

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0611

MANDATORY PENALTY
IN THE MATTER OF

CITY OF YUBA CITY
WASTEWATER TREATMENT FACILITY
SUTTER COUNTY

This Complaint is issued to the City of Yuba City (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) Orders 97-162, R5-2003-0085 and R5-2007-0134 (NPDES No. CA0079260).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, provides sewerage service to Yuba City, and accepts septage from unsewered portions of Sutter and Yuba Counties. Treated municipal and industrial wastewater is discharged to the Feather River and to disposal ponds within the floodplain of the Feather River, a water of the United States.
2. On 17 April 1998, the Central Valley Water Board adopted Revised WDRs Order 97-162 to regulate discharges of waste from the wastewater treatment plant. On 6 June 2003, the Board adopted WDRs Order R5-2003-0085 which contained new requirements and rescinded WDRs Order 97-162. At the same time, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2003-0086.
3. Orders R5-2003-0085 and R5-2003-0086 were petitioned to the State Water Resources Control Board, and on 22 July 2004, the State Water Board adopted Water Quality Order (WQO) 2004-0013. WQO 2004-0013 remanded Order R5-2003-0085 and CDO R5-2003-0086 to the Central Valley Water Board for reconsideration, and stated "in the interim, the effluent limitations remanded in this Order are vacated." Based on the State Water Board's decision, the following effluent limits contained in Order R5-2003-0085 remained in effect: B.1 (for BOD, total suspended solids, settleable solids, total coliform organisms, iron, manganese, molybdenum, and N-nitrosodi-n-propylamine only), B.2 (for BOD, total suspended solids, settleable solids, total chloroform organisms, bis(2-ethylhexyl)phthalate, iron, manganese, molybdenum, and N-nitrosodi-n-propylamine only); B.4; B.5, B.6, B.9 and B.9.
4. On 25 October 2007, effective 14 December 2007, the Central Valley Water Board adopted WDRs Order R5-2007-0134. This Order contains new requirements and

rescinds WDRs Order R5-2003-0085. CDO R5-2003-0086 is no longer in effect and will be rescinded shortly.

5. On 7 August 2008, Central Valley Water Board staff sent the Discharger a draft Record of Violations. On 9 September 2008, the Discharger responded. After review, Board staff prepared a technical memorandum, included as Attachment B to this Complaint, and discussed in Finding No. 12 of this Complaint.
6. 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.

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 97-162 Effluent Limitations No. B.1., include, in part, the following effluent limitations: *“Effluent shall not exceed the following limits.”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Chlorine Residual	mg/L	--	--	--	<0.1

9. WDRs Order 97-162 Effluent Limitations No. B 3, states: *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*

10. WDRs Order R5-2003-0085 Effluent Limitations No. B.1. states, in part, *“Effluent shall not exceed the following limits from adoption until 29 February 2008).”*

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>7-Day Median</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
Total Suspended Solids	mg/L	30 ²	--	45 ²	60 ²	--
Total Coliform Organisms	MPN/100 mL	--	23	--	--	240 ⁴
Settleable Solids	mL/L · hr	0.1	--	--	0.2	--

² To be ascertained by a 24-hour composite

⁴ Not to be exceeded more than once in a 30-day period

11. WDRs Order R5-2003-0085 Effluent Limitations No. B 6, states: *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*

12. As described in the technical memorandum mentioned in Finding No. 5, Central Valley Water Board staff has made the following adjustments to the draft Record of Violations (ROV).

- Violations 1-3, Chlorine Residual. The draft ROV listed the violations as Group I constituents. The Discharger pointed out that the violations should be listed as Group II constituents, and Board staff made the corrections.
- Violations 12-15, 21, pH. The Discharger stated that the self-monitoring reports reported a discharge to the ponds and not to the river. However, the ponds periodically discharge to the Feather River (high flows in the Feather River that occur as frequently as every 4-5 years inundate the lower ponds), and WDR Order R5-2003-0085 clearly states that, “The discharge of wastewater from the ponds into the Feather River constitutes a point discharge of wastes to surface water, which requires an NPDES permit.” (R5-2003-0085, p. 21, Finding 48.) The effluent limits in effect during the time period in which these violations occurred were specifically developed with this in mind, going so far as to include the evapoconcentration that occurs in the ponds in the calculations. These violations were retained.

- New Violation Numbers 12-14, 16-19, Total Coliform Organisms. The Discharger's review found total coliform violations which were not included in the draft ROV. The violations were added.
 - New Violation 24, pH. The Discharger's review found an additional pH violation. The violation was added.
13. According to the Discharger's self-monitoring reports, the Discharger committed eleven (11) serious Group I violations of the above effluent limitations contained in Orders 97-162, R5-2003-0085 and R5-2007-0134 during the period beginning 1 January 2000 and ending 31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The sum of the mandatory minimum penalties for these serious violations is **thirty-three thousand dollars (\$33,000)**.
 14. According to the Discharger's self-monitoring reports, the Discharger committed three (3) serious Group II violations of the above effluent limitations contained in Orders 97-162, R5-2003-0085 and R5-2007-0134 during the period beginning 1 January 2000 and ending 31 March 2008. These 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 sum of the mandatory minimum penalties for these serious violations is **nine thousand dollars (\$9,000)**.
 15. According to the Discharger's self-monitoring reports, the Discharger committed twenty-five (25) non-serious violations of the above effluent limitations contained in Orders 97-162, R5-2003-0085 and R5-2007-0134 during the period beginning 1 January 2000 and ending 31 March 2008. Nineteen (19) 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 sum of the mandatory minimum penalties for these non-serious violations is **fifty-seven thousand dollars (\$57,000)**.
 16. The total amount of the mandatory penalties assessed for the cited effluent violations is **ninety-nine thousand dollars (\$99,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
 17. 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 YUBA CITY IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **ninety-nine thousand dollars (\$99,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **5/6 February 2009**, unless the Discharger does either of the following by **17 December 2008**:
 - a) Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **ninety-nine thousand dollars (\$99,000)**; or
 - b) Agrees to enter into settlement discussions with the Central Valley Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Central Valley Water Board along with either (a) a letter describing the issues to be discussed or (b) a proposal for a Supplemental Environmental Project that meets the criteria of the State Water Board's *Water Quality Enforcement Policy*.
3. If a hearing on this matter is held, the Central Valley Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

JACK E. DEL CONTE, Assistant Executive Officer

17 November 2008

Attachment A: Record of Violations
Attachment B: Technical Memorandum
BLH: 11/12/08

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

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

1. I am duly authorized to represent the City of Yuba City (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2008-0611 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and
4. **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
 - a. I certify that the Discharger will remit payment for the proposed civil liability in the amount of **ninety-nine thousand dollars (\$99,000)** by check, which will contain a reference to "ACL Complaint R5-2008-0611" and will be made payable to the "*State Water Pollution Cleanup and Abatement Account.*" Payment must be received by the Central Valley Water Board by **17 December 2008** or this matter will be placed on the Central Valley Water Board's agenda for adoption at the **5/6 February 2009** Central Valley Water Board meeting.
 - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Central Valley Water Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

-or-

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

(Print Name and Title)

(Signature)

(Date)

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0611**

**City of Yuba City
Wastewater Treatment Facility**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 97-162, R5-2003-0085, and R5-2007-0134)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>
1	9-Feb-00	Chlorine Residual	mg/L	0.1	0.2	Daily Max	2
2	10-Feb-00	Chlorine Residual	mg/L	0.1	0.2	Daily Max	2
3	8-Feb-01	Chlorine Residual	mg/L	0.1	0.3	Daily Max	2
4	27-Mar-01	pH	pH units	8.5	9.1	Instantaneous	3
5	27-Dec-02	pH	pH units	6.5	6.4	Instantaneous	3
6	21-Feb-04	Settleable Solids	ml/l	0.2	1.0	Average Daily	1
7	25-Feb-04	Total Coliform	MPN/100mL	240	1600	Instantaneous	3
8	25-Feb-04	Total Coliform	MPN/100mL	23	280	7-day Median	3
9	3-Mar-04	Total Coliform	MPN/100mL	240	300	Instantaneous	4
10	10-Jan-05	Settleable Solids	mL/L	0.2	2.5	Average Daily	1
11	10-Jan-05	TSS	mg/L	60	83	Average Daily	3
12	1-Apr-05	pH	pH units	6.5	6.1	Instantaneous	3
13	2-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
14	3-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
15	5-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
16	11-Apr-05	Total Coliform	MPN/100mL	240	>1600	Instantaneous	4
17	11-Apr-05	Total Coliform	MPN/100mL	23	142	7-Day Median	4
18	13-Apr-05	Total Coliform	MPN/100mL	23	142	7-Day Median	4
19	29-Apr-05	Total Coliform	MPN/100mL	240	300	Instantaneous	4
20	29-Apr-05	Total Coliform	MPN/100mL	23	34	7-Day Median	4
21	2-May-05	Total Coliform	MPN/100mL	23	34	7-Day Median	4
22	9-May-05	Total Coliform	MPN/100mL	23	30	7-Day Median	4
23	11-May-05	Total Coliform	MPN/100mL	23	30	7-Day Median	4
24	18-May-05	Total Coliform	MPN/100mL	240	350	Instantaneous	4
25	15-Jul-05	Total Coliform	MPN/100mL	240	1600	Instantaneous	4
26	15-Jul-05	Total Coliform	MPN/100mL	23	1600	7-day Median	4
27	18-Jul-05	Total Coliform	MPN/100mL	23	1600	7-day Median	4
28	30-Aug-05	pH	pH units	6.5	6.1	Instantaneous	4
29	11-Sep-05	pH	pH units	8.5	8.7	Instantaneous	4
30	21-Sep-05	Total Coliform	MPN/100mL	23	26	7-day Median	4
31	26-Sep-05	Settleable Solids	mL/L	0.2	0.4	Average Daily	1
32	15-Oct-05	Settleable Solids	mL/L	0.2	1	Average Daily	1
33	16-Oct-05	Settleable Solids	mL/L	0.2	7.5	Average Daily	1
34	16-Oct-05	Settleable Solids	mL/L	0.1	0.3	Average Monthly	1
35	13-Feb-06	Settleable Solids	mL/L	0.2	0.3	Average Daily	1
36	3-Mar-06	Settleable Solids	mL/L	0.2	0.8	Average Daily	1
37	23-Aug-07	Settleable Solids	mL/L	0.2	0.8	Average Daily	1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>
38	29-Sep-07	Settleable Solids	mL/L	0.2	10.0	Average Daily	1
39	29-Sep-07	Settleable Solids	mL/L	0.1	0.3	Average Monthly	1

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>3/31/2008</u>
Group I Serious Violations:	11
Group II Serious Violations:	3
Non-Serious Exempt from MPs:	6
Non-serious Violations Subject to MPs:	19
<u>Total Violations Subject to MPs:</u>	<u>33</u>

Mandatory Minimum Penalty = (14 Serious Violations + 19 Non-Serious Violations) x \$3,000 = \$99,000



Linda S. Adams
Secretary for
Environmental Protection

ATTACHMENT B

California Regional Water Quality Control Board Central Valley Region

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

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



Arnold
Schwarzenegger
Governor

TO: Patricia Leary, Senior Engineer
NPDES Compliance and Enforcement

FROM: Barry Hilton, WRCE
NPDES Compliance and Enforcement

DATE: 27 October 2008

SIGNATURE: _____

SUBJECT: CITY OF YUBA CITY WASTEWATER TREATMENT FACILITY, RESPONSE TO
NOV AND ASSESSMENT OF MMPS

On 7 August 2008, Central Valley Water Board staff sent the City of Yuba City (Discharger) a draft Record of Violations (ROV) for the period of 1 January 2000 through 31 March 2008. The Discharger responded by letter dated 9 September 2008. The following discusses the comments and any changes I made to the Record of Violations based on the Discharger's comments.

Chlorine Residual

Violations 1-3, Chlorine Residual. The draft Record of Violations (ROV) listed the violations as Group I constituents. The Discharger pointed out that the violations should be listed as Group II constituents. I corrected the remarks to show the chlorine violations as Group II constituents.

pH

Violations 12-15, 21, pH. The ROV listed pH violations for the disposal ponds. The Discharger stated that the self-monitoring reports listed the discharge to the ponds and not to the river, and therefore the violations should not be subject to MMPs. However, because the ponds are inundated by the Feather River on a regular basis, they are considered a point discharge of wastes to surface water, and require a NPDES permit. Effluent limits for this discharge point were specifically developed with this in mind. I retained the violations.

Additional Violations

New Violations 12-14, 16-19, Total Coliform Organisms. The Discharger provided evidence for total coliform violations which were not included in the draft ROV. The Discharger listed the 7-day median for 11 and April 2005 as 300 MPN/100 mL whereas I calculated the medians as 142 MPN/100 mL. I added the violations.

New Violation 24, pH. The Discharger provided evidence for an additional pH violation on 11 September 2005. I added the violation.

Summary

The total number of Group 1 violations is reduced from 14 to 11.

The total number of Group 2 violations is increased from 0 to 3.

The total number of non-serious violations is increased from 17 to 25; 19 are subject to MMPs.

The total number of violations subject to MMPs is increased from 25 to 33.

The ACL increases from \$75,000 to \$99,000.

**City of Yuba City
Wastewater Treatment Facility**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 97-162, R5-2003-0085, and R5-2007-0134)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>
1	9-Feb-00	Chlorine Residual	mg/L	0.1	0.2	Daily Max	<u>24</u>
2	10-Feb-00	Chlorine Residual	mg/L	0.1	0.2	Daily Max	<u>24</u>
3	8-Feb-01	Chlorine Residual	mg/L	0.1	0.3	Daily Max	<u>24</u>
4	27-Mar-01	pH	pH units	8.5	9.1	Instantaneous	3
5	27-Dec-02	pH	pH units	6.5	6.4	Instantaneous	3
6	21-Feb-04	Settleable Solids	mL/L	0.2	1.0	Average Daily	1
7	25-Feb-04	Total Coliform	MPN/100mL	240	1600	Instantaneous	3
8	25-Feb-04	Total Coliform	MPN/100mL	23	280	7-day Median	3
9	3-Mar-04	Total Coliform	MPN/100mL	240	300	Instantaneous	4
10	10-Jan-05	Settleable Solids	mL/L	0.2	2.5	Average Daily	1
11	10-Jan-05	TSS	mg/L	60	83	Average Daily	3
12	1-Apr-05	pH	pH units	6.5	6.1	Instantaneous	3
13	2-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
14	3-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
15	5-Apr-05	pH	pH units	6.5	6.1	Instantaneous	4
16	11-Apr-05	Total Coliform	MPN/100mL	240	>1600	Instantaneous	<u>4</u>
17	11-Apr-05	Total Coliform	MPN/100mL	23	142	7-Day Median	<u>4</u>
18	13-Apr-05	Total Coliform	MPN/100mL	23	142	7-Day Median	<u>4</u>
19							
6	29-Apr-05	Total Coliform	MPN/100mL	240	300	Instantaneous	4
20	29-Apr-05	Total Coliform	MPN/100mL	23	34	7-Day Median	<u>4</u>
21	2-May-05	Total Coliform	MPN/100mL	23	34	7-Day Median	<u>4</u>
22	9-May-05	Total Coliform	MPN/100mL	23	30	7-Day Median	<u>4</u>
23	11-May-05	Total Coliform	MPN/100mL	23	30	7-Day Median	<u>4</u>
24							
7	18-May-05	Total Coliform	MPN/100mL	240	350	Instantaneous	4
25							
8	15-Jul-05	Total Coliform	MPN/100mL	240	1600	Instantaneous	4
26							
9	15-Jul-05	Total Coliform	MPN/100mL	23	1600	7-day Median	4
27							
0	18-Jul-05	Total Coliform	MPN/100mL	23	1600	7-day Median	4
28							
1	30-Aug-05	pH	pH units	6.5	6.1	Instantaneous	4
29							
5	11-Sep-05	pH	pH units	8.5	8.7	Instantaneous	<u>4</u>
30							
2	21-Sep-05	Total Coliform	MPN/100mL	23	26	7-day Median	4
31							
3	26-Sep-05	Settleable Solids	mL/L	0.2	0.4	Average Daily	1
32	15-Oct-05	Settleable Solids	mL/L	0.2	1	Average Daily	1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>
4							
332							
5	16-Oct-05	Settleable Solids	mL/L	0.2	7.5	Average Daily	1
342							
6	16-Oct-05	Settleable Solids	mL/L	0.1	0.3	Average Monthly	1
352							
7	13-Feb-06	Settleable Solids	mL/L	0.2	0.3	Average Daily	1
362							
8	3-Mar-06	Settleable Solids	mL/L	0.2	0.8	Average Daily	1
372							
9	23-Aug-07	Settleable Solids	mL/L	0.2	0.8	Average Daily	1
383							
0	29-Sep-07	Settleable Solids	mL/L	0.2	10.0	Average Daily	1
393							
4	29-Sep-07	Settleable Solids	mL/L	0.1	0.3	Average Monthly	1

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>3/31/2008</u>
Group I Serious Violations:	<u>1144</u>
Group II Serious Violations:	<u>30</u>
Non-Serious Exempt from MPs:	<u>6</u>
Non-serious Violations Subject to MPs:	<u>1944</u>
<u>Total Violations Subject to MPs:</u>	<u>3325</u>

Mandatory Minimum Penalty = (14 Serious Violations + 194 Non-Serious Violations) x \$3,000 = \$7599,000