

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0562

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF LODI  
WHITE SLOUGH WATER POLLUTION CONTROL FACILITY  
SAN JOAQUIN COUNTY

This Complaint is issued to the City of Lodi, White Slough Water Pollution Control Facility, (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 No. 5-00-031 and R5-2007-0113 (NPDES No. CA0079243).

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 a wastewater collection, treatment, and disposal system, and provides sewerage service for the City of Lodi. Treated wastewater is discharged to Dredger Cut, tributary to White Slough, tributary to Bishop Cut, tributary to the Sacramento-San Joaquin Delta, a water of the United States.
2. On 28 January 2000, the Regional Water Board adopted WDRs Order No. 5-00-031 to regulate discharges of waste from the water pollution control facility (WPCF).
3. On 10 September 2004, the Regional Water Board adopted Resolution No. R5-2004-0125, which extended certain compliance deadlines contained in WDRs Order No. 5-00-031 from 1 May 2004 to 21 January 2005.
4. On 14 September 2007, the Regional Water Board adopted WDRs Order No. R5-2007-0113, effective 3 November 2007, which contained new requirements and rescinded WDRs Order No. 5-00-031.
5. On 14 September 2007, the Regional Water Board adopted Time Schedule Order (TSO) No. R5-2007-0114, providing a time schedule and establishing interim effluent limits until 17 May 2010 for nitrate, nitrite, and manganese.
6. On 15 May 2008, the Regional Water Board sent the Discharger a draft Record of Violations. On 16 June 2008, the Discharger responded. After consideration of additional information submitted by the Discharger, Regional Water Board staff prepared a technical memorandum, included as Attachment B to this Complaint, and discussed in Finding No. 14 of this Complaint.

7. 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.”*

8. 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.”*
9. WDRs Order No. 5-00-031 Effluent Limitations No. B.1, states, in part: *“The effluent shall not exceed the following limits.”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Averag e</u>	<u>Weekly Averag e</u>	<u>Daily Averag e</u>	<u>Daily Maximum</u>
<u>Total Suspended Solids</u>	mg/L	20 <sup>2</sup>	40 <sup>2</sup>	--	50 <sup>2</sup>

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

10. WDRs Order No. 5-00-031 Effluent Limitations No. B.2. states, in part: *“Interim total coliform organism and BOD wastewater effluent limits shall be in effect through 30 April 2004. The interim effluent limits are as follows.”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
	MPN/100m			
<u>Total Coliform</u>	L	23 <sup>1</sup>	--	500

<sup>1</sup> Monthly median value.

This deadline was extended by Resolution R5-2004-0125 to 21 January 2005.

11. WDRs Order No. 5-00-031 Effluent Limitations No. B.3., states, in part: *“The effluent shall not exceed the following limits in accordance with the time schedule in Provision H.2.”*

<u>Constituents</u>	<u>Units</u>	<u>Daily Average</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
	MPN/100m				
<u>Total Coliform Organisms</u>	L	--	--	2.2 <sup>4</sup>	23

<sup>4</sup> As a 7-day median.

Provision H.2 was amended by Resolution No. R5-2004-0125 to extend the time schedule for full compliance to 21 January 2005 from 30 April 2004.

12. WDRs Order No. 5-00-031 Effluent Limitations B.7., requires, in part, *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*
13. WDRs Order No. R5-2007-0113 Effluent Limitations No. IV.A.1.e., Total Coliform Organisms, states: *“Effluent total coliform organisms shall not exceed:*
- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median; and*
  - ii. 23 MPN/100 mL, more than once in any 30-day period.”*

14. As described in the technical memorandum mentioned in Finding No. 6, the Regional Water Board makes the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft Notice of Violation).

- Total Coliform Organisms Violations 2-4, 32-36, 38-39. The Discharger claimed exemption from Mandatory Minimum Penalties because of a single operational upset. These violations were retained because the violations did not meet the Water Quality Enforcement Policy’s standard for a single operational upset.

- Total Coliform Organisms Violations 13-31. The Discharger documented that the violations were due to an improper sampling location; therefore, they were deleted.
  - Total Coliform Organisms Violations 32, 34-36, 39, 41-16, 51-52, 54, 57-62, 64-68, and 70. The Discharger requested that coliform results be one median violation per week. The effluent coliform limitation can be interpreted to be a static 7-day median. These violations were dismissed.
  - Total Coliform Organisms Violation 71. The Discharger documented that the exceedance was due to a sampling error and further documented that it had previously documented the sampling error. This violation was dismissed.
  - pH Violation 37. The Discharger claimed that this was not a violation because it only lasted three hours. This violation was retained but did not result in assessment of an MMP because it was only the second violation during the preceding 180 days.
  - No Surface Water Discharge Violations 46 and 54. The Discharger documented that there was no discharge to surface waters. These violations were dismissed.
  - Liability Adjustments Violations 37, 48, 49, 53, and 56. Violations 37, 48, 49, 53, and 56, after deleting other violations, are the third or fewer violations during a preceding 180 day period and do not result in assessed MMPs.
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 Order Nos. 5-00-031 and R5-2007-0113 during the period beginning 1 January 2000 and ending 31 December 2007. Seven (7) 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 **twenty-one thousand dollars (\$21,000)**.
16. The total amount of the mandatory penalties assessed for the cited effluent violations is **twenty-one thousand dollars (\$21,000)**. 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 LODI WHITE SLOUGH WATER POLLUTION CONTROL FACILITY IS  
HEREBY GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **twenty-one thousand dollars (\$21,000)**.

2. 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 **15 September 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 **twenty-one thousand dollars (\$21,000)**; 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.
3. 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

14 August 2008

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Attachment A: Record of Violations  
Attachment B: Technical Memorandum  
BLH: 08/14/08

**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 Lodi, White Slough Water Pollution Control Facility (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0562 (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 **twenty-one thousand dollars (\$21,000)** by check, which contains a reference to "ACL Complaint No. R5-2008-0562" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Water Board by **15 September 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. R5-2008-0562**

**City of Lodi**

**White Slough Water Pollution Control Facility**

RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 5-00-031 and R5-2007-0113)

	<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	24-Feb-00	pH	pH units	6.5	6.4	Instantaneous	3
			MPN/100m				
2	21-Oct-00	Coliform	l	500	1600	Daily	3
			MPN/100m				
3	28-Oct-00	Coliform	l	500	1600	Daily	3
			MPN/100m				
4	11-Nov-00	Coliform	l	500	1600	Daily	3
						Instantaneous	
5	28-Jan-01	pH	pH units	6.5	6.3	s	4
			MPN/100m				
6	22-Feb-01	Coliform	l	500	1600	Daily	4
						Instantaneous	
7	26-Feb-01	pH	pH units	6.5	6.4	s	4
8	22-Oct-01	TSS	mg/L	50	51	Daily	3
			MPN/100m				
9	7-Feb-02	Coliform	l	500	1600	Daily	3
10	13-Nov-02	TSS	mg/L	50	67	Daily	3
			MPN/100m				
11	24-Dec-02	Coliform	l	500	900	Daily	3
			MPN/100m				
12	6-Mar-03	Coliform	l	500	1600	Daily	3
			MPN/100m				
13	8-Nov-05	Coliform	l	23	50	Daily	3
						Instantaneous	
14	11-Nov-05	pH	pH units	6.5	6.4	s	3
			MPN/100m				
15	12-Nov-05	Coliform	l	2.2	8	7-day	3
			MPN/100m				
16	29-Nov-05	Coliform	l	23	50	Daily	4
			MPN/100m				
17	3-Apr-06	Coliform	l	23	50	Daily	4
			MPN/100m				
18	13-Oct-06	Coliform	l	23	30	Daily	3
			MPN/100m				
19	30-Oct-06	Coliform	l	23	30	Daily	3
			MPN/100m				
20	12-Mar-07	Coliform	l	23	50	Daily	3
			MPN/100m				
21	4-Sep-07	Coliform	l	23	50	Daily	3
			MPN/100m				
22	15-Sep-07	Coliform	l	23	80	Daily	3
			MPN/100m				
23	15-Sep-07	Coliform	l	2.2	3	7-day	4
			MPN/100m				
24	22-Sep-07	Coliform	l	2.2	7	7-day	4
			MPN/100m				
25	29-Sep-07	Coliform	l	2.2	7	7-day	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.

<u>VIOLATIONS AS OF:</u>	<u>12/31/2007</u>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	18
Non-serious Violations Subject to MPs:	7
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>7</u></b>

**Mandatory Minimum Penalty = (0 Serious Violations + 7 Non-Serious Violations) x \$3,000 = \$21,000**





# California Regional Water Quality Control Board Central Valley Region

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



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

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**TO:** Patricia Leary, Senior Engineer  
NPDES Compliance and Enforcement

**FROM:** Barry Hilton, WRCE  
NPDES Compliance and Enforcement

**DATE:** 14 August 2008

**SIGNATURE:** \_\_\_\_\_

**SUBJECT:** CITY OF LODI, WHITE SLOUGH WATER POLLUTION CONTROL FACILITY

On 15 May 2008, the Regional Water Board sent the City of Lodi, White Slough WWTP (Discharger) a Notice of Violation and a draft Record of Violations for the period of 1 January 2000 through 31 December 2007. The Discharger responded by letter dated 16 June 2008.

### Statute of Limitations

The Discharger requested that the Regional Water Board consider the 5-year statute of limitations under the Clean Water Act and the 3-year statute of limitations contained in the California Code of Civil Procedure, section 338. The former of these two statutes of limitation applies to actions by the federal government, and the latter of these statutes of limitation does not apply to this type of administrative proceeding.

The Code section of which §338 is a part makes it clear that §338 applies only to time limits on the commencement of civil suits in the courts. §338 is a part of Chapter 1 of Title 2 of the Code of Civil Procedure, entitled "Of the Time of Commencing Civil Actions." The first section in Chapter 1 of Title 2 reads, in pertinent part, as follows:

*"§312. General Limitations; Special Cases: Civil actions, without exception, can only be commenced within the periods prescribed in this title..."*

It is clear from a mere reading of this language that Title 2 is intended to prescribe time periods for the bringing of civil law suits. This administrative complaint falls outside the scope of this section. (See also *Bernd v. Eu* (1979) 100 Cal.App.3d 511, 161 Cal.Rptr. 58; *Rudolph v. Athletic Commission* (1960) 177 Cal.App.2d 1, 22, 1 Cal.Rptr. 898).

### Total Coliform Organisms

Violations 2-4. The Discharger claimed a single operational upset (SOU). The Discharger stated that readjustments in its nitrification process resulted in violations of the coliform limitation. CWC 13385(f) protects the discharger from MMPs if the operational upset results in violations of one or more effluent limitations and also "*But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day... [and]... the discharger carried out all reasonable and immediately feasible actions to reduce noncompliance...*" The violations were coliform violations (daily), there were no other violations, the violations occurred on three different occasions over a period of three weeks. In my professional opinion, this was a failure to disinfect adequately. I retained the violations. This had no effect on the number of violations subject to MMPs because there were only 3 violations during a 180 day period.

Violations 13-31. The Discharger documented that, during start-up of the new tertiary filtration and UV disinfection facilities, the measured violations were the result of an improper sampling location and that moving the sampling location closer to the discharge of the disinfection system resulted in no violations. I deleted these violations because I concur with the Discharger's arguments that these violations were exempt as a result of an improper sampling location.

Violations 32-36, 38-39. The discharger requested consideration as an SOU because effluent turbidities reduced the effectiveness of the UV disinfection system. These do not qualify as an SOU because the Discharger did not violate the effluent turbidity limitations or any other limitations. I consider this an operational error. I disagreed with the claim for an SOU.

Violations 32, 34-36, 39, 41-46, 51-52, 54, 57-62, 64-68, and 70. WDRs Order No. 5-00-131 states that the weekly average coliform is to be determined as a 7-day median. The Discharger requested that coliform results be one median violation per week. I agree that the 7-day median can be interpreted as a static weekly median, rather than a rolling 7-day median. I reanalyzed the analytical results using a static weekly period (Sunday through Saturday). I deleted violations 32, 34-36, 39, 41-46, 51-52, 54, 57-62, 64-68, and 70 because these were improperly calculated as rolling 7-day medians rather than weekly medians specified by the WDRs.

Violation 71. The Discharger documented that the exceedance was due to a sampling error and further documented that it had previously documented the sampling error. I deleted this violation.

## **pH**

Violation 37. WDRs order 5-00-031 Effluent limitation B.7 states: "*The discharger shall not have a pH less than 6.5 nor than greater than 8.5.*" The Discharger stated that the pH was 6.44-6.45 for 3 hours. This was a violation because the discharge pH was less than 6.5. I changed the violation from remarks 4 to remarks 3 because there were only two violations during the 180 day period. I retained the violation but it will not result in an MMP.

## **No Surface Water Discharge**

Violations 46, 54. The Discharger documented that there was no discharge to surface waters. I deleted the violations.

## **Liability Adjustments**

Violations 37, 48, 49, 53, and 56. After deleting other violations, violations 37, 48, 49, 53, and 56, non-serious violations, are the third or fewer violation during a preceding 180 day period and therefore do not result in assessed MMPs.

## Summary

The total number of Group 1 violations is 0.

The total number of Group 2 violations is 0.

The total number of Group 3 violations is 25; 8 are subject to MMPs.

The ACL decreases from \$159,000 to \$21,000.

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0562**

**City of Lodi  
White Slough Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program Nos. 5-00-031 and R5-2007-0113)

	<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	1	24-Feb-00	pH	pH units	6.5	6.4	Instantaneous	3
				MPN/100m				
2	2	21-Oct-00	Coliform	l	500	1600	Daily	3
				MPN/100m				
3	3	28-Oct-00	Coliform	l	500	1600	Daily	3
				MPN/100m				
4	4	11-Nov-00	Coliform	l	500	1600	Daily	3
						Instantaneous		
5	5	28-Jan-01	pH	pH units	6.5	6.3	s	4
				MPN/100m				
6	6	22-Feb-01	Coliform	l	500	1600	Daily	4
						Instantaneous		
7	7	26-Feb-01	pH	pH units	6.5	6.4	s	4
8	8	22-Oct-01	TSS	mg/L	50	51	Daily	3
				MPN/100m				
9	9	7-Feb-02	Coliform	l	500	1600	Daily	3
10	10	13-Nov-02	TSS	mg/L	50	67	Daily	3
				MPN/100m				
11	11	24-Dec-02	Coliform	l	500	900	Daily	3
				MPN/100m				
12	12	6-Mar-03	Coliform	l	500	1600	Daily	3
				MPN/100m				
<del>13</del>	<del>1</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>3</del>
				MPN/100m				
<del>14</del>	<del>2</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>3</del>
				MPN/100m				
<del>15</del>	<del>3</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>3</del>
				MPN/100m				
<del>16</del>	<del>4</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>17</del>	<del>5</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>18</del>	<del>6</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>19</del>	<del>7</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>20</del>	<del>8</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>21</del>	<del>9</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>22</del>	<del>10</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>23</del>	<del>11</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>24</del>	<del>12</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>25</del>	<del>13</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				
<del>26</del>	<del>14</del>	<del>Feb-05</del>	<del>Coliform</del>	<del>l</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>4</del>
				MPN/100m				

					<u>Measure</u>		
	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>d</u>	<u>Period Type</u>	<u>Remarks</u>
<del>27</del>	<del>15-Feb-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	<del>4</del>
<del>28</del>	<del>16-Feb-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>29</del>	<del>17-Feb-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>30</del>	<del>19-Feb-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>31</del>	<del>20-Feb-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>32</del>	<del>8-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>3</del>
33	13 8-Nov-05	Coliform	MPN/100m	23	50	Daily	3
<del>34</del>	<del>9-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>3</del>
<del>35</del>	<del>10-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
<del>36</del>	<del>11-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	<del>4</del>
37	14 11-Nov-05	pH	pH units	6.5	6.4	Instantaneous	<u>34</u>
38	15 12-Nov-05	Coliform	MPN/100m	2.2	8	7-day	<u>34</u>
<del>39</del>	<del>13-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
40	16 29-Nov-05	Coliform	MPN/100m	23	50	Daily	4
<del>41</del>	<del>30-Nov-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>42</del>	<del>1-Dec-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>43</del>	<del>2-Dec-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>44</del>	<del>4-Dec-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>45</del>	<del>5-Dec-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>46</del>	<del>23-Dec-05</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>30</del>	<del>Daily</del>	<del>4</del>
47	17 3-Apr-06	Coliform	MPN/100m	23	50	Daily	4
48	18 13-Oct-06	Coliform	MPN/100m	23	30	Daily	<u>34</u>
49	19 30-Oct-06	Coliform	MPN/100m	23	30	Daily	<u>34</u>
50	20 12-Mar-07	Coliform	MPN/100m	23	50	Daily	3
<del>51</del>	<del>17-Mar-07</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
<del>52</del>	<del>18-Mar-07</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	<del>4</del>
53	21 4-Sep-07	Coliform	MPN/100m	23	50	Daily	<u>34</u>
<del>54</del>	<del>14-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del>	<del>2.2</del>	<del>3</del>	<del>7-day</del>	<del>3</del>

	<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>
55	22 15-Sep-07	Coliform	MPN/100m 	23	80	Daily	3
56	23 15-Sep-07	Coliform	MPN/100m 	2.2	3	7-day	4
<del>57</del>	<del>16-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>6</del>	<del>7-day</del>	4
<del>58</del>	<del>17-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>6</del>	<del>7-day</del>	4
<del>59</del>	<del>18-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>10.5</del>	<del>7-day</del>	4
<del>60</del>	<del>19-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>10.5</del>	<del>7-day</del>	4
<del>64</del>	<del>20-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>10.5</del>	<del>7-day</del>	4
<del>62</del>	<del>21-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>8</del>	<del>7-day</del>	4
63	24 22-Sep-07	Coliform	MPN/100m 	2.2	7	7-day	4
<del>64</del>	<del>24-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	4
<del>65</del>	<del>25-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	4
<del>66</del>	<del>26-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	4
<del>67</del>	<del>27-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	4
<del>68</del>	<del>28-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>4</del>	<del>7-day</del>	4
69	25 29-Sep-07	Coliform	MPN/100m 	2.2	7	7-day	4
<del>70</del>	<del>30-Sep-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>2.2</del>	<del>7</del>	<del>7-day</del>	4
<del>74</del>	<del>20-Dec-07</del>	<del>Coliform</del>	<del>MPN/100m</del> <del>↓</del>	<del>240</del>	<del>1600</del>	<del>Instant Max</del>	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.

	<b><u>VIOLATIONS AS OF:</u></b>	<b><u>12/31/2007</u></b>
	Group I Serious Violations:	0
	Group II Serious Violations:	0
	Non-Serious Exempt from MPs:	18
	Non-serious Violations Subject to MPs:	<del>753</del>
	<b><u>Total Violations Subject to MPs:</u></b>	<b><u>753</u></b>

**Mandatory Minimum Penalty = (0 Serious Violations + ~~753~~ Non-Serious Violations) x \$3,000 = ~~\$459~~21,000**