

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0577

MANDATORY PENALTY
IN THE MATTER OF

UNIVERSITY OF CALIFORNIA
DAVIS CAMPUS WASTEWATER TREATMENT PLANT
SOLANO AND YOLO COUNTIES

This Complaint is issued to the University of California, Davis Campus Wastewater Treatment Plant (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 97-236 and R5-2003-0003 (NPDES No. CA0077895) and Cease and Desist Order R5-2003-0004.

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the University of California's Davis Campus. Treated municipal wastewater is discharged to South Fork Putah Creek, a water of the United States.
2. On 24 October 1997, the Central Valley Water Board adopted WDRs Order 97-236 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 30 January 2003, the Central Valley Water Board adopted WDRs Order R5-2003-0003, which contained new requirements and rescinded WDRs Order 97-236. On 18 March 2004, the Central Valley Water Board adopted Amendment 1 to WDRs Order R5-2003-0003, which added effluent limitations for electrical conductivity.
3. On 30 January 2003, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2003-0004, which provided a time schedule until 30 January 2005 for the facility to comply with new effluent limitations for copper and cyanide, and provided a time schedule until 30 December 2007 to comply with new effluent limitations for nitrate plus nitrite, and iron. On 18 March 2004, the Central Valley Water Board adopted Amendment 1 to Cease and Desist Order R5-2003-0004, which extended the full compliance date for effluent limitations for electrical conductivity to 30 December 2007. This Complaint considered the protection from Mandatory Minimum Penalties provided by CDO R5-2003-0004.
4. On 29 July 2008, the Central Valley Water Board sent the Discharger a draft Record of Violations (ROV). The Discharger responded on 29 August 2008. The Discharger found no errors in the ROV. The Discharger described actions it has taken and is taking to

comply with effluent limitations, and requested acceptance of the compliance projects in lieu of paying the proposed minimum penalties. However, the Discharger does not meet the definition of a publicly owned treatment works serving a small community, pursuant to CWC section 13385(k), and therefore the proposed compliance projects cannot be accepted. Central Valley Water Board staff has since reviewed the ROV and has prepared a technical memorandum, which revises the number of penalties. This memorandum is included as Attachment B, and is discussed in Finding 12 of this Complaint.

5. 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."*

6. 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."*
7. On 25 April 2001, the Executive Officer issued Administrative Civil Liability Complaint (ACLC) R5-2001-0513 for mandatory penalties for effluent limitations violations, from 1 January 2000 to 31 December 2000, in the amount of \$15,000. The Central Valley

Water Board has accepted payment from the Discharger for the penalty associated with ACLC R5-2001-0513, and considers this prior matter resolved.

8. WDRs Order 97-236 Effluent Limitations No. B.1, include, in part, the following effluent limitations: *“The wastewater effluent shall not exceed the following limits after 30 November 2000:”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
	MPN/100m			
Total Coliform Organisms	L	--	2.2	23
Turbidity	NTU	2	--	5

9. WDRs Order 97-236 Effluent Limitations No. B.2, include, in part, the following effluent limitations: *“The effluent shall not exceed the following limits.”*

<u>Constituents</u>	<u>Units</u>	<u>One-hour Average</u>	<u>4-day Average</u>	<u>30-day Average</u>	<u>Daily Maximum</u>
Copper	µg/L	20	13	--	--
Cyanide	µg/L	22	5.2	700	--

10. WDRs Order 97-236 Effluent Limitations No. B.6 states: *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*

11. WDRs Order R5-2003-0003 Effluent Limitations No. B.1, include, in part, the following effluent limitations: *“Effluent discharge to South Fork Putah Creek...and North Fork Putah Creek...shall not exceed the following limits:”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
Total Coliform Organisms	MPN/100mL	--	--	2.2	--	23
Turbidity	NTU	--	--	--	2	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>Monthly Average</u>	<u>4-day Average</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Total Residual Chlorine	mg/L	--	0.01	--	0.02
Aluminum	µg/L	--	87	--	750
	lbs/day ³	--	1.9	--	16.8
Cyanide	µg/L	--	5.2	--	22
	lbs/day ³	--	0.113	--	0.5
Electrical Conductivity	µmhos/cm	900	--	2200	--

³ Based upon a design treatment capacity of 2.7 mgd ($x \text{ mg/L} \times 8.345 \times 2.7 \text{ mgd} = y \text{ lbs/day}$)

12. As described in the technical memorandum mentioned in Finding No. 4, Central Valley Water Board staff made the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft Record of Violations).

- Electrical Conductivity Violation 17. There were no electrical conductivity effluent limitations prior to 18 March 2004. This violation was deleted.
 - Electrical Conductivity Violations 18-21, 24-29, 31-35, 38-44, 47-59, and 61-71. CDO R5-2003-0004 Amendment 1 provided the Discharger an exemption from MMPs for violations of electrical conductivity effluent limitations between 18 March 2004 and 30 December 2007. These violations were deleted.
13. According to the Discharger's self-monitoring reports, the Discharger committed twelve (12) serious Group I violations of the above effluent limitations contained in Order 97-236 and R5-2003-0003 during the period beginning 1 January 2001 and ending 31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **thirty-six thousand dollars (\$36,000)**.
 14. According to the Discharger's self-monitoring reports, the Discharger committed eight (8) serious Group II violations of the above effluent limitations contained in Order 97-236 and R5-2003-0003 during the period beginning 1 January 2001 and ending 31 March 2008. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on this occasion. The mandatory minimum penalty for these serious violations is **twenty-four thousand dollars (\$24,000)**.
 15. According to the Discharger's self-monitoring reports, the Discharger committed fourteen (14) non-serious violations of the above effluent limitations contained in Order R5-2003-0003 during the period beginning 30 January 2003 and ending 31 March 2008. Six (6) 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 **eighteen thousand dollars (\$18,000)**.
 16. The total amount of the mandatory penalties assessed for the cited effluent violations is **seventy eight thousand dollars (\$78,000)**. 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 UNIVERSITY OF CALIFORNIA DAVIS CAMPUS WASTEWATER TREATMENT PLANT IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **seventy-eight thousand dollars (\$78,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **4/5 December 2008**, unless the Discharger does either of the following by **22 October 2008**:
 - a) Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **seventy-eight thousand dollars (\$78,000)**; or
 - b) Agrees to enter into settlement discussions with the Central Valley Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Central Valley Water Board along with 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.

JACK E. DEL CONTE, Assistant Executive Officer

22 September 2008

Attachment A: Record of Violations
Attachment B: Technical Memorandum
BLH: 09/22/08

**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 University of California, Davis Campus Wastewater Treatment Plant (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2008-0577 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and
4. (***Check here if the Discharger will waive the hearing requirement and will pay the fine***)
 - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **seventy-eight thousand dollars (\$78,000)** by check, which contains a reference to "ACL Complaint R5-2008-0577" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Central Valley Water Board by **22 October 2008** or this matter will be placed on the Central Valley 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 Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Central Valley Water Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

-or-

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

(Print Name and Title)

(Signature)

(Date)

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0577**

**UC Davis Campus Main
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2001 – 31 March 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program 97-236 and R5-2003-0003)

	<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	17-Jul-01	Cyanide	µg/L	5.2	21	4-Day Avg	2
2	13-Aug-01	Coliform	MPN/100 ml	23	50	Daily Max	3
3	4-Sep-01	Coliform	MPN/100 ml	23	240	Daily Max	3
4	7-Sep-01	Copper	µg/L	13	16	4-Day Avg	2
5	8-Mar-02	pH	pH units	8.5	8.6	Instantaneous	3
6	10-Jun-02	Copper	µg/L	13	29	4-Day Avg	2
7	10-Jun-02	Copper	µg/L	20	29	1-Hour Avg	2
8	10-Jun-02	Cyanide	µg/L	5.2	19	4-Day Avg	2
9	16-Dec-02	Turbidity	NTU	5	9	Daily Max	1
10	13-Jan-03	Turbidity	NTU	5	7	Daily Max	1
11	12-Jun-03	Chlorine Res.	µg/L	0.02	1.25	1-Hour Avg	2
12	20-Feb-04	Aluminum	lbs/day	1.9	2.7	4-Day Avg	1
13	20-Feb-04	Aluminum	µg/l	87	141	4-Day Avg	1
14	25-Feb-04	Turbidity	NTU	2	3	Daily Avg	1
15	26-Feb-04	Turbidity	NTU	5	6	Daily Max	4
16	26-Feb-04	Turbidity	NTU	2	3	Daily Avg	1
17	6-Jul-04	Coliform	MPN/100 ml	23	300	Daily Max	4
18	10-Jul-04	pH	pH units	8.5	8.6	Instantaneous	4
19	7-Jan-05	Coliform	MPN/100 ml	23	1600	Daily Max	4
20	14-Jun-05	Cyanide	lbs/day	0.113	0.13	4-Day Avg	4
21	14-Jun-05	Cyanide	µg/L	5.2	6.1	4-Day Avg	4
22	31-Dec-05	Turbidity	NTU	2	5	Daily Avg	1
23	1-Jan-06	Turbidity	NTU	2	3	Daily Avg	1
24	19-Feb-07	Coliform	MPN/100 mL	23	110	Daily Max	4
25	4-Jan-08	Turbidity	NTU	2	6	Daily Avg	1
26	4-Jan-08	Turbidity	NTU	5	6	Daily Max	4
27	5-Jan-08	Turbidity	NTU	2	8	Daily Avg	1
28	5-Jan-08	Turbidity	NTU	10	18	Instantaneous	1
29	5-Jan-08	Turbidity	NTU	5	8	Daily Max	1
30	23-Jan-08	Cyanide	lbs/day	0.113	0.3	4-Day Avg	2
31	23-Jan-08	Cyanide	µg/L	5.2	18	4-Day Avg	2
32	31-Jan-08	EC	µmhos/cm	900	1160	Monthly Avg	4
33	29-Feb-08	EC	µmhos/cm	900	1222	Monthly Avg	4
34	31-Mar-08	EC	µmhos/cm	900	1207	Monthly Avg	4

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-05XX
UNIVERSITY OF CALIFORNIA DAVIS CAMPUS WASTEWATER TREATMENT PLANT

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<u>VIOLATIONS AS OF:</u>	<u>3/31/2008</u>
Group I Serious Violations:	12
Group II Serious Violations:	8
Non-Serious Exempt from MPs:	8
Non-serious Violations Subject to MPs:	6
<u>Total Violations Subject to MPs:</u>	<u>26</u>

Mandatory Minimum Penalty = (20 Serious Violations + 6 Non-Serious Violations) x \$3,000 = \$78,000



Linda S. Adams
Secretary for
Environmental Protection

ATTACHMENT B

**California Regional Water Quality Control Board
Central Valley Region**

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



**Arnold
Schwarzenegger**
Governor

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

TO: Patricia Leary, Senior Engineer
NPDES Compliance and Enforcement

FROM: Barry Hilton, WRCE
NPDES Compliance and Enforcement

DATE: 10 September 2008

SIGNATURE: _____

SUBJECT: UNIVERSITY OF CALIFORNIA, DAVIS CAMPUS, WASTEWATER TREATMENT PLANT ASSESSMENT OF MMPS

On 29 July 2008, Central Valley Water Board staff issued a draft Record of Violations (ROV) for the period of 1 January 2001 through 31 March 2008. The Discharger responded on 29 August 2008. A further review of the ROV revealed errors in the draft ROV.

Electrical Conductivity

Violation 17. Waste Discharge Requirements Order R5-2003-0003 Amendment No. 1, adopted 18 March 2004, added effluent limitations for electrical conductivity. Violation 17 occurred on 29 February 2004, prior to the addition of electrical conductivity to the effluent limitations. I deleted the violation.

Violations 18-21, 24-29, 31-35, 38-44, 47-59, and 61-71. Cease and Desist Order R5-2003-0004 Amendment No. 1, adopted 18 March 2004, provided a time schedule until 30 December 2007 to achieve full compliance with the effluent limitations for electrical conductivity. I deleted these violations.

Non-Serious Violations

Violations 30, 36, 37, 60, and 73. After deleting the violations above for electrical conductivity, violations 30, 36, 37, 60, and 63 became non-serious violations not subject to MMPs because there were three or fewer prior violations during the previous 180 days. I deleted these violations.

Summary

Remarks 1 (Group 1) serious violations subject to MMPs were 14 and now are 12.

Remarks 2 (Group 2) serious violations subject to MMPs were 8 and still are 8.

Remarks 3 non-serious violations not subject to MMPs were 3 and now are 8.

Remarks 4 non-serious violations subject to MMPs were 56 and now are 6.

The number of violations subject to MMPs were 78 and now are 26.

The ACLC amount was \$234,000 and now is \$78,000.

Mass Flow

The discharge did not exceed the average dry weather flow at any time. I deleted all mass flow commentary.

**UC Davis Campus Main
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2001 – 31 March 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. R5-97-236 and R5-2003-0003)

	<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>
1	17-Jul-01	Cyanide	µg/L	5.2	21	4-Day Avg		2
2	13-Aug-01	Coliform	MPN/100 ml	23	50	Daily Max		3
3	4-Sep-01	Coliform	MPN/100 ml	23	240	Daily Max		3
4	7-Sep-01	Copper	µg/L	13	16	4-Day Avg		2
5	8-Mar-02	pH	pH units	8.5	8.6	Instantaneous		3
6	10-Jun-02	Copper	µg/L	13	29	4-Day Avg		2
7	10-Jun-02	Copper	µg/L	20	29	1-Hour Avg		2
8	10-Jun-02	Cyanide	µg/L	5.2	19	4-Day Avg		2
9	16-Dec-02	Turbidity	NTU	5	9	Daily Max		1
10	13-Jan-03	Turbidity	NTU	5	7	Daily Max		1
11	12-Jun-03	Chlorine Res.	µg/L	0.02	1.25	1-Hour Avg		2
12	20-Feb-04	Aluminum	lbs/day	1.9	2.7	4-Day Avg	2.4	1
13	20-Feb-04	Aluminum	µg/l	87	141	4-Day Avg		1
14	25-Feb-04	Turbidity	NTU	2	3	Daily Avg		1
15	26-Feb-04	Turbidity	NTU	5	6	Daily Max		4
16	26-Feb-04	Turbidity	NTU	2	3	Daily Avg		1
17	29 Feb-04	EC	µmhos/cm	900	1016	Monthly Avg		4
18	31 Mar-04	EC	µmhos/cm	900	1160	Monthly Avg		4
19	30 Apr-04	EC	µmhos/cm	900	1067	Monthly Avg		4
20	31 May-04	EC	µmhos/cm	900	1087	Monthly Avg		4
21	30 Jun-04	EC	µmhos/cm	900	1094	Monthly Avg		4
22	6-Jul-04	Coliform	MPN/100 ml	23	300	Daily Max		4
23	10-Jul-04	pH	pH units	8.5	8.6	Instantaneous		4
24	31 Jul-04	EC	µmhos/cm	900	1017	Monthly Avg		4
25	31 Aug-04	EC	µmhos/cm	900	1021	Monthly Avg		4
26	30 Sep-04	EC	µmhos/cm	900	1054	Monthly Avg		4
27	31 Oct-04	EC	µmhos/cm	900	977	Monthly Avg		4
28	30 Nov-04	EC	µmhos/cm	900	970	Monthly Avg		4
29	31 Dec-04	EC	µmhos/cm	900	1144	Monthly Avg		4
30	7-Jan-05	Coliform	MPN/100 ml	23	1600	Daily Max		34
31	31 Jan-05	EC	µmhos/cm	900	1318	Monthly Avg		4
32	28 Feb-05	EC	µmhos/cm	900	1084	Monthly Avg		4
33	31 Mar-05	EC	µmhos/cm	900	1094	Monthly Avg		4
34	30 Apr-05	EC	µmhos/cm	900	1099	Monthly Avg		4
35	31 May-05	EC	µmhos/cm	900	1103	Monthly Avg		4

	Date	Violation Type	Units	Limit	Measured	Period Type	Flow Rate*	Remarks
36	14-Jun-05	Cyanide	lbs/day	0.113	0.13	4-Day Avg	2.62	<u>34</u>
37	14-Jun-05	Cyanide	µg/L	5.2	6.1	4-Day Avg		<u>34</u>
38	30-Jun-05	EC	µmhos/cm	900	1078	Monthly Avg		<u>4</u>
39	31-Jul-05	EC	µmhos/cm	900	1117	Monthly Avg		<u>4</u>
40	31-Aug-05	EC	µmhos/cm	900	1129	Monthly Avg		<u>4</u>
41	30-Sep-05	EC	µmhos/cm	900	1118	Monthly Avg		<u>4</u>
42	31-Oct-05	EC	µmhos/cm	900	1079	Monthly Avg		<u>4</u>
43	30-Nov-05	EC	µmhos/cm	900	1091	Monthly Avg		<u>4</u>
44	31-Dec-05	EC	µmhos/cm	900	1061	Monthly Avg		<u>4</u>
45	31-Dec-05	Turbidity	NTU	2	5	Daily Avg		<u>1</u>
46	1-Jan-06	Turbidity	NTU	2	3	Daily Avg		<u>1</u>
47	31-Jan-06	EC	µmhos/cm	900	1082	Monthly Avg		<u>4</u>
48	28-Feb-06	EC	µmhos/cm	900	1081	Monthly Avg		<u>4</u>
49	31-Mar-06	EC	µmhos/cm	900	1019	Monthly Avg		<u>4</u>
50	30-Apr-06	EC	µmhos/cm	900	1026	Monthly Avg		<u>4</u>
51	31-May-06	EC	µmhos/cm	900	1053	Monthly Avg		<u>4</u>
52	30-Jun-06	EC	µmhos/cm	900	1112	Monthly Avg		<u>4</u>
53	31-Jul-06	EC	µmhos/cm	900	1139	Monthly Avg		<u>4</u>
54	31-Aug-06	EC	µmhos/cm	900	1103	Monthly Avg		<u>4</u>
55	30-Sep-06	EC	µmhos/cm	900	1166	Monthly Avg		<u>4</u>
56	31-Oct-06	EC	µmhos/cm	900	1119	Monthly Avg		<u>4</u>
57	30-Nov-06	EC	µmhos/cm	900	1129	Monthly Avg		<u>4</u>
58	31-Dec-06	EC	µmhos/cm	900	1128	Monthly Avg		<u>4</u>
59	30-Jan-07	EC	µmhos/cm	900	1190	Monthly Avg		<u>4</u>
60	19-Feb-07	Coliform	MPN/100 mL	23	110	Daily Max		<u>34</u>
61	28-Feb-07	EC	µmhos/cm	900	1124	Monthly Avg		<u>4</u>
62	31-Mar-07	EC	µmhos/cm	900	1146	Monthly Avg		<u>4</u>
63	30-Apr-07	EC	µmhos/cm	900	1129	Monthly Avg		<u>4</u>
64	31-May-07	EC	µmhos/cm	900	1145	Monthly Avg		<u>4</u>
65	30-Jun-07	EC	µmhos/cm	900	1083	Monthly Avg		<u>4</u>
66	31-Jul-07	EC	µmhos/cm	900	1088	Monthly Avg		<u>4</u>
67	31-Aug-07	EC	µmhos/cm	900	1074	Monthly Avg		<u>4</u>
68	30-Sep-07	EC	µmhos/cm	900	1098	Monthly Avg		<u>4</u>
69	31-Oct-07	EC	µmhos/cm	900	1125	Monthly Avg		<u>4</u>
70	30-Nov-07	EC	µmhos/cm	900	1178	Monthly Avg		<u>4</u>
71	31-Dec-07	EC	µmhos/cm	900	1314	Monthly Avg		<u>4</u>
72	4-Jan-08	Turbidity	NTU	2	6	Daily Avg		<u>1</u>
73	4-Jan-08	Turbidity	NTU	5	6	Daily Max		<u>34</u>
74	5-Jan-08	Turbidity	NTU	2	8	Daily Avg		<u>1</u>
75	5-Jan-08	Turbidity	NTU	10	18	Instantaneous		<u>1</u>
76	5-Jan-08	Turbidity	NTU	5	8	Daily Max		<u>1</u>

	<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>
77	23-Jan-08	Cyanide	lbs/day	0.113	0.3	4-Day Avg	1.74	2
78	23-Jan-08	Cyanide	µg/L	5.2	18	4-Day Avg		2
79	31-Jan-08	EC	µmhos/cm	900	1160	Monthly Avg		4
80	29-Feb-08	EC	µmhos/cm	900	1222	Monthly Avg		4
81	31-Mar-08	EC	µmhos/cm	900	1207	Monthly Avg		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.

~~Mass rate limitation exceedances due only to wet weather not assessed MMPs as the permit limit is based on the dry weather design treatment capacity of 2.7 mgd.~~

	<u>VIOLATIONS AS OF:</u>	<u>3/31/2008</u>
	Group I Serious Violations:	<u>1244</u>
	Group II Serious Violations:	<u>8</u>
	Non-Serious Exempt from MPs:	<u>83</u>
	Non-serious Violations Subject to MPs:	<u>656</u>
	Mass Limit Violations Not Subject to MPs:	0
	<u>Total Violations Subject to MPs:</u>	<u>2878</u>

Mandatory Minimum Penalty = (202 Serious Violations + 656 Non-Serious Violations) x \$3,000
= \$23784,000

~~* Arithmetic mean of all 1-day flow rates (in MGD) while discharging to surface waters. Values greater than 2.7 mgd are considered wet weather flows.~~