

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0516

MANDATORY PENALTY  
IN THE MATTER OF

CITY OF LIVE OAK  
WASTEWATER TREATMENT PLANT  
SUTTER COUNTY

This Order is issued to the City of Live Oak (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders 99-008 and R5-2004-0096 (NPDES No. CA0079022).

The Assistant 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, which provides sewerage service for the City of Live Oak. Municipal wastewater is treated at the City of Live Oak Wastewater Treatment Plant (WWTP) and is discharged to Reclamation District 777 Lateral Drain No. 1, a water of the United States and a tributary to Main Canal, which is tributary to the Sutter Bypass.
2. On 30 April 1999, the Central Valley Water Board issued WDRs Order 99-008 to regulate the discharges from the WWTP. At the same time, the Board issued Cease and Desist Order (CDO) 99-009. CDO 99-009 required the City to comply with effluent limitations for pH, chlorine residual, total coliform organisms, and acute toxicity by 1 March 2004.
3. On 9 July 2004, the Board issued WDRs Order R5-2004-0096, which contained new requirements and rescinded WDRs Order 99-008. At the same time, the Board issued CDO R5-2004-0097. CDO R5-2004-0097 provided protection from mandatory minimum penalties (MMPs) for violations of effluent limitations for aluminum, ammonia, diazinon, and organochlorine pesticides and required the Discharger to achieve full compliance by 1 April 2009. On 24 April 2009, the Central Valley Water Board issued CDO R5-2009-0012-01. CDO R5-2009-0012-01 rescinded CDO R5-2004-0097; established new requirements provided protection from MMPs for violations of effluent limitations for copper, cyanide, total coliform, total suspended solids, and turbidity; and requires full compliance by 30 September 2012. This Complaint considers the protection from MMPs provided by CDOs 99-009, R5-2004-0097, and CDO R5-2009-0012-01.
4. The exception from MMPs does not apply to aluminum, ammonia, diazinon or organochlorine pesticides because the protection provided by CDO R5-2004-0097 for effluent limitation violations for these four constituents expired on 1 April 2009.
5. On 6 August 2003, Executive Officer of the Central Valley Water Board issued Administrative Civil Liability (ACL) Complaint R5-2003-0511. The ACL Complaint charged the Discharger with civil liability in the amount of \$879,000, which represented the sum of the statutory MMPs for effluent limitation violations that occurred from

1 January 2000 through 30 June 2003, for the specific violations listed in Attachment A to the Complaint. The Discharger entered into a Stipulated Settlement Agreement to complete a compliance project. On 8 April 2004, the Discharger certified that the project was completed. The Board considers this matter resolved.

6. On 9 December 2009, the Executive Officer of the Central Valley Water Board issued ACL Order R5-2009-0587. The ACL Order assessed civil liability in the amount of \$108,000, which represented mandatory minimum penalties for effluent limitation violations from 1 July 2003 through 30 June 2009, for the specific violations listed in Attachment A to the Order. Pursuant to CWC section 13385(k), the ACL Order allowed the Discharger to apply the assessed \$108,000 penalty toward a compliance project designed to correct the violations. The compliance project consists of constructing a \$20 million upgraded wastewater treatment plant.
7. This Order covers the period of 1 July 2009 through 31 October 2010, and includes seven violations from the time period covered by ACL Order R5-2009-0587 that were inadvertently omitted from that Order. This Order allows the penalties to be applied to the same compliance project as described in ACL Order R5-2009-0587. The compliance project is described in Finding 20, below.
8. 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.

9. 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.

10. WDRs Order 99-008 Effluent Limitations B.2., states:

The arithmetic mean of 20°C BOD (5-day) and total suspended solids in effluent samples collected over a monthly period shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

11. WDRs Order 99-008 Effluent Limitations B.3., states:

The discharge shall not have a pH less than 6.5 nor greater than 8.5.

12. WDRs Order R5-2004-0096 Effluent Limitations B.2. states, in part:

The effluent shall not exceed the following limitations (from 1 April 2009 forward):

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-Day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Ammonia, Total (as N)	mg/L	Attachment B	Attachment C		Attachment D
	lbs/day <sup>4</sup>	<sub>5</sub>	<sub>5</sub>	--	<sub>5</sub>
Chlorine, Total Residual	mg/L	--	0.01		0.02
	lbs/day <sup>4</sup>	--	0.13		0.22
Diazinon	µg/L	0.04	--	0.08	--
	lbs/day	0.0005	--	0.001	--

<sup>4</sup> Based upon a design treatment capacity of 1.4 mgd (x mg/L X 8.345 X 1.4 mgd y lbs/day)

<sup>5</sup> The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 1.4 mgd and the unit conversion factor of 8.345.

Note: Attachment B is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Criterion Continuous Concentration, Maximum Average Monthly Concentration."

Attachment C is a table titled "Temperature and pH Dependent Effluent Limits for Ammonia Maximum 4-day Average."

Attachment D is a table titled "pH Dependent Effluent Limits for Ammonia Criterion Maximum Concentration, Maximum 1-hour Average."

13. According to the Discharger's self-monitoring reports, the Discharger committed eight (8) non-serious violations of the above effluent limitations contained in Order 99-008 which were not previously addressed in ACLO R5-2009-0587. These eight 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 four thousand dollars (\$24,000)**.

14. According to the Discharger's self-monitoring reports, the Discharger committed one hundred thirty two (132) serious Group I violations of the above effluent limitations contained in Order R5-2004-0096 during the period beginning 1 July 2009 and ending 31 October 2010. 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 ninety-six thousand dollars (\$396,000)**.
15. 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 R5-2004-0096 during the period beginning 1 July 2009 and ending 31 October 2010. 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 **twenty-four thousand dollars (\$24,000)**.
16. According to the Discharger's self-monitoring reports, the Discharger committed sixty-three (63) non-serious violations of the above effluent limitations contained in Order R5-2004-0096 during the period beginning 1 July 2009 and ending 31 October 2010. Sixty-one (61) 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 eighty-three thousand dollars (\$183,000)**.
17. The total amount of the mandatory penalties assessed for the effluent violations cited in Findings 13, 14, 15, and 16 is **six hundred twenty-seven thousand dollars (\$627,000)**. As stated herein, a detailed list of the cited effluent violations is included in Attachment A. his Order addresses administrative civil liability for violations that are specifically listed in Attachment A as subject to mandatory minimum penalties.
18. CWC section 13385 (k) states:

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.

19. On 4 November 2008, the Executive Director of the State Water Resources Control Board transmitted a memorandum determining that the City of Live Oak Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2).
20. On 1 September 2009, the Discharger submitted a letter which indicated that it is in the process of spending approximately \$20 million to construct an upgraded wastewater treatment plant designed to bring the facility into compliance with its NPDES permit and CDO R5-2009-0012-01. Funding for this project consists of a \$10 million grant, a \$6 million loan, and \$4 million of City funds. The project retains the existing flow capacity, includes a new process control and laboratory building, odor control improvements at the existing headworks, a new process feed pump station, a selector basin and two oxidation ditches, blowers, two secondary clarifiers, a return activated sludge (RAS) pump station, rapid mix, flocculation basins, cloth media filters, an ultraviolet disinfection system, a solids storage basin, filter drying beds, a plant drain pump station and a stormwater retention basin. The Compliance Project will allow full compliance with CDO R5-2009-0012-01 by 30 September 2012.

The oxidation ditches, blowers, secondary clarifiers, rapid mix, flocculation basins, and cloth media filters, will directly address the ammonia, BOD, TSS, and pH violations. The rapid mix, flocculation basins, cloth media filters, and ultraviolet disinfection system will directly correct chlorine, coliform and pH violations.

21. As described in Finding 6, the Discharger was allowed to apply its previous \$108,000 in mandatory penalties toward the construction of treatment plant upgrades, as the construction of these upgrades qualifies as a compliance project within the meaning of CWC section 13385(k). This Order allows an additional \$627,000 in mandatory penalties to be applied to the same project. After this Order has been issued, the Discharger will have been credited with contributing a total of \$735,000 towards the construction of the treatment plant upgrades in lieu of making a cash payment to the State Water Board's Cleanup and Abatement Account for the total accrued mandatory minimum penalties. The Discharger is in the process of spending approximately \$20 million on the construction of the plant upgrades, which is an amount far in excess of the mandatory minimum penalty that is required to be assessed by CWC sections 13385(h) and (i).
22. The Central Valley Water Board finds that the Discharger's upgrades to the treatment plant qualify under CWC section 13385(k) as a compliance project, as the project has been designed to correct the violations that have led to the issuance of this ACLO within

five years, the project in accordance with the Water Quality Enforcement Policy of the State Water Board, and the Discharger has prepared a financing plan to complete the project.

23. 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. The 30-day public notice and comment period mandated by Federal regulations (40 C.F.R. § 123.27) has expired and no objections were received.
24. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Executive Officer Pamela Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore, Assistant Executive Officer Kenneth Landau has the authority to issue this Order.
25. 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).

**THE CITY OF LIVE OAK IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **six hundred twenty-seven thousand dollars (\$627,000)**.
2. The entire \$627,000 penalty shall be deemed satisfied by the Central Valley Water Board through the expenditure of an equivalent or greater amount on the completion of the Compliance Project described in Finding 20, if the Discharger complies with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Complete construction and commence operation of the new wastewater treatment plant	30 June 2012
Achieve Full Compliance with WDRs	30 September 2012
Submit final documentation of Compliance Project costs	31 December 2012

3. A progress report shall be submitted on or before each of the above compliance dates. The report shall describe the work undertaken to comply with this Order.
4. The Assistant Executive Officer may extend the deadlines contained in this Order 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 at least 30-days prior to the deadline. Under no circumstances may the completion of the Compliance Project extend past 9 December 2014, which is five years from the date on which Order R5-2009-0587 was approved (i.e., the initial order allowing the Discharger's MMPs to be directed towards the Compliance Project). The Discharger must obtain written approval from the Assistant Executive Officer for any significant departures from the project outlined in Finding 20 and the time schedule shown above. Failure to obtain approval for any significant departures may result in the assessment of the full amount of the suspended mandatory minimum penalty.

5. If, in the judgment of the Assistant Executive Officer, the Discharger fails to complete the Compliance Project in accordance with the by the due date listed above (including any extensions approved by the Assistant Executive Officer), or fails to construct the compliance project in accordance with the upgrade proposal submitted to the Central Valley Water Board on 1 September 2009, the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the compliance project that has not been satisfactorily completed. Payment must be made within 30 days of such a demand.
6. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
7. This Order is final upon signature.

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 that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

Original signed by

\_\_\_\_\_  
KENNETH D. LANDAU, Assistant Executive Officer

4 February 2011

\_\_\_\_\_  
DATE

**ATTACHMENT A**  
**TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0516**

**City of Live Oak**  
**Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 July 2003 – 31 October 2010) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Programs 99-008 and R5-2004-0096)

Note: violations inadvertently omitted from ACL Order R5-2009-0587 are shown in bold. Violations which were previously assessed in ACL Order R5-2009-0587 are shown with a \*\* in the Remarks column.

	<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>
<i>Violations of MRP 99-008:</i>								
1	1-Jul-03	TSS	mg/L	45	55	Weekly Avg	4**	366062
2	16-Jul-03	TSS	mg/L	60	62	Daily Max	4**	366066
3	16-Jul-03	BOD	mg/L	45	52	Weekly Avg	4**	366301
4	16-Jul-03	TSS	mg/L	45	62	Weekly Avg	4**	366315
5	29-Jul-03	BOD	mg/L	45	46	Weekly Avg	4**	366331
6	29-Jul-03	TSS	mg/L	45	56	Weekly Avg	4**	366335
7	31-Jul-03	BOD	mg/L	30	42	Monthly Avg	1**	366317
8	31-Jul-03	BOD	% removal	85	78	Monthly Avg	4**	366325
9	31-Jul-03	TSS	mg/L	30	50	Monthly Avg	1**	366328
<b>10</b>	<b>31-Jul-03</b>	<b>TSS</b>	<b>% removal</b>	<b>85</b>	<b>78</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366329</b>
11	26-Aug-03	TSS	mg/L	60	73	Daily Max	4**	366337
12	26-Aug-03	BOD	mg/L	45	54	Weekly Avg	4**	366338
13	26-Aug-03	TSS	mg/L	45	73	Weekly Avg	1**	366339
14	31-Aug-03	BOD	mg/L	30	38	Monthly Avg	4**	366340
15	31-Aug-03	BOD	% removal	85	62	Monthly Avg	4**	366341
16	31-Aug-03	TSS	mg/L	30	46	Monthly Avg	1**	366342
<b>17</b>	<b>31-Aug-03</b>	<b>TSS</b>	<b>% removal</b>	<b>85</b>	<b>75</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366343</b>
18	23-Dec-03	BOD	mg/L	45	46	Weekly Avg	4**	366347
19	30-Dec-03	BOD	mg/L	45	52	Weekly Avg	4**	366351
20	31-Dec-03	BOD	mg/L	30	36	Monthly Avg	4**	366345
<b>21</b>	<b>31-Dec-03</b>	<b>BOD</b>	<b>% removal</b>	<b>85</b>	<b>73</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366349</b>
<b>22</b>	<b>31-Dec-03</b>	<b>TSS</b>	<b>% removal</b>	<b>85</b>	<b>83</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366350</b>
<b>23</b>	<b>31-Jan-04</b>	<b>TSS</b>	<b>% removal</b>	<b>85</b>		<b>Monthly Avg</b>	<b>4</b>	<b>366352</b>
24	25-Feb-04	TSS	mg/L	60	70	Daily Max	4**	366353
25	25-Feb-04	TSS	mg/L	45	70	Weekly Avg	1**	366354
26	29-Feb-04	TSS	mg/L	30	33	Monthly Avg	4**	366357
<b>27</b>	<b>29-Feb-04</b>	<b>BOD</b>	<b>% removal</b>	<b>85</b>	<b>79</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366356</b>
<b>28</b>	<b>29-Feb-04</b>	<b>TSS</b>	<b>% removal</b>	<b>85</b>	<b>75</b>	<b>Monthly Avg</b>	<b>4</b>	<b>366358</b>
29	1-Jun-04	TSS	mg/L	45	46	Weekly Avg	4**	366359
<b>30</b>	<b>13-Jun-04</b>	<b>pH</b>	<b>std units</b>	<b>8.5</b>	<b>8.7</b>	<b>Inst Max</b>	<b>4</b>	<b>366360</b>

Violations which occurred between 14 June 2004 and 28 December 2009 were previously assessed in ACLO R5-2009-0587 and are not reprinted in this table.

	<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>
<i>Violations of MRP R5-2004-0096:</i>								
31	29-Dec-09	Ammonia	mg/L	10.3	11.5	4-day Avg	3	876438
32	31-Dec-09	Ammonia	mg/L	4.05	5.87	Monthly	1	876439
33	4-Jan-10	Ammonia	mg/L	11.37	12	1-hr Avg	3	875892
34	4-Jan-10	Ammonia	mg/L	9.71	12	4-day Avg	4	876289
35	6-Jan-10	Ammonia	mg/L	9.64	13	1-hr Avg	4	876290
36	6-Jan-10	Ammonia	mg/L	9.47	12.5	4-day Avg	4	876291
37	11-Jan-10	Ammonia	mg/L	9.47	14	4-day Avg	1	876293
38	11-Jan-10	Ammonia	mg/L	11.37	14	1-hr Avg	4	876292
39	13-Jan-10	Ammonia	mg/L	11.37	19.6	1-hr Avg	1	876294
40	13-Jan-10	Ammonia	mg/L	9.71	16.8	4-day Avg	1	876295
41	19-Jan-10	Ammonia	mg/L	8.11	16.3	1-hr Avg	1	876297
42	19-Jan-10	Ammonia	mg/L	9	16.3	4-day Avg	1	876299
43	19-Jan-10	Ammonia	lbs/day	94.7	108.8	1-hr Avg	4	876296
44	20-Jan-10	Ammonia	mg/L	6.77	13.18	1-hr Avg	1	876301
45	20-Jan-10	Ammonia	mg/L	8.59	14.74	4-day Avg	1	876302
46	20-Jan-10	Ammonia	lbs/day	79.1	109.9	1-hr Avg	4	876300
47	25-Jan-10	Ammonia	mg/L	8.11	15.16	1-hr Avg	1	876304
48	25-Jan-10	Ammonia	mg/L	7.55	15.16	4-day Avg	1	876305
49	27-Jan-10	Ammonia	mg/L	8.11	17.18	1-hr Avg	1	876310
50	27-Jan-10	Ammonia	mg/L	7.96	16.17	4-day Avg	1	876311
51	27-Jan-10	Ammonia	lbs/day	94.7	120.9	1-hr Avg	4	876307
52	27-Jan-10	Ammonia	lbs/day	93	101.1	4-day Avg	4	876309
53	31-Jan-10	Ammonia	lbs/day	41.7	79.1	Monthly Avg	1	876312
54	31-Jan-10	Ammonia	mg/L	3.57	15.05	Monthly Avg	1	876313
55	1-Feb-10	Ammonia	lbs/day	65.6	109.8	1-hr Avg	1	876314
56	1-Feb-10	Ammonia	mg/L	5.62	18.29	1-hr Avg	1	876316
57	1-Feb-10	Ammonia	mg/L	8.37	18.29	4-day Avg	1	876317
58	1-Feb-10	Ammonia	lbs/day	97.8	106.8	4-day Avg	4	876315
59	2-Feb-10	Diazinon	µg/L	0.08	0.2	Daily	2	879910
60	2-Feb-10	Diazinon	lbs/day	0.001	0.002	Daily	2	882151
61	4-Feb-10	Ammonia	lbs/day	36.79	102	1-hr Avg	1	876318
62	4-Feb-10	Ammonia	mg/L	3.15	17.47	1-hr Avg	1	876324
63	4-Feb-10	Ammonia	mg/L	6.98	17.88	4-day Avg	1	876325
64	4-Feb-10	Ammonia	lbs/day	81.5	107.4	4-day Avg	4	876320
65	8-Feb-10	Ammonia	mg/L	8.11	16.2	1-hr Avg	1	876328
66	8-Feb-10	Ammonia	mg/L	7.5	16.2	4-day Avg	1	876329
67	8-Feb-10	Ammonia	lbs/day	94.7	110.8	1-hr Avg	4	876326
68	8-Feb-10	Ammonia	lbs/day	87.6	106.7	4-day Avg	4	876327
69	10-Feb-10	Ammonia	lbs/day	79.05	111.1	1-hr Avg	1	876330
70	10-Feb-10	Ammonia	mg/L	6.77	16.25	1-hr Avg	1	876332

	<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>
71	10-Feb-10	Ammonia	mg/L	7.5	16.23	4-day Avg	1	876333
72	10-Feb-10	Ammonia	lbs/day	87.59	108.3	4-day Avg	4	876331
73	16-Feb-10	Ammonia	mg/L	9.64	16	1-hr Avg	1	876334
74	16-Feb-10	Ammonia	mg/L	8.95	16	4-day Avg	1	876335
75	17-Feb-10	Ammonia	mg/L	8.11	16.22	1-hr Avg	1	876337
76	17-Feb-10	Ammonia	mg/L	8.72	16.11	4-day Avg	1	876338
77	17-Feb-10	Ammonia	lbs/day	94.71	101.5	1-hr Avg	4	876336
78	22-Feb-10	Ammonia	mg/L	9.64	15	1-hr Avg	1	876339
79	22-Feb-10	Ammonia	mg/L	8.78	15	4-day Avg	1	876340
80	24-Feb-10	Ammonia	mg/L	9.64	14	1-hr Avg	1	876341
81	24-Feb-10	Ammonia	mg/L	9	14.5	4-day Avg	1	876342
82	28-Feb-10	Ammonia	mg/L	3.28	16.18	Monthly Avg	1	876343
83	28-Feb-10	Ammonia	mg/L	38.3	104	Monthly Avg	1	876344
84	28-Feb-10	Diazinon	µg/L	0.04	0.20	Monthly Avg	2	879911
85	28-Feb-10	Diazinon	lbs/day	0.0004	0.0020	Monthly Avg	2	882152
86	1-Mar-10	Ammonia	mg/L	9.64	12	1-hr Avg	4	876345
87	1-Mar-10	Ammonia	mg/L	8.59	12	4-day Avg	4	876346
88	3-Mar-10	Ammonia	mg/L	9.64	12	1-hr Avg	4	876347
89	3-Mar-10	Ammonia	mg/L	9.47	12	4-day Avg	4	876348
90	9-Mar-10	Ammonia	mg/L	9.64	13	1-hr Avg	4	876349
91	9-Mar-10	Ammonia	mg/L	10	13	4-day Avg	4	876364
92	10-Mar-10	Ammonia	mg/L	8.12	14	1-hr Avg	1	876369
93	10-Mar-10	Ammonia	mg/L	9.59	13.5	4-day Avg	1	876370
94	10-Mar-10	Ammonia	lbs/day	94.7	103.9	1-hr Avg	4	876368
95	15-Mar-10	Ammonia	lbs/day	65.6	99.7	1-hr Avg	1	876372
96	15-Mar-10	Ammonia	mg/L	5.62	13	1-hr Avg	1	876374
97	15-Mar-10	Ammonia	mg/L	8.37	13	4-day Avg	1	876375
98	15-Mar-10	Ammonia	lbs/day	97.8	101.9	4-day Avg	4	876373
99	17-Mar-10	Ammonia	mg/L	6.77	12	1-hr Avg	1	876379
100	17-Mar-10	Ammonia	mg/L	7.61	12.5	4-day Avg	1	876380
101	17-Mar-10	Ammonia	lbs/day	79	93.1	1-hr Avg	4	876376
102	17-Mar-10	Ammonia	lbs/day	88.9	98.5	4-day Avg	4	876377
103	22-Mar-10	Ammonia	mg/L	6.77	15	1-hr Avg	1	876384
104	22-Mar-10	Ammonia	mg/L	7.55	15	4-day Avg	1	876385
105	22-Mar-10	Ammonia	lbs/day	79.1	107.6	1-hr Avg	4	876381
106	22-Mar-10	Ammonia	lbs/day	88.2	108.8	4-day Avg	4	876382
107	24-Mar-10	Ammonia	mg/L	5.62	11	1-hr Avg	1	876388
108	24-Mar-10	Ammonia	mg/L	6.77	13	4-day Avg	1	876389
109	24-Mar-10	Ammonia	lbs/day	65.6	73.4	1-hr Avg	4	876386
110	24-Mar-10	Ammonia	lbs/day	79.1	91.3	4-day Avg	4	876387

	<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>
111	29-Mar-10	Ammonia	mg/L	9.25	12	4-day Avg	4	876390
112	31-Mar-10	Ammonia	lbs/day	42.3	93.4	Monthly Avg	1	876392
113	31-Mar-10	Ammonia	mg/L	4.64	12	1-hr Avg	1	876393
114	31-Mar-10	Ammonia	mg/L	3.62	12.6	Monthly Avg	1	876397
115	31-Mar-10	Ammonia	lbs/day	54.2	74.1	1-hr Avg	4	876391
116	31-Mar-10	Ammonia	mg/L	9.14	12	4-day Avg	4	876395
117	4-Apr-10	Ammonia	mg/L	11.37	14	1-hr Avg	4	876399
118	7-Apr-10	Ammonia	mg/L	9.39	10.5	4-day Avg	4	876400
119	12-Apr-10	Ammonia	mg/L	6.77	12	1-hr Avg	1	876403
120	12-Apr-10	Ammonia	mg/L	8.28	12	4-day Avg	1	876404
121	12-Apr-10	Ammonia	lbs/day	79	85.1	1-hr Avg	4	876401
122	13-Apr-10	Aluminum	µg/L	140	220	Daily Avg	1	876405
123	13-Apr-10	Aluminum	µg/L	1.7	2.02	Daily Avg	4	876406
124	14-Apr-10	Ammonia	lbs/day	79	132.6	1-hr Avg	1	876407
125	14-Apr-10	Ammonia	mg/L	6.77	15	1-hr Avg	1	876412
126	14-Apr-10	Ammonia	mg/L	7.05	13.5	4-day Avg	1	876415
127	14-Apr-10	Ammonia	lbs/day	82.3	105.6	4-day Avg	4	876410
128	19-Apr-10	Ammonia	mg/L	9.27	14	4-day Avg	1	876418
129	19-Apr-10	Ammonia	mg/L	11.37	14	1-hr Avg	4	876417
130	21-Apr-10	Ammonia	mg/L	11.37	19	1-hr Avg	1	876423
131	21-Apr-10	Ammonia	mg/L	9.07	16.5	4-day Avg	1	876425
132	21-Apr-10	Ammonia	lbs/day	132.9	153.7	1-hr Avg	4	876420
133	21-Apr-10	Ammonia	lbs/day	105.9	118.7	4-day Avg	4	876422
134	26-Apr-10	Ammonia	lbs/day	96.9	148.9	4-day Avg	1	876427
135	26-Apr-10	Ammonia	mg/L	9.64	21	1-hr Avg	1	876428
136	26-Apr-10	Ammonia	mg/L	8.3	21	4-day Avg	1	876429
137	26-Apr-10	Ammonia	lbs/day	112.7	140.1	1-hr Avg	4	876426
138	28-Apr-10	Ammonia	lbs/day	94.7	143.6	1-hr Avg	1	876430
139	28-Apr-10	Ammonia	lbs/day	88.7	141.9	4-day Avg	1	876431
140	28-Apr-10	Ammonia	mg/L	8.11	21	1-hr Avg	1	876432
141	28-Apr-10	Ammonia	mg/L	7.59	21	4-day Avg	1	876433
142	30-Apr-10	Aluminum	µg/L	71	220	Monthly Avg	1	876434
143	30-Apr-10	Aluminum	µg/L	0.83	1.58	Monthly Avg	1	876435
144	30-Apr-10	Ammonia	lbs/day	42.8	110.5	Monthly Avg	1	876436
145	30-Apr-10	Ammonia	mg/L	3.66	15.38	Monthly Avg	1	876437
146	3-May-10	Ammonia	mg/L	13.3	21	1-hr Avg	1	876787
147	3-May-10	Ammonia	mg/L	17.7	21	4-day Avg	4	876788
148	3-May-10	Ammonia	lbs/day	92.3	130.9	4-day Avg	4	876786
149	5-May-10	Ammonia	mg/L	8.11	13	1-hr Avg	1	876791
150	5-May-10	Ammonia	mg/L	7.23	17	4-day Avg	1	876792
151	5-May-10	Ammonia	lbs/day	94.7	113.8	1-hr Avg	4	876789

	<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>
152	5-May-10	Ammonia	lbs/day	84.5	118	4-day Avg	4	876790
153	7-May-10	Aluminum	µg/L	140	200	Daily Avg	1	876782
154	7-May-10	Aluminum	lbs/day	1.7	2.25	Daily Avg	4	876783
155	10-May-10	Ammonia	lbs/day	79	152.1	1-hr Avg	1	876793
156	10-May-10	Ammonia	lbs/day	78.1	158.8	4-day Avg	1	876794
157	10-May-10	Ammonia	mg/L	6.77	16	1-hr Avg	1	876795
158	10-May-10	Ammonia	mg/L	6.68	16	4-day Avg	1	876796
159	12-May-10	Ammonia	lbs/day	79	134.3	1-hr Avg	1	876797
160	12-May-10	Ammonia	lbs/day	85.8	142.6	4-day Avg	1	876798
161	12-May-10	Ammonia	mg/L	6.77	14	1-hr Avg	1	876799
162	12-May-10	Ammonia	mg/L	7.35	15	4-day Avg	1	876800
163	17-May-10	Ammonia	lbs/day	94.7	156	1-hr Avg	1	876801
164	17-May-10	Ammonia	lbs/day	88.8	161.3	4-day Avg	1	876802
165	17-May-10	Ammonia	mg/L	8.11	17	1-hr Avg	1	876804
166	17-May-10	Ammonia	mg/L	7.6	17	4-day Avg	1	876805
167	19-May-10	Ammonia	lbs/day	87.9	148.5	4-day Avg	1	876807
168	19-May-10	Ammonia	mg/L	7.52	16	4-day Avg	1	876809
169	19-May-10	Ammonia	mg/L	13.3	15	1-hr Avg	4	876808
170	19-May-10	Ammonia	lbs/day	138.9	155.2	1-hr Avg	4	876806
171	24-May-10	Ammonia	lbs/day	74.5	111.7	4-day Avg	1	876811
172	24-May-10	Ammonia	mg/L	6.77	13	1-hr Avg	1	876812
173	24-May-10	Ammonia	mg/L	6.37	13	4-day Avg	1	876813
174	24-May-10	Ammonia	lbs/day	79	109.5	1-hr Avg	4	876810
175	27-May-10	Ammonia	lbs/day	44.7	120.1	1-hr Avg	1	876814
176	27-May-10	Ammonia	mg/L	3.83	13	1-hr Avg	1	876816
177	27-May-10	Ammonia	mg/L	8.85	14	4-day Avg	1	876817
178	27-May-10	Ammonia	lbs/day	103.4	112.4	4-day Avg	4	876815
179	31-May-10	Aluminum	µg/L	71	200	Monthly Avg	1	876784
180	31-May-10	Aluminum	lbs/day	0.83	2.25	Monthly Avg	1	876785
181	31-May-10	Ammonia	lbs/day	35	134.8	Monhly Avg	1	876818
182	31-May-10	Ammonia	mg/L	3	15.5	Monhly Avg	1	876819
183	1-Jun-10	Ammonia	lbs/day	44.7	163.6	1-hr Avg	1	879981
184	1-Jun-10	Ammonia	lbs/day	48.7	163.6	4-day Avg	1	879991
185	1-Jun-10	Ammonia	mg/L	3.8	14.0	1-hr Avg	1	879574
186	1-Jun-10	Ammonia	mg/L	4.2	14.0	4-day Avg	1	879594
187	2-Jun-10	Ammonia	lbs/day	94.7	233.7	1-hr Avg	1	879982
188	2-Jun-10	Ammonia	lbs/day	46.0	198.6	4-day Avg	1	879992
189	2-Jun-10	Ammonia	mg/L	8.1	20.0	1-hr Avg	1	879577
190	2-Jun-10	Ammonia	mg/L	3.9	17.0	4-day Avg	1	879595
191	7-Jun-10	Ammonia	lbs/day	65.6	163.6	1-hr Avg	1	879983
192	7-Jun-10	Ammonia	lbs/day	45.6	163.6	4-day Avg	1	879993

	<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>
193	7-Jun-10	Ammonia	mg/L	5.6	14.0	1-hr Avg	1	879579
194	7-Jun-10	Ammonia	mg/L	3.9	14.0	4-day Avg	1	879596
195	9-Jun-10	Ammonia	lbs/day	30.3	151.9	1-hr Avg	1	879984
196	9-Jun-10	Ammonia	lbs/day	22.1	157.7	4-day Avg	1	879994
197	9-Jun-10	Ammonia	mg/L	2.6	13.0	1-hr Avg	1	879580
198	9-Jun-10	Ammonia	mg/L	1.9	13.5	4-day Avg	1	879599
199	14-Jun-10	Ammonia	lbs/day	54.2	148.4	1-hr Avg	1	879985
200	14-Jun-10	Ammonia	lbs/day	33.1	148.4	4-day Avg	1	879997
201	14-Jun-10	Ammonia	mg/L	4.6	12.7	1-hr Avg	1	879583
202	14-Jun-10	Ammonia	mg/L	2.8	12.7	4-day Avg	1	879601
203	16-Jun-10	Ammonia	lbs/day	54.2	128.5	1-hr Avg	1	879986
204	16-Jun-10	Ammonia	lbs/day	33.2	138.4	4-day Avg	1	879998
205	16-Jun-10	Ammonia	mg/L	4.6	11.0	1-hr Avg	1	879585
206	16-Jun-10	Ammonia	mg/L	2.8	11.9	4-day Avg	1	879972
207	21-Jun-10	Ammonia	lbs/day	65.6	111.0	1-hr Avg	1	879987
208	21-Jun-10	Ammonia	lbs/day	40.1	111.0	4-day Avg	1	879999
209	21-Jun-10	Ammonia	mg/L	5.6	9.5	1-hr Avg	1	879590
210	21-Jun-10	Ammonia	mg/L	3.4	9.5	4-day Avg	1	879974
211	23-Jun-10	Ammonia	lbs/day	65.6	104.0	1-hr Avg	4	879989
212	23-Jun-10	Ammonia	lbs/day	34.9	107.5	4-day Avg	1	880001
213	23-Jun-10	Ammonia	mg/L	5.6	8.9	1-hr Avg	4	879591
214	23-Jun-10	Ammonia	mg/L	3.0	9.2	4-day Avg	1	879977
215	28-Jun-10	Ammonia	lbs/day	65.6	77.1	1-hr Avg	4	879990
216	28-Jun-10	Ammonia	lbs/day	36.8	77.1	4-day Avg	1	880002
217	28-Jun-10	Ammonia	mg/L	5.6	6.6	1-hr Avg	4	879593
218	28-Jun-10	Ammonia	mg/L	3.2	6.6	4-day Avg	1	879978
219	30-Jun-10	Aluminum	µg/L	71.0	73.0	Monthly Avg	4	879045
220	30-Jun-10	Ammonia	lbs/day	57.2	66.6	4-day Avg	4	880003
221	30-Jun-10	Ammonia	lbs/day	19.1	133.8	Monthly Avg	1	880005
222	30-Jun-10	Ammonia	mg/L	4.9	5.7	4-day Avg	4	879979
223	30-Jun-10	Ammonia	mg/L	1.6	11.5	Monthly Avg	1	879980
224	26-Jul-10	Chlorine	mg/L	0.02	5	1-hr Avg.	2	881186
225	26-Jul-10	Chlorine	mg/L	0.01	0.052	4-day Avg.	2	881198
226	26-Jul-10	Chlorine	lbs/day	0.22	40.5	1-hr Avg.	2	881201
227	26-Jul-10	Chlorine	lbs/day	0.13	0.36	4-day Avg.	2	881204
228	11-Aug-10	Ammonia	mg/L	5.02	5.75	4-day Avg	4	883463
229	31-Aug-10	Ammonia	lbs/day	13.83	15	Monthly Avg	4	883465
230	31-Aug-10	Ammonia	mg/L	1.8	1.91	Monthly Avg	4	883464
231	4-Oct-10	Ammonia	NTU	5.79	6.60	4-Day Avg	4	887306
232	5-Oct-10	Ammonia	NTU	5.68	6.10	4-Day Avg	4	887307
233	31-Oct-10	Ammonia	NTU	3.2	4.6	Monthly Avg	1	887308

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 violation 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>10/31/2010</u>
Group I Serious Violations:	132
Group II Serious Violations:	8
Non-Serious Violations Exempt from MMPs:	2
Non-serious Violations Subject to MMPs:	69
<b><u>Total Violations Subject to MMPs:</u></b>	<b><u>209</u></b>

**Mandatory Minimum Penalty = (140 Serious Violations + 69 Non-Serious Violations) x \$3,000 = \$627,000**

\*\* Violations addressed in ACL Order R5-2009-0587