

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0535

MANDATORY PENALTY
IN THE MATTER OF

CITY OF COLUSA WASTEWATER TREATMENT PLANT
COLUSA COUNTY

This Order is issued to the City of Colusa (hereafter referred to as Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order Nos. 96-238 and R5-2002-0020 (NPDES No. CA0078999) and Time Schedule Order (TSO) No. R5-2007-0074.

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the City of Colusa. Treated municipal wastewater is discharged to Powell Slough, tributary to the Colusa Trough, and to the Colusa Basin Drain, a water of the United States.
2. On 20 September 1996, the Central Valley Water Board adopted WDRs Order No. 96-238 to regulate discharges of waste from the WWTP. On 1 March 2002, the Central Valley Water Board adopted WDRs Order No. R5-2002-0020, which contained new regulations and rescinded Order No. 96-238. The WDRs include effluent limitations and other requirements regarding the wastewater discharges, including requirements and a time schedule to comply with tertiary treatment requirements and copper effluent limitations by 1 February 2007. Because the Discharger could not consistently comply with the effluent limitations for ammonia and aluminum contained in the WDRs, the Central Valley Water Board also adopted Cease and Desist Order (CDO) No. R5-2002-0021 on 1 March 2002. The CDO required the Discharger to comply with final effluent limitations for ammonia and aluminum by 1 February 2007.
3. On 29 July 2003 the Executive Officer issued ACL Complaint No. R5-2003-0504 for \$114,000 in mandatory minimum penalties pursuant to CWC section 13385 (h) and (i), for violations of WDRs Order No. 96-238 and WDRs Order No. R5-2002-0020 for the period 1 January 2000 through 25 February 2003. The ACL Complaint stated that, because the Discharger qualified as a small community with a financial hardship under CWC 13385(k), it could complete a compliance project in lieu of paying the penalty if it complied with the following:
 - a. Enter into a stipulated Administrative Civil Liability Order by 22 August 2003.
 - b. Submit an Alternative Analysis for wastewater treatment plant improvements by 30 March 2004.
 - c. Submit a Pollution Prevention Plan for aluminum by 1 September 2004.
 - d. Complete projects and achieve full compliance by 1 February 2007.

4. In response to the ACL Complaint, the Discharger entered into a Stipulated Settlement Agreement with the Executive Officer on 4 November 2003 that required it to complete projects and achieve full compliance by 1 February 2007. Subsequently, the Discharger completed a Wastewater Facilities Plan in March 2004 that evaluated alternatives including surface water discharge and land reclamation options. Upon a review of issues including land acquisition costs, and further evaluation of an alternative proposed by developers, the Discharger determined that tertiary treatment with a surface water discharge was the most feasible alternative to pursue. However, by that time the Discharger indicated that it could not meet the compliance deadline of 1 February 2007 that was in the CDO, ACL Complaint, and Stipulated Settlement Agreement. By letter dated 22 September 2006, the Discharger requested that the compliance time schedule be extended until March 2008, and by letter dated 16 January 2007, the Discharger requested the compliance date to be 1 August 2008.
5. On 22 June 2007, the Central Valley Water Board considered the request to extend the deadlines for compliance with tertiary treatment requirements, as well as copper, ammonia, and aluminum effluent limitations, and adopted Time Schedule Order (TSO) No. R5-2007-0074 which provided extensions of the compliance dates until 1 August 2008. The TSO included interim effluent limitations for BOD, suspended solids, and total coliform organisms.
6. Compliance with the TSO exempts the Discharger from MMPs for violations of effluent limitations for BOD, total suspended solids, settleable solids, total coliform organisms, turbidity, and copper, as well as effluent limitations B.2. and B.3., in accordance with CWC section 13385(j)(3) for the period from 22 June 2007 through 1 August 2008. Because CDO No. R5-2002-0021 provided the Discharger with five years to comply with effluent limitations for aluminum and ammonia, the exemption from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for these two constituents after 1 February 2007.
7. On 1 July 2008, the City of Colusa submitted to the Central Valley Water Board a start-up plan for the new WWTP as outlined in CWC 13385(j)(1). The Discharger submitted the start-up plan 30-days in advance of operation. The start-up plan describes actions the Discharger will utilize during the adjustment period and steps to prevent violations.
8. The Central Valley Water Board issued tentative Administrative Civil Liability Order No. R5-2008-0535 on 16 June 2008 for a 30-day comment period. On 7 August 2008, the Discharger met with Central Valley Water Board staff to discuss the tentative Order. At that meeting, the Discharger affirmed that, as part of the start-up plan for the new WWTP, it had ceased discharge from the old WWTP on 31 July 2008. The Discharger stated that it planned to begin discharging to the unnamed tributary to Powell Slough, tributary to the Colusa Trough and the Colusa Basin Drain on or after 10 September 2008. The Discharger stated that the 90-day start-up period for the new WWTP, as outlined in CWC section 13385(j)(1)(D), commenced on 1 August 2008.
9. 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.”

10. 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.”

11. On 29 July 2003, the Central Valley Water Board adopted Administrative Civil Liability Complaint (ACLC) No. R5-2003-0504 in the amount of \$114,000 for Mandatory Minimum Penalties (MMPs) from 1 January 2000 through 28 February 2003. The ACLC has not been settled. This Order rescinds ACLC R5-2003-0504 and incorporates those violations into this Order.

12. WDRs Order No. 96-238 Effluent Limitations No. B.1. include, in part, the following effluent limitations:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Total Suspended Solids	mg/L	110	165		220
Settleable Solids	mL/L	0.10			0.20
Total Coliform Organisms	MPN/100 mL			23	500

13. WDRs Order No. R5-2002-0020 Effluent Limitations No. B.1a. include, in part, the following effluent limitations: *“Effluent shall not exceed the following limits (from adoption until 31 January 2007).”*

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>30-Day Median</u>	<u>Average Daily</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	60 ²	90 ²	--	120 ²	--
	lbs/day ³	451	676	--	901	--
Total Suspended Solids	mg/L	110 ²	165 ²	--	220 ²	--
	lbs/day ³	826	1239	--	1652	--
Settleable Solids	mL/L	0.1	--	--	0.2	--
Total Coliform Organisms	MPN/100mL	--	--	23	--	500

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

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.90 mgd (x mg/L x 8.345 x 0.90 mgd= y lbs/day)

<u>Constituent</u>	<u>Units</u>	<u>4-Day Average</u>	<u>1-Hour Average</u>
Total Residual Chlorine	mg/L	0.011	0.019
	lbs/day ¹	0.083	0.14

¹ Based upon a design treatment capacity of 0.90 mgd (x mg/L x 8.345 x 0.90 mgd= y lbs/day)

14. WDRs Order No. R5-2002-0020 Effluent Limitations No. B.1b. include, in part, the following effluent limitations: *“Effluent shall not exceed the following limits (after 31 January 2007).”*

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>7-Day Median</u>	<u>Average Daily</u>	<u>Instantaneous Maximum</u>
BOD ¹	mg/L	10 ²	15 ²	--	20 ²	--
	lbs/day ³	42	63	--	84	--
Total Suspended Solids	mg/L	10 ²	15 ²	--	20 ²	--
	lbs/day ³	42	63	--	84	--
Total Coliform Organisms	MPN/100mL	--	--	2.2	--	23 ⁴
Turbidity	NTU	--	--	--	2	5 ⁵

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

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.90 mgd (x mg/L x 8.345 x 0.90 mgd= y lbs/day)

⁴ The total coliform organisms concentration shall not exceed 23 MPN/100 mL more than once in any 30-day period. No sample shall exceed a concentration of 240 MPN/100 mL.

⁵ The turbidity shall not exceed 5 NTU more than 5 percent of the time within a 24-hour period. At no time shall the turbidity exceed 10 NTU.

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/L	Attachment B	Attachment C	Attachment D
	lbs/day ²			
Aluminum	µg/L	--	87	750

²The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.90 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

15. TSO No. R5-2007-0074 (effective 22 June 2007) Provision No. 2 includes, in part, the following effluent limitations:

“The following interim effluent limitations shall be effective until 1 August 2008 or when the Discharger is able to come into full compliance with Order No. R5-2002-0022, whichever is earlier.”

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Median</u>	<u>Daily Maximum</u>
Total Coliform Organisms	MPN/100mL	23	500

16. According to the Discharger’s self-monitoring reports, the Discharger committed one hundred three (103) serious Group I violations of the above effluent limitations contained in Order Nos. 96-238, R5-2002-0020, and R5-2007-0074 during the period beginning 1 January 2000 and ending 31 January 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 mandatory minimum penalty for these serious violations is **three hundred nine thousand dollars (\$309,000)**.
17. 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. 96-238, R5-2002-0020, and R5-2007-0074 during the period beginning 1 January 2000 and ending 31 January 2008. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **twelve thousand dollars (\$12,000)**.
18. According to the Discharger’s self-monitoring reports, the Discharger committed sixty-five (65) non-serious violations of the above effluent limitations contained in Order Nos. 96-238, R5-2002-0020, and R5-2007-0074 during the period beginning 1 January 2000 and ending 31 January 2008. Fifty-five (55) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **one hundred sixty-five thousand dollars (\$165,000)**.
19. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred eighty-six thousand dollars (\$486,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order.
20. CWC section 13385 (k) states:

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

(A) The compliance project is designed to correct the violations within five years.

(B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.

(C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

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

21. Staff at the State Water Resources Control Board has determined that the City of Colusa Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2). The 19 February 2002 Water Quality Enforcement Policy lists Colusa County as a rural county with financial hardship. The City of Colusa is on the State Water Board's previous list of small communities with a financial hardship.
22. The Discharger is in the process of spending an estimated \$15,500,000 on a compliance project to construct a new wastewater treatment plant to meet effluent limitations that will correct the violations. Of this amount, \$2,000,000 of revenue is from a grant and cannot be used to offset the mandatory minimum penalties. The new plant will consist of a new influent pump station, new headworks with mechanical screening and flow measurement, a new ultra-violet disinfection system, a new liquid chemical feed system, a re-aeration basin and a new effluent pump station. On 28 April 2008, the City Manager submitted a detailed outline of the project, the construction schedule, and a listing of project costs. This project outline is incorporated into this Order by reference. When the compliance project is completed, the Discharger will have expended in excess of the mandatory minimum penalty that is required by CWC sections 13385(h) and (i).
23. The Central Valley Water Board finds that the Compliance Project has been designed to correct the violations that have led to the issuance of this Administrative Civil Liability Order within five years, that the project is in accordance with the enforcement policy of the State Water Board, and that the Discharger has appropriate financing to complete the project.
24. Issuance of this Administrative Civil Liability Order 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).
25. On 15 March 2007, the Central Valley Water Board explicitly delegated to the Executive Officer the authority to issue orders to assess administrative civil liability where the matter is not contested by the discharger. (Resolution R5-2007-0009).

26. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13385(a), (h), (i), and (k), and Resolution No. R5-2007-0009, that Administrative Civil Liability Complaint No. R5-2003-0504 is rescinded and:

1. The City of Colusa, its agents, successors and assigns, shall be assessed an Administrative Civil Liability in the amount of **four hundred eighty-six thousand dollars (\$486,000)**.
2. The entire \$486,000 penalty shall be suspended if the Discharger complies with the following time schedule to complete its compliance project:

<u>Task</u>	<u>Compliance Date</u>
Achieve full compliance with effluent limitations for discharges to surface waters	1 August 2008 ¹
Submit documentation of Compliance Project costs	1 November 2008

¹ As per finding No. 8, the Discharger has ceased discharging from the old WWTP as of 31 July 2008.

3. The Executive Officer may extend the abovementioned deadlines if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The discharger shall make any deadline extension request in writing. Under no circumstances may the completion of the Compliance Project extend past five (5) years from the issuance of this Order.
4. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project outline submitted by the City Manager on 28 April 2008. Failure to obtain approval for any significant departures will result in the assessment of the full amount of the suspended mandatory minimum penalty.
5. If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance project in accordance with the specified time schedule or fails to construct the compliance project in accordance with the project outline submitted by the City Manager on 28 April 2008 without obtaining Central Valley Water Board approval, the suspended mandatory minimum penalty **(\$486,000)** must be paid within 30 days of notification by the Executive Officer of such failure.

6. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website and was provided to all interested parties on 18 July 2008 and the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired. This Order is effective immediately upon issuance.

PAMELA CREEDON, Executive Officer

1 October 2008

Attachment A: Record of Violations
BLH: 08/22/08

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0535

**Colusa, City of
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – 31 January 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 96-238 and R5-2002-0020)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
			MPN/100m					
1	28-Feb-00	Coliform	L	500	>1600	Daily		3
2	25-Apr-00	Sett. Solids	mL/L	0.2	0.4	Daily		1
			MPN/100m					
3	30-Apr-00	Coliform	L	23	130	Monthly		3
4	30-Apr-00	TSS	mg/L	110	128	Monthly		4
			MPN/100m					
5	18-May-00	Coliform	L	500	900	Daily		4
			MPN/100m					
6	23-May-00	Coliform	L	500	>1600	Daily		4
7	30-Jun-00	TSS	mg/L	110	142	Monthly		4
			MPN/100m					
8	26-Oct-00	Coliform	L	500	900	Daily		4
9	31-Oct-00	TSS	mg/L	110	121	Monthly		4
10	29-Mar-01	Sett. Solids	mL/L	0.2	0.5	Daily		1
			MPN/100m					
11	27-Sep-01	Coliform	L	500	>1600	Daily		3
12	31-Mar-02	Sett. Solids	mL/L	110	119	Monthly		3
13	1-Jun-02	Chlorine	mg/L	0.019	0.08	1-Hour		2
			MPN/100m					
14	4-Jun-02	Coliform	L	500	>1600	Daily		4
15	4-Jun-02	Chlorine	mg/L	0.011	0.03	4-Day		2
16	10-Sep-02	BOD	lbs/day	901	1723	Daily	3.44	5
17	10-Sep-02	TSS	lbs/day	1652	1723	Daily	3.44	5
18	12-Sep-02	BOD	lbs/day	901	1548	Daily	2.06	5
19	14-Sep-02	BOD	lbs/day	676	940	Weekly	1.5	5
20	31-Oct-02	BOD	mg/L	60	63	Monthly		4
			MPN/100m					
21	7-Nov-02	Coliform	L	500	>1600	Daily		4
22	10-Jan-03	Chlorine	mg/L	0.019	1.8	1-Hour		2
23	10-Jan-03	Chlorine	lbs/day	0.14	41.8	1-Hour	2.78	5
24	12-Jan-03	Chlorine	mg/L	0.011	0.45	4-Day		2
25	14-Jan-03	BOD	lbs/day	676	945	Weekly	2.99	5
26	14-Jan-03	BOD	lbs/day	901	996	Daily	3.98	5
27	14-Jan-03	TSS	lbs/day	1652	2998	Daily	3.98	5
28	14-Jan-03	TSS	lbs/day	1239	2164	Weekly	2.99	5
29	16-Jan-03	BOD	lbs/day	901	1997	Daily	7.98	5
30	16-Jan-03	TSS	lbs/day	1652	6656	Daily	7.98	5
31	21-Jan-03	BOD	lbs/day	676	1082	Weekly	3.15	5
32	21-Jan-03	TSS	lbs/day	1239	3473	Weekly	3.15	5
33	31-Jan-03	BOD	lbs/day	451	564	Monthly	1.96	5
34	31-Jan-03	TSS	lbs/day	826	1493	Monthly	1.96	5
35	18-Feb-03	BOD	lbs/day	901	919	Daily	2.2	5

ATTACHMENT A
CITY OF COLUSA
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2008-0535

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
36	31-Mar-03	Coliform	MPN/100m L	23	40	Monthly		4
37	31-Mar-03	TSS	mg/L	110	118	Monthly		4
38	3-Apr-03	Coliform	MPN/100m L	500	900	Daily max		4
39	12-Apr-03	TSS	mg/L	165	170	Weekly		4
40	19-Apr-03	TSS	mg/L	165	170	Weekly		4
41	30-Apr-03	BOD	mg/L	60	77	Monthly		4
42	30-Apr-03	Coliform	MPN/100m L	23	105	Monthly		4
43	30-Apr-03	TSS	mg/L	110	168	Monthly		1
44	17-Jul-03	Coliform	MPN/100m L	500	900	Daily max		4
45	31-Jul-03	BOD	mg/L	60	72	Monthly		4
46	19-Feb-04	BOD	lbs/day	901	1136	Daily	3.4	5
47	21-Feb-04	BOD	lbs/day	676	771	Weekly	2.25	5
48	20-Mar-04	TSS	mg/L	165	185	Weekly		3
49	31-Mar-04	TSS	mg/L	110	121	Monthly		4
50	3-Apr-04	TSS	mg/L	165	170	Weekly		4
51	22-Apr-04	TSS	mg/L	220	380	Daily		1
52	24-Apr-04	TSS	mg/L	165	270	Weekly		1
53	30-Apr-04	TSS	mg/L	110	160	Monthly		1
54	30-Jun-04	TSS	mg/L	110	141	Monthly		4
55	31-Jul-04	BOD	mg/L	60	67	Monthly		4
56	31-Jul-04	TSS	mg/L	110	114	Monthly		4
57	17-Aug-04	TSS	mg/L	220	230	Daily		4
58	21-Aug-04	TSS	mg/L	165	225	Weekly		4
59	31-Aug-04	BOD	mg/L	60	78	Monthly		4
60	31-Aug-04	TSS	mg/L	110	142	Monthly		4
61	30-Sep-04	BOD	mg/L	60	68	Monthly		4
62	30-Sep-04	TSS	mg/L	110	91	Monthly		4
63	2-Oct-04	BOD	mg/L	90	100	Weekly		4
64	12-Oct-04	TSS	mg/L	220	290	Daily		4
65	16-Oct-04	TSS	mg/L	165	210	Weekly		1
66	31-Oct-04	TSS	mg/L	110	153	Monthly		4
67	28-Apr-05	Coliform	MPN/100m L	500	>1600	Daily max		4
68	30-Apr-05	BOD	mg/L	60	64	Monthly		3
69	30-Apr-05	TSS	mg/L	110	120	Monthly		3
70	5-May-05	Coliform	MPN/100m L	500	900	Daily max		4
71	31-May-05	Coliform	MPN/100m L	23	30	Monthly		4
72	31-May-05	TSS	mg/L	110	160	Monthly		1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
73	9-Aug-05	Coliform	MPN/100m L	500	>1600	Daily max		4
74	31-Aug-05	Coliform	MPN/100m L	23	90	Monthly		4
75	1-Oct-05	BOD	mg/L	90	95	Weekly		4
76	11-Oct-05	Coliform	MPN/100m L	500	>1600	Daily max		4
77	31-Oct-05	BOD	mg/L	60	85	Monthly		1
78	3-Jan-06	Coliform	MPN/100m L	500	>1600	Daily max		4
79	31-Jan-06	Coliform	MPN/100m L	23	815	Monthly		4
80	9-Nov-06	Coliform	MPN/100m L	500	>1600	Daily max		3
81	13-Jan-07	BOD	mg/L	90	94	Weekly		3
82	8-Feb-07	Ammonia	mg/L	11.4	14	1-hour		3
83	8-Feb-07	BOD	mg/L	20	55	Daily		1
84	8-Feb-07	BOD	lbs/day	84	229	Daily	0.5	1
85	8-Feb-07	TSS	mg/L	20	40	Daily		1
86	8-Feb-07	TSS	lbs/day	84	167	Daily	0.5	1
87	8-Feb-07	Turbidity	NTU	2	30	Daily		1
88	8-Feb-07	Turbidity	NTU	5	30	Daily max		1
89	8-Feb-07	Turbidity	NTU	10	30	Instant.		1
90	10-Feb-07	BOD	mg/L	15	58	Weekly		1
91	10-Feb-07	BOD	lbs/day	63	334	Weekly	0.69	1
92	10-Feb-07	TSS	mg/L	15	40	Weekly		1
93	10-Feb-07	TSS	lbs/day	63	230	Weekly	0.69	1
94	27-Feb-07	Ammonia	mg/L	11.8	13	4-day		4
95	27-Feb-07	BOD	mg/L	20	53	Daily		1
96	27-Feb-07	BOD	lbs/day	84	106	Daily	0.24	4
97	27-Feb-07	TSS	mg/L	20	60	Daily		1
98	27-Feb-07	TSS	lbs/day	84	120	Daily	0.24	1
99	27-Feb-07	Turbidity	NTU	2	26	Daily		1
100	27-Feb-07	Turbidity	NTU	5	26	Daily max		1
101	27-Feb-07	Turbidity	NTU	10	26	Instant.		1
102	28-Feb-07	Ammonia	mg/L	4.73	13.5	Monthly		1
103	28-Feb-07	BOD	mg/L	10	48	Monthly		1
104	28-Feb-07	BOD	lbs/day	42	216	Monthly	0.54	1
105	28-Feb-07	TSS	mg/L	10	45	Monthly		1
106	28-Feb-07	TSS	lbs/day	42	203	Monthly	0.54	1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
10 7	1-Mar-07	Ammonia	mg/L	13.5	17	4-Day		4
10 8	3-Mar-07	BOD	mg/L	15	41	Weekly		1
10 9	3-Mar-07	BOD	lbs/day	63	168	Weekly	0.49	1
11 0	3-Mar-07	TSS	mg/L	15	55	Weekly		1
11 1	3-Mar-07	TSS	lbs/day	63	225	Weekly	0.49	1
11 2	31-Mar-07	Ammonia	mg/L	5.48	12.4	Monthly		1
11 3	17-Apr-07	BOD	mg/L	20	37	Daily		1
11 4	17-Apr-07	TSS	mg/L	20	60	Daily		1
11 5	17-Apr-07	Turbidity	NTU	2	52	Daily		1
11 6	17-Apr-07	Turbidity	NTU	5	52	Daily max		1
11 7	17-Apr-07	Turbidity	NTU	10	52	Instant.		1
11 8	24-Apr-07	BOD	mg/L	20	64	Daily		1
11 9	24-Apr-07	BOD	lbs/day	84	326	Daily	0.61	1
12 0	24-Apr-07	TSS	mg/L	20	100	Daily		1
12 1	24-Apr-07	TSS	lbs/day	84	509	Daily	0.61	1
12 2	24-Apr-07	Turbidity	NTU	2	72	Daily		1
12 3	24-Apr-07	Turbidity	NTU	5	72	Daily max		1
12 4	24-Apr-07	Turbidity	NTU	10	72	Instant.		1
12 5	30-Apr-07	Ammonia	mg/L	5.14	5.6	Monthly		4
12 6	30-Apr-07	BOD	mg/L	10	50	Monthly		1
12 7	30-Apr-07	BOD	lbs/day	42	184	Monthly	0.44	1
12 8	30-Apr-07	TSS	mg/L	10	80	Monthly		1
12 9	30-Apr-07	TSS	lbs/day	42	294	Monthly	0.44	1
13 0	1-May-07	BOD	mg/L	20	73	Daily		1
13 1	1-May-07	BOD	lbs/day	84	262	Daily	0.43	1
13 2	1-May-07	TSS	mg/L	20	64	Daily		1
13 3	1-May-07	TSS	lbs/day	84	230	Daily	0.43	1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
13 4	1-May-07	Turbidity	NTU	2	56	Daily		1
13 5	1-May-07	Turbidity	NTU	5	56	Daily max		1
13 6	1-May-07	Turbidity	NTU	10	56	Instant.		1
13 7	8-May-07	BOD	mg/L	20	94	Daily		1
13 8	8-May-07	BOD	lbs/day	84	220	Daily	0.28	1
13 9	8-May-07	TSS	mg/L	20	56	Daily		1
14 0	8-May-07	TSS	lbs/day	84	131	Daily	0.28	1
14 1	8-May-07	Turbidity	NTU	2	28	Daily		1
14 2	8-May-07	Turbidity	NTU	5	28	Daily max		1
14 3	8-May-07	Turbidity	NTU	10	28	Instant.		1
14 4	31-May-07	BOD	mg/L	10	84	Monthly		1
14 5	31-May-07	BOD	lbs/day	84	266	Monthly	0.38	1
14 6	31-May-07	TSS	mg/L	10	60	Monthly		1
14 7	31-May-07	TSS	lbs/day	42	190	Monthly	0.38	1
14 8	31-May-07	Aluminum	mg/L	87	363	Monthly		1
14 9	10-Jul-07	Ammonia	mg/L	0.86	1.5	1-hour		1
15 0	10-Jul-07	Ammonia	mg/L	0.53	1.5	4-day		1
15 1	17-Jul-07	Ammonia	mg/L	0.86	0.86	1-hour		1
15 2	17-Jul-07	Ammonia	mg/L	0.6	0.97	4-day		1
15 3	17-Jul-07	Coliform	MPN/100m L	500	900	Instant. Max		4
15 4	31-Jul-07	Ammonia	mg/L	0.39	1.1	Monthly		1
15 5	31-Jul-07	Coliform	MPN/100m L	23	50	30-Day Med		4
15 6	7-Aug-07	Ammonia	mg/L	1.23	37	1-hour		1
15 7	7-Aug-07	Ammonia	mg/L	1.32	37	4-day		1
15 8	7-Aug-07	Ammonia	lbs/day	9.9	124	4-day	0.4	1
15 9	14-Aug-07	Ammonia	mg/L	1.04	4.8	1-hour		1
16 0	14-Aug-07	Ammonia	mg/L	1.13	4.8	4-day		1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
16 1	14-Aug-07	Ammonia	lbs/day	8.5	14	4-day	0.35	1
16 2	21-Aug-07	Ammonia	mg/L	2.14	6.8	1-hour		1
16 3	21-Aug-07	Ammonia	mg/L	2.18	6.8	4-day		1
16 4	21-Aug-07	Ammonia	lbs/day	16.4	23.8	4-day	0.42	1
16 5	28-Aug-07	Ammonia	mg/L	4.86	5.2	4-day		4
16 6	31-Aug-07	Ammonia	mg/L	0.61	13.5	Monthly		1
16 7	31-Aug-07	Ammonia	lbs/day	4.6	47	Monthly	0.42	1
16 8	11-Sep-07	Ammonia	mg/L	5.62	8.2	1-hour		1
16 9	11-Sep-07	Ammonia	mg/L	4.59	8.2	4-day		1
17 0	11-Sep-07	Coliform	MPN/100m L	500	>1600	Daily Max		4
17 1	30-Sep-07	Ammonia	mg/L	1.43	8.2	Monthly		1
17 2	30-Sep-07	Ammonia	lbs/day	10.7	27	Monthly	0.4	1
17 3	31-Oct-07	Ammonia	mg/L	1.1	3.8	Monthly		1
17 4	30-Oct-07	Ammonia	mg/L	3.2	6	4-day		1
17 5	31-Oct-07	Ammonia	lbs/day	6.6	23	Monthly	0.72	1
17 6	30-Nov-07	Ammonia	mg/L	2.1	3.2	Monthly		1
17 7	30-Nov-07	Ammonia	lbs/day	15.8	20	Monthly	0.75	4
17 8	4-Dec-07	Ammonia	mg/L	3.83	5	1-hour		4
17 9	4-Dec-07	Ammonia	mg/L	4.48	5	4-day		4
18 0	11-Dec-07	Ammonia	mg/L	2.59	5.1	1-hour		1
18 1	11-Dec-07	Ammonia	mg/L	3.22	5.1	4-day		1
18 2	18-Dec-07	Ammonia	mg/L	3.83	4.7	1-hour		4
18 3	18-Dec-07	Ammonia	mg/L	4.48	4.7	4-day		4
18 4	26-Dec-07	Ammonia	mg/L	4.64	9.3	1-hour		1
18 5	26-Dec-07	Ammonia	mg/L	5.24	9.3	4-day		1
18 6	26-Dec-07	Ammonia	lbs/day	39.3	65	4-day	0.84	1
18 7	31-Dec-07	Ammonia	mg/L	1.74	6	Monthly		1

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Flow Rate*</u>	<u>Remarks</u>
18								
8	31-Dec-07	Ammonia	lbs/day	13.1	38	Monthly	0.76	1
18								
9	31-Jan-08	Ammonia	mg/L	4.4	6.4	Monthly		1
19								
0	31-Jan-08	Ammonia	mg/L	33	34.2	Monthly	0.64	4

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass rate limitation exceedances due only to wet weather are not assessed MMPs, as the limit is based on the dry weather design treatment capacity.

VIOLATIONS AS OF: 1/31/2008

Group I Serious Violations:	103
Group II Serious Violations:	4
Non-Serious Exempt from MPs:	10
Non-serious Violations Subject to MPs:	55
Mass Limit Violations Not Subject to MPs:	18
<u>Total Violations Subject to MPs:</u>	<u>162</u>

Mandatory Minimum Penalty = (107 Serious Violations + 55 Non-Serious Violations) x \$3,000 = \$486,000

* Arithmetic mean of all 1-day flow rates (in MGD) while discharging to surface waters during limitation period. Values greater than the design dry weather flow rate (0.9 MGD) are considered wet weather flows.