# EXHIBIT 3

Linda S. Adams
*Secretary for Environmental Protection*

# California Regional Water Quality Control Board
## Central Valley Region
Karl E. Longley, ScD, PE, Chair

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Arnold Schwarzenegger
*Governor*

FILE

10 July 2008

Mr. Russ Holcomb
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

**NOTICE OF VIOLATION AND DRAFT RECORD OF VIOLATIONS FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, MALAGA COUNTY WATER DISTRICT WASTEWATER TREATMENT FACILITY, FRESNO COUNTY**

Enclosed is a draft Record of Violations that staff has prepared as part of a draft Administrative Civil Liability (ACL) Complaint. The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board proposes to issue the Complaint pursuant to California Water Code section 13385 for violations of Waste Discharge Requirements Order No. 99-100 (NPDES Permit No. CA0084239) and Cease and Desist Order No. 5-01-001 for the Malaga County Water District Wastewater Treatment Facility. The Complaint would propose an ACL in the amount of fifteen thousand dollars ($15,000) in mandatory minimum penalties for effluent limitation violations that have occurred at the Malaga County Water District Wastewater Treatment Facility from 1 February 2004 to 30 April 2008.

Please review the draft Record of Violations for accuracy and submit any comments or corrections by **21 July 2008**. We plan to transmit the ACL Complaint for public review after that date.

If you have any questions regarding the violations or draft ACL Complaint, please contact Jill Walsh at (559) 445-5130 or jwalsh@waterboards.ca.gov.

Jo Anne Kipps

JO ANNE KIPPS
Senior Engineer

Enclosure: Draft Record of Violations

R:\Reg\Municipal\NPDES\Outgoing.08-09\jkw Malaga MMP 2-1-04 to 4-30-08 NOV.doc
NPDES / B / MALAGA CWD / MALAGA CWD WWTF/ 5D100124001
CIWQS Regulatory Measure 348414

APPROVED
Supervising Engineer

# Malaga County Water District
# Wastewater Treatment Facility

RECORD OF VIOLATIONS (1 February 2004 to 30 April 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program No. 99-100)

| Violation Number | Violation Date | Parameter | Units | Period | CIWQS Effluent Violation Type | Limit | Reported Value | Mandatory Penalty (Chronic) | Mandatory Penalty (Serious) |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2/28/05 | Turbidity | NTU | Monthly Average | CAT1 | 2.0 | 2.7 | E[1] | |
| 2 | 9/6/05 | EC | µmhos/cm | Daily Maximum | OEV | 811[2] | 840 | E | |
| 3 | 8/9/07 | EC | µmhos/cm | Daily Maximum | OEV | 1000 | 1033 | E | |
| 4 | 8/10/07 | pH | pH units | Daily Maximum | OEV | 9.0 | 9.2 | E | |
| 5 | 11/25/07 | pH | pH units | Daily Maximum | OEV | 9.0 | 9.2 | E | |
| 6 | 12/3/07 | EC | µmhos/cm | Daily Maximum | OEV | 782[3] | 820 | $3,000 | |
| 7 | 12/10/07 | EC | µmhos/cm | Daily Maximum | OEV | 1000 | 1700[4] | $3,000 | |
| 8 | 2/15/08 | EC | µmhos/cm | Daily Maximum | OEV | 816[5] | 1100 | $3,000 | |
| 9 | 3/13/08 | EC | µmhos/cm | Daily Maximum | OEV | 813[6] | 820 | $3,000 | |
| 10 | 4/30/08 | EC | µmhos/cm | Daily Maximum | OEV | 881[7] | 923 | $3,000 | |
| | | | | | | | Sub-Total | $15,000 | |
| | | | | | | | Total Liability | | **$15,000** |

1 Violation exempt from ACL amount pursuant to CWC Section 13385(i)(1).
2 Source water EC reported as 311 µmhos/cm on 9/6/05 yields a maximum effluent EC limit of 811 µmhos/cm on that date.
3 Source water EC reported as 282 µmhos/cm on 12/3/07 yields a maximum effluent EC limit of 782 µmhos/cm on that date.
4 The Discharger provided no information to indicate this value, reported by the lab, is suspect or otherwise inaccurate.
5 Source water EC reported as 316 µmhos/cm on 2/15/08 yields a maximum effluent EC limit of 816 µmhos/cm on that date.
6 Source water EC reported as 313 µmhos/cm on 3/13/08 yields a maximum effluent EC limit of 813 µmhos/cm on that date.
7 Source water EC reported as 381 µmhos/cm on 4/30/08 yields a maximum effluent EC limit of 881 µmhos/cm on that date.

**VIOLATION SUMMARY**

| Violation | Chronic Violations | | Serious Violations | | Net Number | Net Liability |
|---|---|---|---|---|---|---|
| | Number | Amount | Number | Amount | | |
| pH | 2 | $6,000 | | | 2 | $6,000 |
| Turbidity | 1 | $3,000 | | | 1 | $3,000 |
| EC | 7 | $21,000 | | | 7 | $21,000 |
| Total Violations | 10 | $30,000 | | | 10 | $30,000 |
| Exempt (E) Violations | 5 | <$15,000> | | | 5 | <$15,000> |
| Net Violations & Penalty | 5 | $15,000 | | | 5 | **$15,000** |