, and the violations which I recommend be deleted in the revised ACLC. These changes reduced the MMPs from \$273,000 to \$174,000.

### pH Exceedances

*Draft ROV violations numbered 8-12, 14, 15, 20-23, 26-29, and 31-34.* The City stated that the reported pH exceedances were due to a defective pH probe. The City enclosed a copy of its 18 December 2002 letter to document that it had previously notified the Regional Water Board of the instrument malfunction. I dismissed the reported violations as reflected in Attachment A of the ACLC because the City's commentary and documentation provided strong evidence that the reported values were incorrect and there were no effluent violations.

*Draft ROV violation numbered 63.* The City stated that no violation occurred. This was a typographical error in the ROV. I dismissed the violation in the ROV because of the typographical error.

### Settleable and Suspended Solids Exceedances

*Draft ROV violations numbered 13, 16-19, 30, 35-43.* The City stated that catastrophic failure of the redwood media in the City's Activated Biofiltration Tower No. 2 caused the exceedances. The City claimed an exemption from MMPs "pursuant to Water Code section 13385(j)(1)(B), which exempts alleged violations caused by 'an unanticipated, grave natural

**California Environmental Protection Agency**

*disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.”*

The City did not explain how proper maintenance and operation could not have prevented or forecast the media failure. The City also did not present evidence of a grave natural disaster or other natural phenomenon causing the collapse. The defense of catastrophic failure is not a valid defense because media failure was not due to a natural disaster or other natural phenomenon. Furthermore, the violations did not occur daily, only occasionally. The biotowers precede activated sludge aeration, secondary clarification, and filtration. Therefore, we retained the reported violations.

#### Settleable Solids Exceedances Caused by Construction Activity

*Draft ROV violations numbered 48, 49, 53, 56, 57, and 58.* The City stated that the increased settleable solids were due to airborne particulate matter contaminating the sampling location. The high settleable solids quantities occurred on six occasions during a 125-day period between 4 June 2004 and 7 October 2004. The City did not disagree that the discharge exhibited high settleable solids; it only claimed that the results violated the effluent limitations because of a high quantity of inorganic matter. In a tertiary wastewater treatment plant, with filtered effluent, there should be no more than a trace of settleable matter. The defense of false positives for the results is not a valid defense; therefore we retained the violations.

#### Violations of Dissolved Oxygen Limitations

*Draft ROV violations numbered 66, 67, and 68.* The City stated that the violations were due to an arson fire in downtown Turlock and are exempt from MMPs pursuant to CWC section 13385(j)(1)(C), “*An intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.*” The City did not claim that the actions of a third party were to the wastewater treatment facility, but claimed that a fire in the City affected the effluent dissolved oxygen. In its 15 April 2008 letter, the City agreed that there were no other effluent violations, only a depressed dissolved oxygen concentration. Although there was a downward trend from 1 May 2006 through 17 May 2006 (See Attachment B, Dissolved Oxygen Concentrations, Turlock WQCF, May 2006), there were only three separate and distinct dissolved oxygen violations during the entire month. The rest of the time the facility was in compliance. The effluent BOD<sub>5</sub> (a source of oxygen consumption) was also low (1 mg/L) throughout the time period. The City’s excuse is not a valid defense because no other effluent limitations were affected, and the violations were intermittent. Therefore, we retained the reported violations.

#### Reported Turbidity Exceedances

*Draft ROV violations numbered 69 through 74.* The City stated that the exceedances are exempt from MMPs due to the start-up of new or reconstructed wastewater treatment units pursuant to CWC section 13385(j)(1)(D). CWC section 13385(j)(1)(D) requires the Discharger to meet five conditions including the requirement to file an operations plan with the Regional Water Board at least 30 days prior to commencement of operation. The City requested an exemption for a startup period from 1 May 2006 through 1 September 2006. If the City had complied with the five conditions for startup of a new unit, the final compliance date would

have been 30 July 2006 and could not have been granted exemption for more than the three violations numbered 69, 70, and 71. However, according to our files, the City did not file an operations plan nor did it comply with the other four conditions. Therefore, we retained the reported violations.

#### Reported Turbidity Higher Than Actual Turbidity

*Draft ROV violations numbered 83, 86, 87, 90-94, 97, 98, and 101-104.* The City provided additional evidence from a sampling location below the usual sampling location and just prior to discharge that the discharged turbidity was actually lower than reported on the discharger self-monitoring reports. I adjusted the reported turbidity values to reflect the new information from the City and deleted the violations.

#### Rounding Turbidity to Nearest Whole Number

*ACLC Violations 63, 66, 67, 70-75, 77, 78, 81-84.* The Waste Discharge Requirements Order requires the City comply with 2 NTU, not 2.0 NTU. I included these violations in the ACLC, but after rounding to 1 significant figure, these would not be considered violations. I will delete these violations from the new ACL Order.

#### Errors In Tallying the Number of Non-Serious Violations

*Draft ROV violations numbered 26-28.* The City claimed that these violations should be classified as non-serious violations not subject to MMPs because there were not three or more violations during the previous 180 day period. The City's request is moot because I deleted these pH violations due to an instrument malfunction as stated above.

*Draft ROV violations numbered 54 and 55.* The City claimed that these violations should be classified as non-serious violations not subject to MMPs because there were not three or more violations during the previous 180 day period. These violations are subject to MMPs because the data show that there were more than three violations during the prior 180 days.

*Draft ROV violations numbered 75 and 76.* The City claimed that these violations should be classified as non-serious violations not subject to MMPs because there were not three or more violations during the previous 180 day period. These violations are subject to MMPs because the data show that there were more than three violations during the prior 180 days.

After completing this memorandum on 15 May 2008, the Discharger pointed out an error in violation number 44, which should have been listed with remark 3 rather than remark 4, because there were not three or more violations during the previous 180 day period. This change is appropriate.

# Attachment A

## Turlock, City of Water Quality Control Facility

RECORD OF VIOLATIONS (1 January 2000 – 31 August 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 95-059 and 5-01-122)

| ROV | ACLC | Date                 | Violation Type    | Units    | Limit          | Measure<br>d   | Period Type       | Flow<br>Rate* | Remarks |
|-----|------|----------------------|-------------------|----------|----------------|----------------|-------------------|---------------|---------|
| 1   | 1    | 1-Feb-00             | TSS               | mg/L     | 90             | 120            | Daily             |               | 3       |
|     |      |                      |                   | MPN/100m |                |                |                   |               |         |
| 2   | 2    | 2-Feb-00             | Coliform          | L        | 500            | 1600           | Daily             |               | 3       |
|     |      |                      |                   | MPN/100m |                |                |                   |               |         |
| 3   | 3    | 17-May-01            | Coliform          | L        | 500            | 1600           | Daily             |               | 3       |
|     |      |                      |                   | MPN/100m |                |                |                   |               |         |
| 4   | 4    | 19-Sep-01            | Coliform          | L        | 500            | 900            | Daily             |               | 3       |
|     |      |                      |                   | MPN/100m |                |                |                   |               |         |
| 5   | 5    | 19-Apr-02            | Coliform          | L        | 500            | 1600           | Daily             |               | 3       |
|     |      |                      |                   |          |                |                | Instantaneou<br>s |               |         |
| 6   | 6    | 3-May-02             | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 3       |
| 7   | 7    | 5-Jul-02             | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 3       |
| 8   |      | <del>18-Jul-02</del> | pH                | pH units | <del>6.5</del> | <del>6.4</del> | Instantaneou<br>s |               | 4       |
| 9   |      | 8-Aug-02             | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 4       |
| 10  |      | 12-Aug-02            | pH                | pH units | 6.5            | 6.2            | Instantaneou<br>s |               | 4       |
| 11  |      | 13-Aug-02            | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 4       |
| 12  |      | <del>8-Sep-02</del>  | pH                | pH units | <del>6.5</del> | <del>6.3</del> | Instantaneou<br>s |               | 4       |
| 13  | 8    | 1-Oct-02             | Settleable Solids | mg/L     | 0.2            | 1              | Daily             |               | 1       |
|     |      |                      |                   |          |                |                | Instantaneou<br>s |               |         |
| 14  |      | 5-Oct-02             | pH                | pH units | 6.5            | 5.2            | Instantaneou<br>s |               | 4       |
| 15  |      | 6-Oct-02             | pH                | pH units | 6.5            | 4.7            | Instantaneou<br>s |               | 4       |
| 16  | 9    | 6-Oct-02             | Settleable Solids | mg/L     | 0.2            | 0.3            | Daily             |               | 1       |
| 17  | 10   | 6-Oct-02             | TSS               | mg/L     | 90             | 106            | Daily             |               | 4       |
| 18  | 11   | 7-Oct-02             | Settleable Solids | mg/L     | 0.2            | 4              | Daily             |               | 1       |
| 19  | 12   | 7-Oct-02             | TSS               | mg/L     | 90             | 100            | Daily             |               | 4       |
|     |      |                      |                   |          |                |                | Instantaneou<br>s |               |         |
| 20  |      | 8-Oct-02             | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 4       |
| 21  |      | 11-Oct-02            | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 4       |
| 22  |      | 13-Oct-02            | pH                | pH units | 6.5            | 5.4            | Instantaneou<br>s |               | 4       |
| 23  |      | 15-Oct-02            | pH                | pH units | 6.5            | 6.4            | Instantaneou<br>s |               | 4       |
| 24  | 13   | 16-Oct-02            | Chlorine Residual | lbs/day  | 3.34           | 86.7           | Daily             | 10.4          | 2       |
| 25  | 14   | 16-Oct-02            | Chlorine Residual | mg/L     | 0.02           | 1              | Daily             |               | 2       |
|     |      |                      |                   |          |                |                | Instantaneou<br>s |               |         |
| 26  |      | 17-Oct-02            | pH                | pH units | 6.5            | 5.4            | Instantaneou<br>s |               | 4       |
| 27  |      | 19-Oct-02            | pH                | pH units | 6.5            | 6              | Instantaneou<br>s |               | 4       |
| 28  |      | 20-Oct-02            | pH                | pH units | 6.5            | 5.7            | Instantaneou<br>s |               | 4       |
| 29  |      | 21-Oct-02            | pH                | pH units | 6.5            | 5.9            | Instantaneou      |               | 4       |

## Attachment A

| ROV | ACLC | Date      | Violation Type    | Units         | Limit | Measure<br>d | Period Type<br>s | Flow<br>Rate* | Remarks |
|-----|------|-----------|-------------------|---------------|-------|--------------|------------------|---------------|---------|
| 30  | 15   | 21-Oct-02 | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 31  |      | 23-Oct-02 | pH                | pH units      | 6.5   | 6.4          | Instantaneous    |               | 4       |
| 32  |      | 24-Oct-02 | pH                | pH units      | 6.5   | 5.8          | Instantaneous    |               | 4       |
| 33  |      | 26-Oct-02 | pH                | pH units      | 6.5   | 6.2          | Instantaneous    |               | 4       |
| 34  |      | 31-Oct-02 | pH                | pH units      | 6.5   | 5.6          | Instantaneous    |               | 4       |
| 35  | 16   | 8-Nov-02  | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 36  | 17   | 9-Nov-02  | Settleable Solids | mg/L          | 0.2   | 0.3          | Daily            |               | 1       |
| 37  | 18   | 10-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.4          | Daily            |               | 1       |
| 38  | 19   | 16-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.3          | Daily            |               | 1       |
| 39  | 20   | 18-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 40  | 21   | 19-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 41  | 22   | 29-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.4          | Daily            |               | 1       |
| 42  | 23   | 30-Nov-02 | Settleable Solids | mg/L          | 0.1   | 0.2          | Monthly          |               | 1       |
| 43  | 24   | 30-Nov-02 | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 44  | 25   | 24-Jun-03 | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 34      |
| 45  | 26   | 21-Jul-03 | Coliform          | MPN/100m<br>L | 500   | 900          | Daily            |               | 3       |
| 46  | 27   | 7-Feb-04  | Settleable Solids | mg/L          | 0.2   | 1            | Daily            |               | 1       |
| 47  | 28   | 26-Mar-04 | pH                | pH units      | 8.5   | 8.7          | Instantaneous    |               | 3       |
| 48  | 29   | 4-Jun-04  | Settleable Solids | mg/L          | 0.2   | 0.5          | Daily            |               | 1       |
| 49  | 30   | 5-Jun-04  | Settleable Solids | mg/L          | 0.2   | 0.4          | Daily            |               | 1       |
| 50  | 31   | 15-Jun-04 | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 4       |
| 51  | 32   | 27-Jun-04 | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 4       |
| 52  | 33   | 1-Jul-04  | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 4       |
| 53  | 34   | 24-Jul-04 | Settleable Solids | mg/L          | 0.2   | 0.3          | Daily            |               | 1       |
| 54  | 35   | 29-Aug-04 | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 4       |
| 55  | 36   | 13-Sep-04 | Coliform          | MPN/100m<br>L | 500   | 900          | Daily            |               | 4       |
| 56  | 37   | 5-Oct-04  | Settleable Solids | mg/L          | 0.2   | 0.3          | Daily            |               | 1       |
| 57  | 38   | 6-Oct-04  | Settleable Solids | mg/L          | 0.2   | 0.4          | Daily            |               | 1       |
| 58  | 39   | 7-Oct-04  | Settleable Solids | mg/L          | 0.2   | 0.3          | Daily            |               | 1       |
| 59  | 40   | 7-Jan-05  | Coliform          | MPN/100m<br>L | 500   | 900          | Daily            |               | 4       |
| 60  | 41   | 10-Aug-05 | Coliform          | MPN/100m<br>L | 500   | 1600         | Daily            |               | 3       |
| 61  | 42   | 6-Feb-06  | pH                | pH units      | 6.5   | 6.4          | Instantaneous    |               | 3       |
| 62  | 43   | 7-Feb-06  | pH                | pH units      | 6.5   | 6.4          | Instantaneous    |               | 3       |
| 63  |      | 1-Mar-06  | pH                | pH units      | 6.5   | 6.4          | Instantaneous    |               | 3       |

## Attachment A

| <u>ROV</u> | <u>ACLC</u> | <u>Date</u>          | <u>Violation Type</u> | <u>Units</u> | <u>Limit</u> | <u>Measure</u><br><u>d</u> | <u>Period Type</u><br><u>s</u> | <u>Flow</u><br><u>Rate*</u> | <u>Remarks</u> |
|------------|-------------|----------------------|-----------------------|--------------|--------------|----------------------------|--------------------------------|-----------------------------|----------------|
| 64         | 44          | 11-Mar-06            | pH                    | pH units     | 6.5          | 6.4                        | Instantaneous                  |                             | 4              |
| 65         | 45          | 12-Mar-06            | pH                    | pH units     | 6.5          | 6.4                        | Instantaneous                  |                             | 4              |
| 66         | 46          | 4-May-06             | DO                    | mg/L         | 7.5          | 6.9                        | Daily                          |                             | 4              |
| 67         | 47          | 15-May-06            | DO                    | mg/L         | 7.5          | 6.6                        | Daily                          |                             | 4              |
| 68         | 48          | 17-May-06            | DO                    | mg/L         | 7.5          | 6.9                        | Daily                          |                             | 4              |
| 69         | 49          | 1-Jul-06             | Turbidity             | NTU          | 2            | <del>3.64</del>            | Monthly Avg                    |                             | 1              |
| 70         | 50          | 29-Jul-06            | Turbidity             | NTU          | 5            | 10                         | Daily Average                  |                             | 1              |
| 71         | 51          | 30-Jul-06            | Turbidity             | NTU          | 5            | <del>9.4</del>             | Daily Average                  |                             | 1              |
| 72         | 52          | 31-Jul-06            | Turbidity             | NTU          | 5            | <del>7.4</del>             | Daily Average                  |                             | 1              |
| 73         | 53          | 1-Aug-06             | Turbidity             | NTU          | 2            | <del>2.73</del>            | Monthly Avg                    |                             | 4              |
| 74         | 54          | 1-Sep-06             | Turbidity             | NTU          | 2            | <del>2.93</del>            | Monthly Avg                    |                             | 1              |
| 75         | 55          | 25-Sep-06            | Turbidity             | NTU          | 5            | <del>5.96</del>            | Daily Average                  |                             | 4              |
| 76         | 56          | 12-Dec-06            | Turbidity             | NTU          | 2            | <del>2.53</del>            | Daily Average                  |                             | 4              |
| 77         | 57          | 27-Dec-06            | Turbidity             | NTU          | 2            | <del>2.63</del>            | Daily Average                  |                             | 4              |
| 78         | 58          | 28-Dec-06            | Turbidity             | NTU          | 2            | <del>3.74</del>            | Daily Average                  |                             | 1              |
| 79         | 59          | 29-Dec-06            | Turbidity             | NTU          | 2            | <del>3.2</del>             | Daily Average                  |                             | 1              |
| 80         | 60          | 30-Dec-06            | Turbidity             | NTU          | 2            | <del>2.63</del>            | Daily Average                  |                             | 4              |
| 81         | 61          | 31-Dec-06            | Turbidity             | NTU          | 2            | <del>2.93</del>            | Daily Average                  |                             | 1              |
| 82         | 62          | 23-Feb-07            | Turbidity             | NTU          | 2            | <del>2.63</del>            | Daily Average                  |                             | 4              |
| 83         | 63          | <del>6-Mar-07</del>  | Turbidity             | NTU          | 2            | 2.9                        | Daily Average                  |                             | 4              |
| 84         | 64          | 7-Mar-07             | Turbidity             | NTU          | 2            | 3                          | Daily Average                  |                             | 1              |
| 85         | 65          | 8-Mar-07             | Turbidity             | NTU          | 2            | 3                          | Daily Average                  |                             | 1              |
| 86         | 66          | <del>9-Mar-07</del>  | Turbidity             | NTU          | 2            | 2.6                        | Daily Average                  |                             | 4              |
| 87         | 67          | <del>10-Mar-07</del> | Turbidity             | NTU          | 2            | 2.5                        | Daily Average                  |                             | 4              |
| 88         | 68          | 13-Mar-07            | Turbidity             | NTU          | 2            | <del>3.64</del>            | Daily Average                  |                             | 1              |
| 89         | 69          | 14-Mar-07            | Turbidity             | NTU          | 2            | <del>3.4</del>             | Daily Average                  |                             | 1              |
| 90         | 70          | <del>15-Mar-07</del> | Turbidity             | NTU          | 2            | 2.9                        | Daily Average                  |                             | 4              |
| 91         | 71          | <del>16-Mar-07</del> | Turbidity             | NTU          | 2            | 2.7                        | Daily Average                  |                             | 4              |
| 92         | 72          | <del>18-Mar-07</del> | Turbidity             | NTU          | 2            | 2.6                        | Daily Average                  |                             | 4              |
| 93         | 73          | <del>19-Mar-07</del> | Turbidity             | NTU          | 2            | 2.5                        | Daily Average                  |                             | 4              |
| 94         | 74          | <del>20-Mar-07</del> | Turbidity             | NTU          | 2            | 2.9                        | Daily Average                  |                             | 4              |
| 95         | 75          | 21-Mar-07            | Turbidity             | NTU          | 2            | <del>3.4</del>             | Daily Average                  |                             | 1              |
| 96         | 76          | 22-Mar-07            | Turbidity             | NTU          | 2            | <del>3.84</del>            | Daily Average                  |                             | 1              |
| 97         | 77          | <del>23-Mar-07</del> | Turbidity             | NTU          | 2            | 2.8                        | Daily Average                  |                             | 4              |
| 98         | 78          | <del>24-Mar-07</del> | Turbidity             | NTU          | 2            | 2.6                        | Daily Average                  |                             | 4              |
| 99         | 79          | 27-Mar-07            | Turbidity             | NTU          | 2            | <del>3.54</del>            | Daily Average                  |                             | 1              |
| 100        | 80          | 28-Mar-07            | Turbidity             | NTU          | 2            | <del>3.64</del>            | Daily Average                  |                             | 1              |
| 101        | 81          | <del>29-Mar-07</del> | Turbidity             | NTU          | 2            | 3.3                        | Daily Average                  |                             | 4              |
| 102        | 82          | <del>30-Mar-07</del> | Turbidity             | NTU          | 2            | 3.1                        | Daily Average                  |                             | 4              |
| 103        | 83          | <del>31-Mar-07</del> | Turbidity             | NTU          | 2            | 2.8                        | Daily Average                  |                             | 4              |
| 104        | 84          | <del>31-Mar-07</del> | Turbidity             | NTU          | 2            | 2.7                        | Monthly Avg                    |                             | 4              |

## Attachment A

| <u>ROV</u> | <u>ACLC</u> | <u>Date</u> | <u>Violation Type</u> | <u>Units</u> | <u>Limit</u> | <u>Measure</u><br><u>d</u> | <u>Period Type</u> | <u>Flow Rate*</u> | <u>Remarks</u> |
|------------|-------------|-------------|-----------------------|--------------|--------------|----------------------------|--------------------|-------------------|----------------|
| 105        | 85          | 6-Aug-07    | Chlorine Residual     | mg/L         | 0.02         | 0.32                       | Daily Max          |                   | 2              |
|            | 86          | 12-Oct-07   | Chlorine Residual     | mg/L         | 0.02         | 0.42                       | Daily Max          |                   | 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:</u></b>                | <b><u>8/31/2007</u></b> |
| Group I Serious Violations:                    | <del>44</del> 36        |
| Group II Serious Violations:                   | <del>3</del> 4          |
| Non-Serious Exempt from MPs:                   | <del>13</del> 14        |
| Non-serious Violations Subject to MPs:         | <del>47</del> 18        |
| <b><u>Total Violations Subject to MPs:</u></b> | <b><u>9458</u></b>      |

**Mandatory Minimum Penalty = (4440 Serious Violations + 4718 Non-Serious Violations) x \$3,000 =**  
~~\$273,000~~ \$174,000

Attachment B  
Dissolved Oxygen Concentrations, Turlock WQCF (May 2006)

