

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009- 0569  
MANDATORY PENALTY  
IN THE MATTER OF

CITY OF GRASS VALLEY  
WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

This Complaint is issued to the City of Grass Valley (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2003-0089 (NPDES No. CA0079898).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for the City of Grass Valley. Treated wastewater is discharged to Wolf Creek, tributary to the Bear River, both of which are considered waters of the United States.
2. On 6 June 2003, the Central Valley Water Board issued WDRs Order R5-2003-0089 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 12 June 2009, effective 31 July 2009, the Board issued WDRs Order R5-2009-0067, which contained new requirements and rescinded WDRs Order R5-2003-0089.
3. On 12 November 2008, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Order R5-2008-0615 for mandatory minimum penalties for effluent violations from 1 January 2000 through 31 March 2008, with the exception of a violation that occurred on 14 October 2004 which was inadvertently omitted. The Discharger paid the administrative civil liability charged in Order R5-2008-0615 and the Board considers the matter resolved.
4. This Complaint covers the period of 1 April 2008 through 31 July 2009, and includes one violation from 14 October 2004 that was inadvertently not included in a prior ACL Complaint. On 8 October 2009, Central Valley Water Board staff sent the Discharger a Notice of Violation containing a draft Record of Violations for this period. The Discharger responded on 22 October 2009. After consideration of additional information submitted by the Discharger, this Complaint adjusts the number of violations subject to administrative civil liability. The adjustments are discussed in the 9 November 2009 technical memorandum prepared by Board staff, included as Attachment B to this Complaint and discussed in Finding No. 12 of this Complaint.
5. CWC section 13385(h) requires assessment of mandatory penalties and states, in part, the following:

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.

6. CWC section 13385(j) states, in relevant part:

(j) Subdivisions (h) and (i) do not apply to any of the following:

(1) A violation caused by one or any combination of the following:

...

(B) 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.

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 R5-2003-0089 Effluent Limitations B.1. requires, in part, "Effluent shall not exceed the following limits when less than 20:1 dilution is available:"

<u>Constituents</u>	<u>Units</u>	<u>7-Day Median</u>	<u>Instantaneous Maximum</u>
<u>Total Coliform Organisms</u>	MPN/100 mL	2.2 <sup>5</sup>	23 <sup>6</sup>

<sup>5</sup> A monthly median, rather than a 7-day median, may be used until 1 November 2005.

<sup>6</sup> 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.

9. WDRs Order R5-2003-0089 Effluent Limitations B.3. requires, in part, "Effluent shall not exceed the following limits (from adoption until 29 February 2008):"

<u>Constituents</u>	<u>Interim Average Daily Limitations for Priority Pollutants</u> <u>µg/L</u>
<u>Copper (total recoverable)</u>	9.1 <sup>2</sup>

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

10. According to the Discharger's self-monitoring reports, the Discharger committed six (6) non-serious violations of the above effluent limitations contained in Order R5-2003-0089 during the period of 14 October 2004 and 1 April 2008 through 31 July 2009. Four (4) of these violations are due to an unanticipated natural phenomenon, and are therefore exempt from mandatory minimum penalties in accordance with CWC section 13385(j)(1)(B). One (1) of the non-serious violations is subject to mandatory penalties under CWC section 13385(i)(1) because this violation was preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for this non-serious violation is **three thousand dollars (\$3,000)**.
11. The total amount of the mandatory penalties assessed for the cited effluent violations is **three thousand dollars (\$3,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
12. As described in the technical memorandum mentioned in Finding No. 4 and found as Attachment B, Central Valley Water Board staff made the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft ROV):
  - Total coliform violation 2. The Discharger presented evidence that it complied with the effluent limitation. The alleged violation has been deleted.
  - Total coliform violations 4, 5, 7 and 10. The Discharger presented evidence that violations during the period 24 January through 28 February 2009 were due to an unanticipated natural phenomenon that could not have been prevented or foreseen. These violations are therefore exempt from mandatory minimum penalties. Board staff concur. The unanticipated natural phenomenon was the unexpected release of an unusually large quantity of water from an abandoned mine, whose drainage is routed to the WWTP. This unexpected release was likely due to the natural development and subsequent collapse of an underground dam, which held back, then released, water from a tunnel of the abandoned mine. These violations are dismissed pursuant to CWC section 13385(j).
  - Total coliform violations 6, 8 and 9. The coliform 7-day median effluent limitations of Order R5-2003-0089 are interpreted as weekly median limitations, exceedances of which count as a single violation for a given calendar week. Therefore, these violations have been deleted.
13. 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 GRASS VALLEY IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **three thousand dollars (\$3,000)**.
2. A hearing on this matter will be conducted at the Central Valley Water Board meeting scheduled on **27/28/29 January 2010**, unless either of the following occurs by **14 December 2009**:
  - a) The Discharger waives the hearing by completing the attached form (checking off the box next to Option #1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **three thousand dollars (\$3,000)**; or
  - b) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests to engage in settlement discussions by checking off the box next to Option #2 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed; or
  - c) The Central Valley Board agrees to postpone any necessary hearing after the Discharger requests a delay by checking off the box next to Option #3 on the attached form, and returns it to the Board along with a letter describing the issues to be discussed.
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.

If this matter proceeds to hearing, the Executive Officer reserves the right to amend the proposed amount of civil liability to conform to the evidence presented, including but not limited to, increasing the proposed amount to account for the costs of enforcement (including staff, legal and expert witness costs) incurred after the date of the issuance of this Complaint through completion of the hearing.

*original signed by Joe Karkoski for*

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PAMELA C. CREEDON, Executive Officer

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12 November 2009

DATE

Attachment A: Record of Violations  
Attachment B: Technical memorandum entitled "City of Grass Valley Violations"

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

I am duly authorized to represent the City of Grass Valley (hereafter Discharger) in connection with Administrative Civil Liability Complaint R5-2009-0569 (hereafter Complaint). 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. The person who has been issued a complaint may waive the right to a hearing."

**(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)**

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **three thousand dollars (\$3,000)** by check that references "ACL Complaint R5-2009-0569" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **14 December 2009**.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. 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.

**(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

**(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

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(Print Name and Title)

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(Signature)

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(Date)

ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0569

**City of Grass Valley  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (14 Oct 2004 and 1 April 2008 – 31 July 2009) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2003-0089)

	<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>	<u>CIWQS</u>
*	23-Apr-04	Coliform*	MPN/100 mL	23	30	Daily	3*	366390
*	27-Apr-04	Coliform*	MPN/100 mL	23	50	Daily	3*	366395
*	30-Apr-04	Coliform*	MPN/100 mL	2.2	4	Monthly	4*	366396
1	14-Oct-04	Copper	µg/L	9.1	9.3	Daily	4	160368
2	23-Jul-08	Coliform	MPN/100 mL	2.2	11	7-day	3	807437
3	31-Jan-09	Coliform	MPN/100 mL	2.2	3	7-day median	5	816456
4	7-Feb-09	Coliform	MPN/100 mL	2.2	11	7-day median	5	816481
5	21-Feb-09	Coliform	MPN/100 mL	2.2	6	7-day median	5	816498
6	28-Feb-09	Coliform	MPN/100 mL	2.2	8	7-day median	5	816501

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. Non-serious violation exempt from mandatory penalties due to unanticipated natural phenomenon, in accordance with CWC section 13385(j)(1)(B).

<u>VIOLATIONS AS OF:</u>	<u>7/31/2009</u>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Violations Exempt from MPs:	5
Non-serious Violations Subject to MPs:	1
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>1</u></b>

**Mandatory Minimum Penalty = (0 Serious Violations + 1 Non-Serious Violations) x \$3,000 = \$3,000**

\* Supporting Violations, addressed in ACLO R5-2008-0615.



**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**

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**Arnold**  
**Schwarzenegger**  
Governor

**TO:** Wendy Wyels, Supervisor  
Compliance and Enforcement Section

**FROM:** Victor Vasquez, Senior Engineer  
NPDES Compliance and Enforcement

**DATE:** 9 November 2009

**SIGNATURE:** original signed by Victor Vasquez

**SUBJECT:** CITY OF GRASS VALLEY VIOLATIONS

On 8 October 2009, the Central Valley Water Board issued a Notice of Violation and draft Record of Violations (ROV) to the City of Grass Valley (Discharger). By letter dated 22 October 2009, the Discharger responded to the ROV and provided information regarding the alleged coliform violation on 30 November 2007 and information regarding the alleged coliform violations during the period 31 January 2009 to 28 February 2009, which the Discharger attributed to a large mine drainage discharge from the Drew Tunnel to the City of Grass Valley wastewater treatment plant (WWTP). I spoke with the Discharger's Public Works Director and Assistant Public Works Director on 30 October 2009 to obtain additional information. On 2 November 2009 and 3 November 2009, in response to my request, the Discharger's Assistant Public Works Director provided additional information regarding the Drew Tunnel mine drainage discharge, which included two e-mails, a memorandum, photographs, and flow rate data, which have been included in the case files. This memorandum summarizes the information I have assessed and my recommendation regarding the dismissal of several of the violations listed in the draft ROV (the violation numbers refer to the draft ROV), as follows:

Violation 2.

The Discharger provided data showing that the 7-day median coliform concentration on 30 November 2007, based on the daily coliform concentrations for the period of 24-30 November 2007, complied with the 7-day median coliform effluent limitations. I agree with the Discharger and this violation should be deleted.

Violations 4, 5, 7, and 10.

Typically, a total daily flow of 0.4 to 0.5 MGD of mine drainage from the Drew Tunnel is routinely diverted to the WWTP for treatment. The Discharger provided information explaining that on 24 January 2009, an unusually larger volume of mine drainage water was discharged from the Drew Tunnel, severely impacting treatment processes at the WWTP. According to the Discharger, a large volume of water had accumulated in Drew Tunnel, possibly because of a blockage within the tunnel, which was suddenly released, possibly after water pressure increased sufficiently to dislodge the blockage.

That mine drainage discharge flowed towards the WWTP, carrying a heavy sediment load of soil and fines, and lasted for approximately 4-6 hours. A large part of the mine drainage discharge flooded the treatment plant property and an equally large amount entered the WWTP treatment processes. The Discharger provided supporting data indicating that 2.1 million gallons from the Drew Tunnel entered the WWTP treatment processes on 24 January 2009 whereas daily flow totals before and after that day were 0.35-0.75 million

gallons. The Discharger diverted part of the mine drainage flows to its equalization pond while another part of the mine drainage discharge commingled with influent raw wastewaters and was treated through the treatment plant. The equalization pond is routinely used to manage large influent raw wastewater flows as well as store improperly treated final effluent that is diverted after the chlorination contact chambers, if necessary to avoid discharging to Wolf Creek.

According to the Discharger, the large concentration of fines from the mine drainage discharge flowed through all WWTP processes, including the chlorine contact chambers, which turned cloudy, and affected the disinfection ability of the WWTP. The Discharger diverted improperly disinfected final effluent to the equalization pond soon after the large volume of mine drainage discharge entered the WWTP. At this point, the equalization pond basically contained untreated mine drainage water, untreated municipal wastewater, and improperly treated wastewater.

As the flows from the Drew Tunnel subsided, the Discharger began pumping the contents of the equalization pond to enter the treatment process while at the same time diverting the final effluent back to the pond, and therefore, recycling and re-treating the wastewater to minimize the discharge to Wolf Creek. This emergency treatment approach was continued for several days and is reflected in the effluent flow rate discharged to the creek, as reported in the monthly self-monitoring reports, which show an effluent discharge to the creek of only 0.23 million gallons on 30 January 2009 versus 0.7 million gallons on 31 January 2009. Recycling and re-treating the contents of the equalization pond was an attempt by the Discharger to improve the final effluent quality and minimize the volume of possibly improperly treated effluent discharged to the creek. However, the Discharger eventually had to increase the discharge flow rate to the creek to lower the levels in the equalization pond to prepare for coming storms.

According to the Discharger, the end result of the mine drainage discharge on the WWTP processes "was a series of high coliform readings over the next month from January 31, 2009 through February 27, 2009 as the plant process worked to remove the fines from the mine water." The Discharger has claimed that the 24 January 2009 discharge from the Drew Tunnel resulted in a single operation upset and that the violations from 31 January 2009 through 28 February 2009 should be treated as a single violation, as authorized by CWC Section 13385(f)(2)(A). Alternatively, the Discharger has also requested relief from penalties, in accordance with CWC Section 13385(j)(1)(B), based on a consideration that the Drew Tunnel discharge on 24 January 2009 was an unanticipated natural phenomenon that could not have been prevented or foreseen by the Discharger.

The Discharger provided the following information regarding a possible explanation for the cause of the sudden discharge from the Drew Tunnel:

"... consultants [for the owner's of Drew Tunnel] downloaded water level data from the mine and discovered that a large pool in a shaft near the center of the mine had experienced a sudden and significant drop in water level and instruments in the Drew Tunnel above the plant showed a tremendous increase in water at the same time. Those events occurred at the same time on January 24<sup>th</sup> as the flooding occurred at the plant. The engineering consensus has been that something in the mine caused a lake to form and then gave way and released the flow. It is reasonable to presume that a dam of some sort

had formed in one of the shafts – most likely from a cave in – and then gave way on January 24<sup>th</sup>. A search of USGS Earthquake data for that date showed nothing in this area that may have caused the sudden discharge, so it is a reasonable hypothesis that the dam or blockage just gave way under the build up of stress behind it.”

Jeff Huggins, staff Water Resources Control Engineer of the Central Valley Water Board, agrees that the explanation provided by the Discharger is reasonable. He has worked on cases involving several mines in the Grass Valley area including the Drew Tunnel and has extensive mining engineering experience (B.Sc. Mining Engineering). He had additional information from Newmont USA Limited (Newmont) that there are two connected levels associated with drainage of the Massachusetts Hill Mine, the Adit Level and the Drew Tunnel. It was in the Adit Level that the drastic drop in water levels were detected, quite possibly after a blockage was released somewhere between the Adit Level and the Drew Tunnel. He explained that mine shafts and mine drainages are often several miles long and have been abandoned for almost a hundred years without maintenance, with ownership and legal responsibility for them often highly contested. He explained that although water levels could be detected in the Adit Level, it is his professional opinion that the release of the blockage could not have been known to the City of Grass Valley unless extensive effort and instrumentation at considerable cost was implemented by all parties involved with the Drew Tunnel.

Based on the information provided by the Discharger and my discussions with Jeff Huggins, it is my recommendation that the coliform violations during the period 31 January 2009 to 28 February 2009 be dismissed in accordance with CWC Section 13385(j)(1)(B), based on a consideration that the Drew Tunnel discharge on 24 January 2009 was an unanticipated natural phenomenon that could not have been prevented or foreseen by the Discharger. During that period, the Discharger acted responsibly to minimize the impacts to Wolf Creek resulting from the Drew Tunnel discharge.

#### Violations 6, 8 and 9

The draft ROV has been revised to indicate that the coliform 7-day median effluent limitations of Order R5-2003-0089 have been interpreted by Board staff as weekly median limitations, exceedances of which count as a single violation for a given calendar week. Therefore, these violations should be deleted.

#### **Summary**

The draft Record of Violations attached to this memorandum has been edited to reflect the following:

- The number of violations was reduced from 10 to 6.
- The number of violations subject to MMPs was reduced from 6 to 1.
- The mandatory minimum penalty was reduced from \$18,000 to \$3,000.

## ATTACHMENT B

### City of Grass Valley Wastewater Treatment Plant

#### RECORD OF VIOLATIONS (14 Oct 2004, 30 Nov 2007, and 1 April 2008 – 31 July 2009) MANDATORY PENALTIES

(Data reported under Monitoring and Reporting Program R5-2003-0089.)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
*	23-Apr-04	Coliform *	MPN/100 mL	23	30	Daily	3*	366390
*	27-Apr-04	Coliform *	MPN/100 mL	23	50	Daily	3*	366395
*	30-Apr-04	Coliform *	MPN/100 mL	2.2	4	Monthly	4*	366396
1	14-Oct-04	Copper	µg/L	9.1	9.3	Daily	4	160368
*	29-Jun-07	Coliform *	MPN/100 mL	240	300	Instant Max	3*	777267
*	2-Aug-07	Copper*	µg/L	9.1	11	Daily	2*	777288
*	15-Oct-07	Coliform *	MPN/100 mL	2.2	4	7-day	3*	781959
<del>2</del>	<del>30-Nov-07</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>2.2</del>	<del>4</del>	<del>7-Day</del>	<del>4</del>	<del>781962</del>
<del>23</del>	23-Jul-08	Coliform	MPN/100 mL	2.2	11	7-day	3	807437
<del>34</del>	31-Jan-09	Coliform	MPN/100 mL	2.2	3	7-day	<del>35</del>	816456
<del>45</del>	<del>7-Feb-09</del>	Coliform	MPN/100 mL	2.2	11	7-day median	<del>35</del>	816481
<del>6</del>	<del>18-Feb-09</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>2.2</del>	<del>6</del>	<del>7-day median</del>	<del>3</del>	<del>816482</del>
<del>57</del>	21-Feb-09	Coliform	MPN/100 mL	2.2	6	7-day median	45	816498
<del>8</del>	<del>23-Feb-09</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>2.2</del>	<del>8</del>	<del>7-day median</del>	<del>4</del>	<del>816499</del>
<del>9</del>	<del>25-Feb-09</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>2.2</del>	<del>8</del>	<del>7-day median</del>	<del>4</del>	<del>816500</del>
<del>64</del>	<del>287-Feb-09</del>	Coliform	MPN/100 mL	2.2	8	7-day median	45	816501

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. Non-serious violation exempt from mandatory penalties due to unanticipated natural phenomenon, in accordance with CWC section 13385(j)(1)(B).

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>7/31/2009</u></b>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	45
Non-serious Violations Subject to MPs:	<del>6</del> 1
<b><u>Total Violations Subject to MPs:</u></b>	<b><u><del>6</del>1</u></b>

**Mandatory Minimum Penalty = (0 Serious Violations + ~~6~~1 Non-Serious Violations) x \$3,000 = \$483,000**

## **ATTACHMENT B**

\* Violations addressed in ACLO R5-2008-0615. These violations are supporting violations.